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EDITORIAL

The articles in this issue were presented at a Black Theology Consultation which was held at the Escom Conference Centre, Johannesburg, August 1992. The articles of Seleoane and the response by Maluleke are attempts at social analysis and evaluation of the current status of negotiations. But they do more than that; they outline the possibilities and limitations that the current negotiations between an undefeated white regime and the weakened liberation movements entail. They warn the oppressed blacks about the pitfalls that should be avoided, urging them to clarify the objectives of the liberation struggle which the negotiations should aim to achieve. This is important because, should the objectives of the liberation struggle become vague or left unclarified, the result of the negotiations would be that the black majority who have been dispossessed of their land and oppressed in the land of their birth would end up being losers.

Goba's article aims at unmasking the naivete of the Church leadership present position which operates on the wrong assumption that fundamental changes which will usher in equity and justice for blacks are underway because of the negotiations that are taking place. This naivete rests on the belief that the white minority government's intention to negotiate for change is genuine rather than seen as a technical move to underpin white domination by other strategies. Mosoma's response agrees with the thrust of Goba's paper and further cautions the churches against involving themselves in the legitimation of reform politics which in reality would not bring about fundamental transformation of the South African society for the benefit of the oppressed blacks. Mosoma's thesis is that the current negotiations in fact miss the point of what the liberation has been all about. This momentous conclusion is based on the fact that the current negotiations have failed to concretize their discussion of justice and freedom by making the land the central focus of negotiations. This is crucial because the struggle in South Africa has been over the materials resources of which the land has been primary. It is common knowledge that it was the black land which was subsequently taken away by militarily stronger white settlers. If

this is true, then the issue at the Negotiations should be how and when the land should be returned to its original black owners -- if justice is to be seen to be done to the dispossessed black majority. Should no restoration of land take place, justice would not have been done. Hence, Mosoma, with deep insight, states: "Land is the arena of struggle and therefore it is also the context where liberatory thought finds its most profound expression."

SOUTH AFRICA: A SOCIO-POLITICAL ANALYSIS

Mandla Seleokane*

INTRODUCTION

I am going to share some thoughts on the political developments in South Africa in relation to what the liberation organisations have been saying in years past. That would entail some investigation into the historical positions held by liberation organisations, and enquiring whether the political shifts that we witness in South Africa today are in the direction that was pointed out by these organisations in years past. I think that it would be rather pretentious for me to purport to define liberation. The very best that I can do is state what our various organisations have said they understand by that term.

SOME EARLY CONCEPTIONS

Our history since 1652 is fairly well-known. Initially the aim of the African people was to fight off the invasion of their shores by foreigners. To that end they did what they could to try and "drive the white man back to the sea". They failed.

The next phase of struggle was geared at securing a place for black people in the establishment on a basis more or less equal with whites. In other words, the new order was accepted by the African people, but they took issue with the fact that they were treated unfairly within the framework of that new order. Thus, for instance, SN Mvambo stated in 1883:

*This paper was read at the Consultation organised by the Black Theology Project on the theme "Theological challenges beyond Apartheid" at Midrand, during August 1992.

We yield to no one in our anxiety to see the Native people standing well with the government. Indeed, we would do all to assist Government in getting in the money owing (in taxes - MS). But is it not dealing with the people too harshly to threaten them with summary seizure of stock if there be no visible improvement during the current month? (Karis and Carter 1972:12)

A number of petitions which were sent to the British Crown during this period would also bear this out. One example should suffice:

... We your Majesty's most loyal and dutiful subjects the Fingos ...desire to approach your most gracious Majesty. We consider it the highest honour to be under your Majesty's benign sway and the subjects of a Government distinguished for justice and mercy and all temporal and spiritual privileges.... Thirty three years ago Parliamentary Government was conceded to the Colony and a fairly low Franchise was at last agreed upon ... and for the last thirty three years we have been allowed the great privilege of recording our votes at Parliamentary elections on the same footing as our fellow countrymen of European extraction but during the present Session of the Cape Parliament the House of the Legislative Assembly has already a Bill that will curtail nay in most cases take away our privileges under the former just and politic measure. We therefore pray your most Excellent Majesty that in the event of the said measure ... passing both houses of Parliament Your Majesty will exercise Your Royal Prerogative in our favour. (Carter 1972:15)

This phase of struggle was carried into the 20th century, as can be gleaned from, *inter alia*, "Questions Affecting the Natives and Coloured People Resident in British South Africa". The document

was issued by the South African Native Congress in 1903, and directed to Joseph Chamberlain. The document expresses in graphic detail "the loyalty of the Native people of South Africa" to the British Crown; their acceptance of British Administration, including the Judiciary; and then raises complaints about racial discrimination. (Carter 1972:18-29)

If this phase was characterised by an acceptance of the new order, it was also characterised by efforts to build African solidarity. Again this is clear from Mvambo's statement in explaining the purpose of Imbumba:

Anyone looking at things as they are, could even go as far as to say it was a great mistake to bring so many church denominations to the Black people. For the Black man makes the fatal mistake of thinking that if he is an Anglican, he has nothing to do with anything suggested by a Wesleyan, and the Wesleyan also thinks so, and so does the Presbyterian. Imbumba must make sure that all these three are represented at the conference, for we must be united on political matters. In fighting for national rights, we must fight together. Although they look as if they belong to various churches, the White people are solidly united when it comes to matters of this nature. We Blacks think that these churches are hostile to one another, and in that way we lose our political rights. (Carter 1972:12)

THE ANC

The eloquent expressions of loyalty to the British Crown really did not yield the fruit required. On the contrary, one oppressive measure followed another until the Africans were virtually without any rights.

In 1909 there was a white "national" convention which led to the establishment of the Union of South Africa. The Union of South Africa Constitution Act withheld political rights from the Africans.

In 1913 Union Parliament passed **The Land Act**, which confined Africans to 7.3% of the total land area of South Africa.

Against the background of the degenerating political position of the Africans, Pixley Seme agitated for the founding of a national political organisation, which would include the then protectorates of Bechuanaland, Basotholand and Swaziland. But still Seme's view was that such an organisation should:

provide a forum for all African view-points, forcefully present African grievances to the new government and to white public opinion, and serve as a new rallying point for political pressure on behalf of Africans throughout South Africa. (Carter 1972:61)

In 1912 the South African Native National Congress was founded in Bloemfontein. This organisation changed its name in 1923 to become the African National Congress.

I do not think that it is necessary to trace the ANC's political positions from 1912 on: it is enough to state that the organisation took forward the tradition of its predecessors, and also sent petitions to the British Crown. For the purposes of our present enquiry, the crucial thing would be to state the political positions contained in the Freedom Charter (1955), which are:

1. The people shall govern
2. All national groups shall have equal rights
3. The people shall share in the country's wealth
4. The land shall be shared among those who work it
5. All shall be equal before the law
6. All shall enjoy equal human rights
7. There shall be work and security
8. The doors of learning and of culture shall be opened
9. There shall be houses, security and comfort
10. There shall be peace and friendship. (Varsity [UCT] Vol 43 No 8: 01 August 1984)

In reading these statements one has to be alive to the fact that the

Freedom Charter was a compromise document. Since, however, the purpose is not to dissect the organisation, but merely to glean its views on liberation, and since the ANC was and remains the most important organisation subscribing to the Freedom Charter, I think it safe to use the document for the purpose I have indicated.

If it was intended that it should be possible to glean the ANC's views on liberation from the Freedom Charter, then we should say the ANC equated liberation with the acquisition of broad democratic rights. In that case, they did not stray too far from the views of their predecessors.

Yet there are in my view at least two respects in which they did so stray. Under the statement **The people shall share in the country's wealth**, they state; **inter alia**,

The national wealth of our country, the heritage of all South Africans, shall be restored to the people; The mineral wealth beneath the soil, the Banks and monopoly industry shall be transferred to the ownership of the people as a whole; All other industry and trade shall be controlled to assist the well-being of the people.... (ibid)

Under the statement **There shall be peace and friendship**, they state: "South Africa shall be a fully independent state...." (ibid.) Proceeding from the standpoint of the Freedom Charter, therefore, one should say that the ANC shifted at least in two significant respects from the views of their fore-runners. A fully sovereign South Africa was not on the agenda of the African organisations which existed prior to the ANC. None of the African organisations before the ANC hinted the possibility of elements of a socialist dispensation. I say this being fully aware of Nelson Mandela's statement at the Rivonia Trial:

It is true that in demanding the nationalisation of the banks, the gold mines and the land, the [Freedom] Charter strikes a fatal blow at the financial and gold mining monopolies and the farming interests. The breaking up and

democratisation of these monopolies will open up fresh fields for the development of a prosperous non-European bourgeois class. For the first time in the history of this country, the non-European bourgeoisie will have the opportunity to own in their own name ... trade and private enterprise will boom and flourish as never before. (Arise! Vukani! Vol 5 1985:7)

THE SACP

Although the South African Communist Party has a very long history, I do not propose to discuss it in detail. I state merely that the Party strives towards a socialist order. It reasons that, in the current phase, it should channel its efforts in the struggle for broad national democratic rights, and that once a national democracy is in place, it will be able to direct its efforts towards working for a socialist order. At that stage it might even be able to part company with the ANC. For now, it does what it can within a Congress Alliance to promote the views contained in the Freedom Charter.

THE NEUM

The Non-European Unity Movement came into existence in 1944, and adopted the 10-Point Programme which demands:

1. The franchise ... over the age of 21
2. Compulsory, free and uniform education for all children up to the age of 16
3. Inviolability of person, of one's house and privacy
4. Freedom of speech, press, meetings and association
5. Freedom of movement and occupation
6. Full equality of rights for all citizens without distinction of race, colour and sex
7. Revision of the land question in accordance with the above
8. Revision of the civil and the criminal code...
9. Revision of the system of taxation ...
10. Revision of the labour legislation and its application to the mines and agriculture. (A Declaration to the People of South

Africa from the Non-European Unity Movement, 1951:15)
The NEUM programme states

The aim of the Non-European Unity Movement is the liquidation of the national oppression on the Non-Europeans in South Africa, that is, the removal of all disabilities and the restrictions based on grounds of race and colour, and the acquisition by the Non-Europeans of all those rights which are at present enjoyed by the European population. (S Mokone 1982:34)

Recently the New Unity Movement (NUM) was launched. It re-adopted the 10-Point Programme with a few changes which, in my view, are not really substantive. Therefore I do not discuss it as a separate organisation for programmatic purposes, there being no substantial difference.

THE PAC

The Pan Africanist Congress launched itself in 1959. The platform on which it launched itself was the 1949 Programme of Action, which, it charged, the ANC had abandoned. That Programme stated:

... [W]e claim and will continue to fight for the political rights ... on page 8 of our Bill of Rights.... (Carter 1973:337)

Now, the Bill of Rights referred to was adopted by the ANC Annual Conference on 16 December 1943, and demanded:

1. The abolition of political discrimination based on race...
2. The right to equal justice in the courts of law
3. Freedom of residence and the repeal of laws [that hinder such freedom]...
4. Freedom of movement...
5. ... freedom of the press
6. ... sanctity or inviolability of the home...
7. The right to own, buy, hire or lease and occupy land...

8. The right to engage in all forms of lawful occupations, trades and professions...
9. The right to be appointed and to hold office in the civil service and in all branches of public employment...
10. The right of every child to free and compulsory education...
11. Equality of treatment with any other section of the population in the State social services.... (Carter 1973:217-8)

The 1949 Programme proceeds and lists the things which need to be done in order to achieve the rights referred to above, which include

The establishment of commercial, industrial, transport and other enterprises in both urban and rural areas. (*ibid.* 338)

It concludes:

Congress realises that ultimately the people will be brought together by inspired leadership, under the banner of African Nationalism with courage and determination. (*ibid.* 339)

THE BCM

The Black Consciousness Movement was launched in South Africa in the form of the South African Student Organisation in 1969. The BCM produced the SASO Policy Manifesto and the 16-Point Programme. But the most comprehensive political statement to be produced by the BCM was the Black People's Convention's **Towards a Free Azania - Projection: Future State**. It was adopted at King Williams Town in 1975. In it, the BPC committed itself to:

1. Establish a democratic state in Azania
2. Introduce a just legal system
3. Build a strong, socialist, self-reliant economy
4. Ensure security and peace of the nation
5. Safeguard social rights
6. Develop culture, education and technology
7. Adequately provide for the health and welfare of all
8. Provide adequate housing

9. Follow a foreign policy that respects national independence and international friendship. (BCM[A]: Basic Documents:13-16)

The Azanian People's Manifesto, to which AZAPO is a signatory, states:

Our struggle for national liberation is directed against the historically evolved system of racism and capitalism which holds the people of Azania in bondage for the benefit of the small minority of the population, i.e. the capitalists and their allies, the white workers and the reactionary sections of the middle classes. The struggle against apartheid, therefore, is no more than the point of departure for our liberatory efforts.

WOSA

The Workers' Organisation for Socialist Action was born in 1991. It is an amalgam of a number of local/regional organisations, which had been constituents of the National Forum. One must therefore suppose that WOSA would still see the Azanian People's Manifesto as their guiding document. Their founding conference released a statement which said, *inter alia*:

Those who are prepared to settle for less than socialism are ... accusing WOSA of demanding too much. They say we are ultra-left. We remind them that they were asking for the same things a few years ago. Now they say times have changed and socialism is not on the agenda for the next ten years or more. We say socialism will only ever be on the agenda if we are prepared to struggle to put it there. Socialism won't ever come on its own and conditions for its coming will never be perfect. They say the government and the bosses will never agree to the changes - and we say OF COURSE NOT, and nor will we be asking their permission to continue the

struggle. They say the people are not ready to struggle for these changes. The people, they say, want peace and security, not socialism. And we ... say **YOU ARE WRONG**. Only socialism can guarantee peace and security against the ravages of capitalism. (WOSA, **The National Situation**, 1991:10)

REFLECTIONS ON THESE POSITIONS

It is quite obvious that one cannot hope to obtain a single understanding of what the business of liberation is all about: that would be very good for our efforts to build unity! Rather, we should aim to establish some common thread in the various positions articulated by our organisations. If we succeed in that, we can begin to enquire to what extent the political shifts we see are in the direction pointed by our organisations.

For all the differences that exist among our organisations, there are important points of similarity.

A. From the moment Africans accepted that it was no longer possible or desirable to "drive the white man back to the sea", all our liberatory efforts have sought to acquire full political rights for all. This fight is variously expressed as the fight for the extension of the franchise; the fight for one-man/person-one-vote; or the fight for majority rule. Whatever the formulation, the end product should be the ability of all South Africans, once they reach a certain age, to have an equal right to vote for the government, and to be voted into government.

B. All our organisations have sought to correct the imbalance in ownership of the land. This concern has been expressed variously as the need to revise the land question; the need to reconquer the land; the need that the land be shared by those who work it; and the need for ownership of the land to vest in the state.

C. All our organisations have expressed the need for:

C.1 an equitable spread of the wealth of South Africa;

- C.2 free and compulsory education for all up to a certain age;
- C.3 adequate and safe/inviolable housing;
- C.4 Equality in rights; and
- C.5 Freedom of speech, of association and of the press.

D. To varying degrees - and maybe in varied senses - our organisations have seen the need for socialism.

Even though I present these points as a common thread, our organisations have some very serious differences around them. The Land Question, for example, is one which is dealt with by all our organisations. Significantly, however, it is one of the questions on which the ANC split. It is one of the questions on which the Non-European Unity Movement split. For the purposes of the present enquiry, however, those very serious differences are not relevant. The question is simply whether we are approaching the concerns raised, howsoever any liberation organisation perceives them. But before dealing with that, I propose to outline briefly the build-up to the events we have to analyze.

THE BUILD-UP

The processes leading to negotiations in South Africa are very complex. The first hint we got that negotiations might well be the way forward was when Kenneth Kaunda declared that South Africa was not involved in a liberation struggle, but a civil rights struggle. That was in 1984. In the same year Samora Machel signed the **Nkomati Accord** with the South African government. As a result, the ANC lost its military bases in Mozambique. Then the USSR arrived at the conclusion that socialism in South Africa was not in sight for at least a hundred years, and that national liberation might - just might - come about after at least ten years. In Concharov's words:

The emotion of the past three years has given birth to hopes of a quick victory, but it will not be very quick. Maybe ten years, I say not less than ten years. Yes, I believe that in the end South Africa will become socialist, maybe not in

25 year but in a century... (WIP 48:7)

That was in 1987. At the time the USSR was busy with **glasnost** and **perestroika**. So, we inferred, the USSR was going to re-adjust its priorities, and that would quite clearly have far reaching implications for the struggle in South Africa. Indeed, when Gennady Gerasimov (USSR Foreign Ministry spokesman) was asked about the USSR's position on the armed struggle in South Africa, he responded: "What armed struggle?" (Alex Callinicos, **Can South Africa be Reformed**, p 19) Moscow apparently started seeing South Africa in a different light. Boris Asoyan, who stood in for the USSR ambassador in Lesotho, is quoted (in 1988 already) to have stated:

It should ... be borne in mind that during the past decade the living standard of black South Africans has increased far more than in the rest of Africa and many other countries in the third world. (**South Africa International** Vol 21 No 3:167)

Gemma Porzgen writes that the USSR was apprehensive about the 1986 "riots" which, in their view, "might damage the highly developed South African economy". (*ibid.*)

Then there was the Namibian question. For years South Africa had linked its withdrawal from Namibia to the withdrawal of the Cuban troops in Angola. The strategic thinking behind this linkage was clear: the SADF did not wish to be hindered by the Stalinorgan when it conducted across-the-border raids into Angola in pursuit of the ANC. With the Cubans gone, the borders of Angola would be more vulnerable should that country continue to host Umkhonto We Sizwe guerillas. And so the ANC had to dismantle its camps in Angola.

It seems fairly clear that the combined effect of these events was to construct the possibility of armed struggle, and so increase the incentives for negotiating. The ANC commented:

The question of whether or not the ANC can participate in a negotiated settlement may thus depend, not only on our own strategic perspective, but on various other factors, including pressures that may be brought to bear, resulting in our walking along a path that is not necessarily the one we would have chosen.... Walking along a forced path is not inevitable, nor even solely an objective development. It depends partly on the organisational groundwork already done by the revolutionary movement, which may be forced to walk to a negotiated settlement only because it has not sufficiently consolidated the forces of victory during its march to armed insurrection. (**Negotiations and People's Power, in Discussion Papers for the Conference for a Democratic Future**, issued by MDM, not dated and not paginated).

As the possibilities of military action were squeezed out, a number of people and organisations held discussions with the ANC in order to promote the possibilities of negotiations. Among these were the efforts of the Commonwealth Eminent Persons Group in 1986. The EPG's brief was to "devise a 'Possible Negotiating Concept' that could bring the regime and its opponents to the conference table". (Callinicos:16) The EPG found that "the ANC was more accommodating than Botha". (ibid.) Meanwhile Nelson Mandela had the now famous four o'clock tea with Botha at Tuynhuis, after which he (Botha) remarked that he had found Mandela an interesting person. It has since transpired that the afternoon tea was meant to provide an occasion to explore the possibility of negotiations.

The ANC held a consultation with the Mass Democratic Movement in Lusaka in June, 1989 in order to map out the way forward. That consultation agreed: "Our struggle is to take control of the process and ensure that negotiations, should they come about, are genuine and serious." (Callinicos:19) In August 1989 the ANC produced the **Harare Declaration**, which committed the organisation to "ending all conflicts through negotiations based

on the principle of justice and peace for all". (**Harare Declaration in Discussion Papers for the CDF**) The Declaration was then adopted by the OAU and by the United Nations. The Conference for a Democratic Future sat in December 1989, and adopted the Harare Declaration. (**Resolution on Negotiations and the Constituent Assembly in Conference for a Democratic Future - December 1989:18**) I must observe in parenthesis, though, that it is not a settled matter that the Harare Declaration was adopted by the CDF.

Now everything was in place for negotiations on the side of the liberation movement - at least on the side of the Congress Alliance. In his seminal speech on February 2, 1990 de Klerk unbanned the ANC, the SACP and the PAC, and stated that the time for talks had arrived.

THE BIG QUESTION

We have seen just above two years of talks. How close have they brought us to liberation? In their paper on **Negotiations and People's Power**, the ANC states:

... [U]nless the liberation struggle definitely ends with the transfer of power to the people, there is no instrument to guarantee that the misery experienced during preliberation days would be ended in all its forms.

If one accepts that this transfer of power is going to come about through negotiation, then one says it is possible to negotiate a constitution that will transfer power "to the people". A document entitled **Negotiations as a Terrain and Method of Struggle**, (**Discussion Papers for the CDF**) states:

According to dictionary definitions, the concept of negotiation means "give and take", a situation where parties of a different character meet to discuss or argue over areas where they may be capable of some agreement or modification of their positions, with results that may be mutually

beneficial.

The concept of negotiation is in many ways completely incompatible with complete victory of defeat It is true that one may be forced into negotiations on terms less favourable than one would wish. But the job of negotiators in such a situation, is to use the negotiating table to advance the struggle in their exchanges with enemy forces. It may be that this is impossible, but this is not because negotiations are useless.

If we negotiate and achieve less than we would like, it is the result of the strengths and weaknesses of ourselves and the enemy forces, both at the table and outside. In other words, victory is never achieved at the negotiating table alone.

This document alerts us to the difficult task that negotiators must needs have in trying to negotiate a constitution that will "transfer power to the people". Our task here is to enquire into the "give and take" that goes with such negotiations, and see how close to liberation it brings us. For that we need to accept, I think, that the ANC and the NP are the chief protagonists, and that all the other parties so far involved in the negotiations are allied to one or the other of the two. Therefore we need to take a look at the constitutional proposals of the NP and the ANC. I propose to treat these under the headings: State; Franchise; Equality before the law; Freedom (Speech, Press, Association); Land; Housing; Education; and Economic order.

THE STATE

The nature of the State is a thorny issue between the ANC and the NP. The ANC wants that the State should be "independent, unitary, democratic, and non-racial". (**Constitutional Guidelines in Discussion Papers for a CDF**) It wants sovereignty to be exercised "through one central legislature, executive, judiciary and administration". The Central Authority, however, should be able

to delegate some of its powers to subordinate state structures, but this only for "purposes of more efficient administration and democratic participation". As Nelson Mandela has explained, this is democracy as it is understood all over the western world.

The NP sees the matter differently. They want a constitutional dispensation, which must be based on "certain fixed points of departure". (**Constitutional Rule in a Participatory Democracy**) The National Party's Framework for a new Democratic South Africa 1991:1) They state:

For the framework sketched above to really satisfy the unique needs of the South African situation, and to conform to our basic points of departure, it is necessary to frame the constitution in such a way that a constitutional state is established. (ibid. p5)

Later:

The concept "constitutional state" expresses the view that the constitution of a country should regulate the power of government in such a way that freedom, justice and legal certainty are guaranteed for all. Thus we are concerned with a constitutionally entrenched legal dispensation involving seven principles:

the constitution must be the all-embracing criterion and guideline for the state and the citizen. Consequently it will enjoy a higher status than all other law; it may only be amended if special procedures are followed and compliance with its prescriptions will be enforceable by the courts.... (ibid. p6)

The gap between the positions of the ANC and the NP is vast. The NP effectively means, by constitutional rule, just that: sovereignty must vest in the constitution! So long as the constitution is in place, it would then really not matter who is in

Tuynhuis: they cannot change anything. Just in case they try, the NP wants the provisions of the constitution to be enforceable through the courts. So, the Supreme Court should have the power to test legislation and declare same invalid if it does not comply with the constitution. (See on p7) All this from a Party which has scorned the idea of the testing right of the courts for so long! All this from a Party which rode roughshod over the entrenched provisions of the 1909 Constitution which guaranteed coloureds the right to vote in the Cape!

Clearly, if this is the thinking of the NP, we can expect them to fight hard at the negotiating table to ensure that the constitution will in the first place entrench quite a bit of the "old" South Africa. In their campaign during the last referendum, they were explicit that they want "a constitution that ... offers security to those who have a lot to lose". (Sunday Times, March 15 1992) Once they have such a constitution in place, they want, in the second place, to have it entrenched so that it cannot be changed easily. They were clear during the referendum campaign:

Once this constitution has the approval of all parties sitting round the negotiating table, no single party will have sufficient power to disregard it in the future. (ibid)

Hence their insistence on abnormal majorities for writing and for changing the constitution at CODESA. Given, then, that there is such a gap between the thinking of the ANC and the NP on the nature of the State, there will have to be quite a bit of "give and take" at the negotiating table if there must be agreement. And who is going to give more is going to be determined in a very significant way by the power relations between the negotiating parties. Mike Miles writes:

Where a party perceives it has greater power, it will delay making concessions. Where it perceives itself to be weaker, it will either be encouraged to create more power [for itself - MS] or allow unilateral concessions. (Miles M 1990:20)

Should the power relations not favour the ANC - and I would say they presently do not - and should the ANC be unable to change the power relations, it seems that, on the nature of the state, the negotiations might not end with power being "transferred to the people".

THE FRANCHISE

The ANC's position is simple and straightforward:

In the exercise of their sovereignty, the people shall have the right to vote under a system of universal suffrage based on the principle of one person/one vote. Every voter shall have the right to stand for election and to be elected to all legislative bodies. **(Constitutional Guidelines)**

The NP states:

By "participatory democracy" is meant that a system of government is developed in which a number of political parties effectively participate and in which **power-sharing** therefore takes place. This is in contrast to the **Westminster** system in which one party exclusively enjoys power.... The National Party's conviction is that a new constitution should offer the opportunity for every viable political party to play an effective role at local, regional and central government levels. **(The National Party's Framework for a new Democratic South Africa:8-9)**

The NP then proposes a bicameral parliament where

Each political party which has gained a specified amount of support in the election in the region's legislative body will be allocated an equal number of the seats for that region in the Second House.... (ibid p12)

This type of thinking shows once more that the NP is not really intending that at the end of the negotiations power should be "transferred to the people". Peter Fabricius has made the following illuminating comment:

The new plan is by no means as crass. There is no suggestion ... that a minority party could actually push legislation through. But there is every suggestion that it could quite easily, and at every turn, throw a spanner in the works of the majority party's legislative programme.

It is worth recalling that in the discredited tricameral Parliament, the white, coloured and Indian houses are all "equal" - until they fail to reach consensus, when the NP-dominated President's Council breaks the deadlock in the NP's favour.

Where Mr Botha's version of equal power sharing was clearly a ruse to disguise NP domination, Mr de Klerk's does seem to be genuine expression of the principle. **But it would share power so evenly between the majority and the minorities that deadlock would seem to be inevitable.** (The Star 1991 09 06: My emphasis)

Once more, then, if the "give and take" at the negotiating table does not favour the ANC, we might be saddled with a franchise that does not really help change, as the ANC might say, our "preliberation misery" very much. We might then come to appreciate the point of a French cartoonist who once observed: Voting [in capitalist society] is like pissing against the wind.

EQUALITY BEFORE THE LAW

It is unlikely there could be a very serious formal problem. The government's reform programme has been running kind of parallel with - even ahead of - negotiations. The whole import of the reform programme has been to bring about equality before the

law. So long, then, as equality before the law means the law takes you as you are, and treats you on an equal basis with everyone else, there is unlikely to arise serious disagreements.

But the ANC's guidelines indicate that the organisation is unlikely to be satisfied with that:

The constitution shall include a Bill of Rights based on the freedom Charter. Such a Bill of Rights shall guarantee the fundamental human rights of all citizens....

(j) The state and all social institutions shall be under a constitutional duty to take active steps to eradicate speedily, the economic and social inequalities produced by racial discrimination.

So, the ANC would really prefer active steps to ensure that people are equal. Indications are that the government might prefer to base itself on the Universal Declaration of Human Rights. (SA Law Commission, Working Paper 25: Project 58: Group and Human Rights in Levy, Annual Report on Labour Relations in South Africa 1991 - 1991:55) At any rate government spokespersons have tended to scoff at the ideas expressed in the ANC document, suggesting that they have no place in a constitution.

THE FREEDOMS

Again there is unlikely to be a very serious difference on these. If anything, the NP is going to be more in need of these than the ANC: Mitchells Plain and Boipatong are too fresh for them to forget. Addressing the United Nations Security Council recently, Pik Botha indicated that the aim of the NP is to become the majority party. To become that, or even to try and become that, I think that they will need to champion the freedoms mentioned above.

LAND

The ANC guidelines state:

The state shall devise and implement a land reform programme that will include and address the following issues: abolition of all racial restrictions on ownership and use of land, implementation of land reform in conformity with the principle of affirmative action, taking into account the victims of forced removals.

The NP's document is silent on the matter. However it is not going to be possible to keep the matter off the negotiating table. The Conservative Party and its allies have insisted for a long time that they want an Afrikaner homeland. The NP has consistently said that they (Conservatives) are free to come and present those views at the negotiating table. The prospects of those views now being presented at the negotiating table are more than good, since the 5 CP MP's who broke away from the Party did so exactly in order to do that.

The NP might take the view that the land question is not a constitutional matter. If the debate were limited among parties which favour a unitary country, there might be some sense in the argument. But the conservatives are raising a claim which throws up the issue of where the borders of South Africa must be drawn. That is a constitutional matter.

But if the matter is settled on the basis that the conservatives raise it, then it seems that the land hunger of the majority is unlikely to be satisfied after the negotiations shall have come to an end: it is possible to settle the borders of South Africa without redistributing the land in the manner that the liberation movement has been arguing. Indeed, government officials and businessmen have admonished that it is irresponsible to raise expectations that are unlikely to be met in this regard.

HOUSING

Neither document refers to the matter. But according to the ANC proposals on the Bill of Rights

In order to guarantee the right to shelter, the State shall, in collaboration with private bodies where appropriate, dismantle compounds, single-sex hostels ... and embark upon and encourage an extensive programme of house-building.... No eviction from homes or from land shall take place without the order of a competent court, which shall have regard to the availability of alternative accommodation. (Levy p52-53)

Article 25 of the Universal Declaration of Human Rights states:

Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, housing(Levy p56)

EDUCATION

The ANC Guidelines require that the state shall have the obligation to guarantee the right to education and social security. The matter is set out in greater detail in the organisation's proposals for a Bill of Rights. Article 10.1 says "All men and women have the right to enjoy basic, social, educational ... rights". Article 10.10 provides for:

- * Free and compulsory primary education;
- * progressive expansion of access by all children to secondary education as a right;
- * progressive increase in access to pre-school institutions and institutions of vocational training and of higher learning;
- * increasingly extensive facilities to enable adults to overcome illiteracy and further their education. (Levy p52-53)

Although the government has insisted that the issue of different education departments will be resolved with the negotiation of a new constitution, its constitutional proposals are silent on education. However, Article 26 of the Universal Declaration of Human Rights which, as I have suggested, it seems the government wishes to base itself on, states:

Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups....

Parents have a prior right to choose the kind of education that shall be given to their children.

(Levy p56)

If indeed the NP intends to base itself on these declarations, it does not seem that there should arise any serious disagreement at the negotiating table. Whether, however, the agreement will bring about a fundamental change in the access to education by children from working class backgrounds is a mute point. It is known that several western democracies have not been able to expand access to education in any meaningful degree to children from working class backgrounds.

THE ECONOMY

According to the ANC Guidelines

- * The state shall ensure the entire economy serves the interests and well-being of the entire population.**
- * The state shall have the right to determine the general context in which economic life takes place and define and limit the rights and obligations attaching to the ownership and use of productive capacity.**
- * The private sector of the economy shall be obliged to cooperate with the state in realising the objectives of the Freedom Charter in promoting social well-being.**
- * The economy shall be a mixed one, with a public sector, a private sector, a co-operative sector and a small scale family sector....**

The NP plan does not deal with the matter - I venture to suggest that because it does not consider it an issue. But in their referendum campaign the NP did say that it is for capitalism, and that it has already scored a victory at CODESA in that those who are inclined to the socialist notion of nationalisation have already declared their intention to revise their stand in the face of pressure at home and abroad. (Sunday Times supra)

CUL DE SAC?

At the beginning of this paper I have tried to capture the sort of things that our organisations have been saying they are working towards. These are:

A. full political rights, variously expressed as one-man/person-one-vote or majority rule;

B. correcting the imbalance in land ownership, variously expressed as revising the land question, reconquest of the land, sharing of the land by those who work it, and state ownership of the land;

- C. an equitable spread of the wealth of South Africa;**
- * free and compulsory education for all up to a certain age;
 - * adequate and safe/inviolable housing;
 - * Equality in rights;
 - * Freedom of speech, of association and of the press;

D. socialism.

It seems to me that we have hit a snag in respect of most of these. But a snag is not yet a **cul de sac**. I have already suggested that power is an important factor in negotiation. Lewicki and Litterer, quoted by Anstey, define power as "the ability to get another party to do something they would not ordinarily do by controlling the options they perceive to be open to them". (Anstey 1991:114)

This statement seems to me to express rather aptly what the problem of the liberation movement has been till now. I have outlined the build-up to the negotiations. From that outline it seems to me clear that the options of the liberation movement were manipulated in such a way that a component of the movement could see one path only - the path of negotiation. The matter did not end there, even as that path was trudged, the options of the movement continued to be controlled in such a way as to encourage it to make a number of unilateral concessions.

The other components of the movement verbalized their ability to see other options. But the ability to see, important as it is, is not enough for the realisation of the objects of the liberation movement. It is incumbent on these components to be seen to translate their vision to acts which are capable of liberating people. If the components of the movement which claim a better vision than the ANC cannot translate that vision to acts which are capable of liberating people, history teaches us even now that it is only a matter of time before they too will trudge the same path as the ANC: and possibly under similar conditions as the ANC.

If our big problem was one of having our options defined for us, we can unlock that by sitting back for a while, and making a sober assessment of our options. Naturally in every situation some

factors will simply be given. But within the parameters of those given, we need to urgently decipher workable options. We also need to find ways of controlling the options that the regime thinks are open to it. I wish to suggest a few things I think can still be done by way of retrieving lost ground.

1. I think the liberation movement has yet to come to terms with the role that power plays in negotiation. This is so trite, one would not think that the movement needs to be reminded of it. But if we did not need to be reminded of it, then we should not bank on the integrity of this or that politician we are facing at the negotiating table. That we went to the negotiating table from a position of relative weakness seems to me indubitable. Now that we are there in the form of the ANC - and it seems soon we shall be saying the PAC and AZAPO too - can we afford to remain weak? Have we learnt anything from the huge concessions the regime has extracted from us, while it has yielded so little?

2. If we are going to have any meaningful power, the unity of the liberation movement is imperative. We know from history that we say this all the time, but we do nothing to forge unity. At the beginning of the open talks between the ANC and the government the most embarrassing thing was the way in which the government and the ANC appeared to be competing on who was going to pull AZAPO and the PAC onto the negotiating table. It seemed as if the stature of AZAPO and the PAC would be enhanced if the regime saw fit to deal with them directly: that would amount to recognition. On its part, the ANC seemed bent on sketching a scenario where the one side of the table would be occupied by the regime and its subalterns; while the other side was going to be occupied by the liberation movement under its leadership. Now, it may well be that the ANC has earned the right to be considered to be at the head of the liberation movement: that does not take the debate about building a united liberation movement for a specific objective very far. The question as to which organisation is at the helm will be determined by a different mechanism after we have ensured that, in the "give and take" that the ANC warns accompanies negotiations, we do not give more than we take. The revival of the Patriotic Front then becomes an imperative: but it has to be a patriotic front of the liberation movement. The

Church can help put pressure on our organisations to unite for the very specific purpose of ensuring that "the preliberation misery" of our people does not pass with us into "the post-apartheid" South Africa.

3. Richard Hyman remarks about collective bargaining:

Collective bargaining is a meaningless ritual if nothing more is involved on the trade union side than the eloquence and finesse of the official negotiators. For the employer can always ignore the union's case, however solidly documented and cogently argued, unless it is backed up by the possibility of sanctions. Serious negotiation involves the overt or implicit threat of collective action ... if a satisfactory settlement is not achieved. (Quoted in **The Azanian Labour Journal** Vol 1 No 2 p40)

This statement is in my view equally - maybe more - applicable to negotiations of a political nature. If the regime has nothing to fear; if it seems that, off the negotiating table, the liberation movement poses no threat, all the good arguments for transformation will count for little. The ANC seems to understand this very clearly. That is the inference we have to draw from their mass action campaign. The regime, however, would very much like to control that option too. Like the government did with the option of armed struggle, they would like to seal the option of mass action off with the cooperation of the liberation movement. One must hope that we have reached a level where we understand, as negotiators do, that concessions are made only in return for concessions of comparable magnitude or value; that to make a concession which is not reciprocated is to reward intransigence.

The ultimate sanction in political negotiations is the support of the public. When the talks between the ANC and the government started, the NP was speaking about power sharing. In time they have come around to combine this conception with the possibility of taking on the ANC in a straight electoral fight. So they have now started talking about becoming the majority party. They have

read the situation, and they are convinced that it is possible in time to outstrip the liberation movement in terms of popular support. Because, then, that is how they are reading the situation - and maybe they are reading it correctly - they can afford to be difficult customers around the table. After all their sense of the situation is that public support is growing for their political positions. We have to block this option, or the lessons of the DTA in Namibia will have been in vain.

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A COMPREHENSIVE ANALYSIS: RESPONSE TO SELEOANE

Tinyiko Sam Maluleke*

For the first time, we have (through the Rustenburg conference and declaration) condemned the system of Apartheid together with those who supported it in the past. We have confessed the sins of our past together to our Lord Jesus Christ and to one another. [emphasis mine] (Frank Chikane)

The above statement somewhat illustrates, at least how from certain quarters of the ecumenical fraternity, February 1990 has bewitched South Africans variously but fundamentally. The question is, in my opinion, the real significance of February 1990 to the black struggle against dispossession and oppression. Is it or is it not a watershed? Who spoke in February 1990? Why has Nelson Mandela been released? How are we to interpret the "mass political conversions and baptisms" that are currently taking place? And finally, how are we going to move forward? If our socio-political analysis must make us weary of rush conclusions it must at least lead us to meaningful attempts to answer these and many other questions. If it was possible to be thoroughly euphoric and contented about events since February 1990, at least the phenomenon of violence has closed that possibility. There are of course other causes for worry.

Instead many of us have and must become both vigilant and sceptical of the significance of February 1990 for the Black people of South Africa. Violence is of course, in and of itself, not new. Apartheid is violence. Yet since August 1990 a new kind of violence has erupted. The kind which cannot be explained either in terms of crime or liberation struggle. Its sheer scale and volume sets it apart from any other violent phases ever experienced in

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South Africa. Yet a significant fact is that it is confined exclusively to the Black community. For the South African white community, it is by and large a matter for academic interest and journalistic research. The numerous media and government "explanations" of the violence are most unhelpful. The violence is not ethnic. There is absolutely no ethnic war among the black people of South Africa. Nor is there evidence of that potential. The Vendas, Tsongas, Zulus, Xhosas, etc. are neither mobilising for war nor engaged in wars. The violence is not Black party-political rivalry. Most of the dying are members of neither the African National Congress nor the Inkatha Freedom Party. In fact most of the dying are what you could call "apolitical" persons. It is important that the prophetic ecumenical formations such as the South African Council of Churches be very vigilant in analysing what exactly is happening in our country.

APPROACHES TO ANALYSES

Socio-political analysis is an effort to obtain a more complete picture of a given human situation in its totality. Seleoane has made an excellent attempt to do this by surveying both the historical and the contemporary standpoints of some major political formations in South Africa regarding the goal and process of liberation as well as their perceptions of the present negotiation project. Current political negotiations have become not only a process but a project whose sustenance has become important for the participants and interested observers alike albeit for various (sometimes even contradictory) objectives. One of the most fruitful ways of analysing the South African socio-political situation today is the one that Seleoane adopts, namely, that of a historical analysis of some major political formations and analysis of present positions (vis-a-vis the Negotiations Project). This approach basically attempts to answer two questions: Where is the liberation struggle coming from ? and where is it now? Once these two questions have been attempted the deductions are made and alternative (new) directions are suggested. At one level, this approach is "typical" of Black politico-academic reflection on the struggle for liberation. It is important to realise that in terms of analyses, this is only one of many possible approaches. One could reflect upon the socio-political situation primarily in terms of arts, economics,

white politics, church struggles etc. But Seleoane's approach is, while in and of itself not new, by no means a "traditional" Black (political) style of reflecting on the struggle. Seleoane's style suggests a dynamic yet rigorous appreciation of the burden of history on black struggles against colonial, racist and economic oppression in the hands of Whites in South Africa. As Black people we cannot begin to influence what is happening or what will happen tomorrow unless we have this keen sense of history. Yet historical appreciation and appropriation, I want to suggest, must be comprehensive and rigorous. Seleoane's paper makes a good start in this direction. However, even within the parameters of one given approach to analysis, there are differing degrees of space allocation, emphasis and biases.

Analyses of the Black South African struggle against Apartheid are confronted by the fact that this struggle has been long, enormous and multi-faceted. In these days of FW De Klerk's February 1992 euphoria (and all that has come with it) this simple fact has not been properly appreciated. No single struggle-tradition or ideology can either possess or exhaust it. As Seleoane points out, it goes far beyond 1912 - and we may add, far beyond the confines of "leading" (black) political formations. It belongs to rural women as they plough their fields having been robbed of the company of their husbands by the migratory labour system. Poets, playwrights, authors, students and many others have and continue to wage the struggle against Apartheid. We may, for "economic" and pedagogical purposes, focus on isolated issues, different players, policies, structures, as well as the histories, implicit in the issues. We must, however, not be found guilty of jettisoning the weight and variety of the praxis of liberation among Black people.

In an analysis of our social reality, we explore a number of elements. Among them are: (1) the historical dimensions of the situation; (2) its structural elements; (3) the various divisions of society; and (4) the multiple levels of the issues involved. (HOLLAND, HENRIOT, 1980 p.21)

No analysis is value-free. All analyses are predicated by prior commitments, interests, and biases. Commitment to issues such as, "power-sharing", majority rule, "federalism", "separate nations" etc. are quite influential in one's social analysis. This explains why Dr. Treurnicht sees South Africa as "multi-national" country with a place for the Boer nation, while the ANC sees South Africa as a unitary state. Despite appearances, socio-political analysis is not an esoteric activity exclusive to social and political scientists. All people, in one way or another, constantly engage in it. When people in the township say: "Re lwantsha ke maboro" (The Boers are making us fight amongst ourselves) they are offering a conclusion of their analysis of their situation as they see it. Finally, in and of itself, analysis does not provide a cure. This caution is important lest we think by offering a particular analysis of the situation we have pointed out the answer. Even if our analysis was the only analysis possible, in and of itself, it would not provide a cure but only a diagnosis. By analysis we point to broad parameters within which policies and strategies towards a solution may be worked out. In other words, diagnosis and not prescription is the aim of social analysis.

My own point of insertion and bias in the analysis of the present stage of the struggle against Apartheid is the present Black experience. We shall elaborate further on that below. I believe that we need a forever fresh sense of the history of the struggle and a pertinent point of "insertion" in our analysis of the present situation. History is the battleground of the struggle, that is why different histories (of the struggle) exist. Different points of insertion are possible. FW De Klerk inserts his "struggle" against Apartheid from the point of view of White experience. Other players such as big business have their biases and points of insertion too.

HISTORY

The struggle against "Apartheid" has characterized Black relations with white people ever since white settlers resolved to make South Africa home. The concept Apartheid is therefore a characterization of white-black relations whose roots and extent cannot be confined to 1948. What happened in 1948 (and continues to happen in

more subtle ways) was the naming, refinement and baptism of a centuries-old evil battling for legitimation and respectable expression. Apartheid, and the struggle against it, did not begin in at the turn of the century the formation of White South Africa's Union and the establishment of the (African National Congress) ANC. The so-called "Kaffir Wars" between the Xhosa and the settlers, the Khoi-Khoi and the settlers, the San and the settlers are all part of this struggle. Descriptions of the Xhosa and the Khoi-Khoi as "bands of thieves", "lazy heathens", etc. are indicative of a struggle that had commenced. Deliberate programmes of genocide, such as the introduction of European diseases such as Smallpox and massacres are all part of the early history of white settlement. That is why the San and the Khoi-Khoi have almost disappeared from the face of the land. The early disproportionate trading between the Khoi-Khoi and the Dutch has today been perfected by De Beers and Anglo American. Initial native resistance against conversion to Christianity must also be viewed against the background of this struggle.

Even the Great Trek must be understood as an off-shoot of this struggle. Native people were making their discontent felt in various ways, and some Dutch under the leadership of Retief resolved to go into the interior away from the "plundering bands of vagrants" whom they felt were being protected by some people "under the cloak of religion". The somewhat belated introduction of Christianity to the indigenous peoples, the role of mission schools, the relationship between missionaries and the colonial authorities, as well as the role of missionaries in the "struggle" seem to testify to Christianity's ambivalent influence of South African society.

All the wars of resistance in the interior, regardless of the results, are evidence, facets and stages of the same struggle. The formation of the ANC, the Imvo Zabantsundu Newspaper, the beginning and growth of Ithiopianism and secessions from the white church structures were forms and stages of the same struggle. The Defiance campaigns of the fifties, the formation of the PAC, Poqo, and Umkhonto Wesizwe, the making of South Africa a Republic (1961) despite Sharpville and resistance, the freedom charter, the Robert Sobukwes, Nelson Mandelas, Oliver

Tambos, the Sisulus, the Hector Petersens, Tsietsi Mashininis, Bishop Tutus, Allan Boesaks, and the Steve Bikos are symbols of the same struggle and counter-struggles.

MEMORY

We live during a period when everybody makes mileage of being against Apartheid i.e. struggling against Apartheid. There is therefore, today, a sense in which the phrase "struggle against Apartheid" is dangerous. All the nineteen parties (parties?) at CODESA have each a version of their own "struggle" against "Apartheid". To call for a comprehensive memory should not mean a blanket blessing of each and every claim to the "struggle". The struggle against Apartheid has always been a struggle against dispossession - land dispossession, exploitation and discriminatory legislation that has left indigenous people without dignity, work, land and without a vote.

From the point of view of the Black people, our memory of the struggle must be thorough and comprehensive - otherwise all claims to the "struggle" will be taken at face value. Unless our hindsight is thorough, our foresight will be clouded. There is, for example, a notion floating around that interprets the present political state of affairs solely in terms of February 1990. Even the liberation movements have given tacit acknowledgement to this premise. Massive reformations of "images" in some of our liberation movements, the suspension of armed struggles, the intriguing chorus against Winnie Mandela by a strange set of bed-fellows, etc. gives one the impression that they too think there is a big difference between the 2nd of February and 3rd of February 1992. One sometimes get the impressions that CODESA is built mainly on this premise. To put it simplistically, the real struggle against Apartheid is supposed to have started in February 1990. From February 1990 onwards, every "good" thing in South Africa can be attributed to FW De Klerk, and every "bad" thing to the fact that Nelson Mandela is out of prison. (One "scientific" research poll indicated that black witch-burning had increased since Mandela came out of prison!). For a while the Government could answer criticisms by checking the date of the issues in question. If the issues belonged to happenings prior to February 1990 (e.g.

the Inkathagate scandal) - the standard response was, "that happened during a different era"; if the issues could be dated after February 1990, the standard government response has been to refer it to a commission for investigation. Either way the criticisms were essentially dismissed and removed from the government's lap. Another interesting aspect of this February 1990 premise, is how "Black and White have become one" in spite of the recent exclusively white referendum, the continuing violent assault exclusive to the Black community and the recent playing of the white national anthem at an international rugby match blessed by some liberation movements. I do not wish to minimise the importance of February 1990 to many South Africans, but to indicate the dangers of a dwarfed memory. Similarly others allow their memory not to go beyond June 1976, others begin only with the Freedom Charter in the mid fifties.

A similar tendency has been an attempt to divide the memory up in terms of liberation movements and liberation ideologies, as if each liberation movement had waged a unique struggle independent and unconnected to any other struggle and ideology by any other liberation movement. Even black people are culprits here. Apart from "promoting" individual movements, this tendency has generally bewildered ordinary black people. These instances of dwarfed memory would not be so bad if they at least acknowledged connections and linkages to (other) earlier traditions of the struggle. Dwarfed memories are not only unhelpful but also insensitive to both comrades and ancestors in the struggle.

I sounded enough warning about the precarious nature of the meaning of the "struggle against Apartheid" today. The nature of analyses is usually determined by their goal. I state from the onset that we must declare that our purposes is beyond mere academics. As a minister and theologian my interest in analysis is kindled by pastoral interests.

STRUCTURES

South African society, like other societies, is held together by a network of structures, such as government, the "homogeneous" white community, homelands, homeland police and armies, (later also, Urban Blacks), police force, army, churches, the legal system, education, business, labour and family. Attitudes and behaviours are not unrelated to structures. Naturally the struggle against Apartheid has been and should always have been not merely a struggle against certain persons and personal behaviours but one against structures. Most of these structures combined their collective influence on society with one aim, namely that of Black oppression. The occasional appearance of "good" people in the structures of homelands, government, white community, legal system, business etc. does not erase the structural evils in these structures. This is one point that the Kairos Document made so powerfully. All the structures that kept Apartheid alive are all still intact. We must pause and absorb that statement, for there is a tendency to pretend that these are gone.

The extent to which these have been "transformed" is a matter for debate, but their existence is fact. What does it take to transform structures? Whatever it takes one thing is clear: structures do not transform the same way individuals do. It has proved more difficult for Judaism to have a road to Damascus experience than it was for the same to happen to Paul the apostle. In fact since the advent of the so-called New South Africa of February 1990 - some of these structures have received shots in the arm (e.g. the introduction of VAT and the "privatisation" of certain government departments). Revelations ranging from massive corruption scandals, massive defence budgets (this year the SADF will spend R11 million per day on the purchase of arms) [Challenge, August, 1992, p.5] to an ever rising incidence of deaths in police custody, seem to point to the fact that the structures (and not merely protagonists) of Apartheid are still intact.

The central problem of the present political process in South Africa is that an attempt is being made to pour new wine into old skins. The structures of Apartheid cannot be strengthened at the same time as a new dispensation is being worked out. The neglect

of structural transformation in the direction of democracy and the naive belief by some liberation movements that structural transformation can wait while more urgent issues are being attended to is proving to be a nightmare. This is especially true since the structure, namely government is still firmly in place.

The churches have an ambivalent history of the struggle. Best by denominational and racial divisions the South African churches have had their share of the struggle, that is if we include among the contributions of the churches; the witness of people like Bishop Tutu and Allan Boesak, the Kairos document, the concerned Evangelicals Witness document, The Rustenburg Conference¹, Black Theology, Contextual theology, the National Peace initiative (although credit for this is contested by Big business and even the Government) and the recent Code of conduct during mass action document. But the role of the church remains ambiguous - even these contributions of the church are understood differently within the church body.²

The present process of transforming the South African Council of Churches from the role of prophet to that of mediator is as innovative as it is suspicious. The very fact that this dichotomy of prophet versus reconciler is even discussed as a viable option is

²The Rustenburg Conference phenomenon is curious for a number of reasons. It is not incidental that it was the first, and quite unique conference of its nature since De Klerk's 2nd February 1990 speech. In fact, prior to the conference, De Klerk did call for a church conference of its nature. Officially, the SACC rejected De Klerk's call. Looking at the composition, theme and language of the Rustenburg conference one must concede that it was at least built on the premise of February 1990 and the notion of a new South Africa. The diversity of denominational representation was unprecedented. The language was one of forgiveness and reconciliation. The church was to review its position in the light of the New South Africa. Michael Cassidy, the first speaker at the conference declared:

Since 2 February 1990, we have been catapulted into history with the video of it all stuck on fast-forward. The political landscape, the dynamics of national life, the major players - all have changed. Even political language and semantics are in flux. And it is almost too overwhelming. But it would indeed be tragic if we failed to understand the significance of the moment. For history has walked our way and a divine opportunity, second almost to none, has landed in our laps. (CHIKANE, ALBERTS, 1991. p. 27)

worrying, to say the least. Concerted theological reflection on the present state of the struggle by the churches is either superficial or inexistant. Instead, the churches (or should we say church leaders) seem contented to duplicate either the Peace Accord Structures or some of the political structures. Some churches continue to go on with the business as usual. The question is whether there is real difference in role between the church, the national peace accord and the (some) political players, or even the Gold Stone commission. Let us take the question of violence to illustrate. Vogue perceptions of the violence have either been couched in the language of Inkhatha vs ANC or some other version of it. Alternatively violence has been seen as the state security apparatus versus South Africans.

Not only have the churches acquiesced to these perceptions uncritically there has been neither enough outrage at this De Klerk era blood-letting nor recognition that the victims of these violence are all South Africans equally continue to be used. The truth is in white South Africa the violence is academic except insofar as it may affect the economy. White South Africans stand to gain from a diluted democracy and black South Africans stand to lose from it. The marchers who marched alongside church leaders suddenly discover that church leaders now prefer high-level mediation roles that will not commit them to any (party) "political" line other than justice, democracy and tolerance. The continuing assault of the black communities while the churches have switched gears is disturbing. One should briefly point out that tacit legitimation of the South African legal system in the general respect offered judge Goldstone is equally instructive.

Apartheid societal divisions remain in place. The major divide remains primarily racial i.e. black and white. Homelands, generally speaking, continue to play the role for which they were created namely to perpetuate and consolidate black ethnic Apartheid. It is amusing that Homeland leaders (even discredited ones) have been invited to take part in the discussions about the future of homelands. All statistics in South Africa, be they of literacy, matric pass rate, unemployment etc. continue to go along racial lines. Some would argue for a more thorough analysis.

A class analysis can be made by asking three simple questions. Who makes the decisions? Who benefits from the decision? Who bears the cost of the decisions? (HOLLAND, HENRIOT, 1980, p.28).

My point of "insertion" in the analysis of the present stage in the struggle against Apartheid is the present Black experience. This experience is characterized by number of disturbing realities. Violence, continued disenfranchisement, poverty, unemployment, unfair-working conditions, confusion, poor education and high levels of illiteracy. Of these I shall discuss the most potent of them all, namely, violence.

VIOLENCE

Violence against black people has been a feature of Black struggle against Apartheid. This is what the "Kaffir Wars", Blood River, Sharpeville, June 1976 etc. were all about. It has been said that more black people have died since FW De Klerk came to power in 1989 than have died in 40 years of National party rule. This reality is a stumbling block. Black people die at points of their struggle for a living, i.e. at Taxi Ranks, Buss Stops, in trains at funerals, or as they sleep at sights of their struggle for land i.e. in squatter camps. How can so many Black lives be lost in the hands of the most liberal White leader in fifty years? This question has generally been answered in two ways. One way has been to attribute it to the white government. After all there is overwhelming evidence, growing by the day, that elements in state structures have engaged and continue to engage both directly and indirectly in violence. Trust Feed, the Goniwe affair, Dr Gluckman's revelations about deaths in prison (which incidentally seem to have increased since his revelations) and many others. The other approach has been to "blame" these to the "government's permissiveness" in having unbanned the liberation movements, unleashing the terrorist element into the township streets and opening way for unprecedented violent political jockeying and rivalry in the black community. This is what the government generally mean when they argue that the "causes of the present violence are complex".

All sorts of tags and typologies of the violence have appeared. In Natal it was called UDF versus Inkatha violence, even when women and children who did not know what the letters UDF stand for. Some of it is called "taxi-wars", even when only women and children and people who have no hope of ever owning a taxi are killed. In the reef, it has been tagged Inkatha versus ANC, Zulus versus Xhosas and many Sothos and Tsongas have died, sometimes Zulus killed by Zulus and even Hostel inmates versus Township residents. These tags have been floating around and we have almost accepted them at least tacitly. In almost all of these "types" of violence, in one way or another, the police have been implicated. The standard police response has been either denial or "we are investigating" (it took the Police more than 24 hours to begin to investigate the Boipatong massacre).

Responses to the violence have been varied but instructive. We have sighted standard police responses. The government has "solved" the problem of violence. Other than say that its causes are "complex", and being protective of the police and army, it has established a standing commission - the Goldstone commission to investigate controversial incidence of violence. People are therefore asked to suspend their responses and feelings until the commission has finished its investigations. It seems that even the National Peace Accord structures are being used for the same role by the Government. In the final analysis the problem of violence has been peripheral in the government's programme and outlook, except insofar as it may affect investor confidence and the stock exchange. It is interesting how the government's concern for violence and victims as violence heightens during mass action campaigns. Violence has rightly been linked to the overall "intransigence" of the Government. I find the suggestion that the Government has lost control of the security forces implausible. There is no evidence that the Government is either terribly disturbed about the behaviour of the security forces or divided about its role.

The liberation movements have generally responded in three ways. One way has been small scale retaliation e.g. APLA came close to admitting a policy of violence towards the police, the ANC's withdrawal from CODESA, Defence Units, and rolling mass

action. The second has been the appeal for international (specifically UN) intervention (something the Government has only now grudgingly acknowledged and agreed to). There remains lack of clarity (and perhaps consensus) on the nature of international intervention. The third has been rhetorical attacks on the government the security forces by the liberation movements. But these responses are not merely responses to the violence, but to the cul de sac in political process.

While the White Community has responded by arming itself to the teeth, and worrying about the economy as well as the academic implications of the violence, the Black community is at its most vulnerable. The hope for a vote and a chance in the market place is fast becoming an illusion. Fearful of violence they continue to wage the struggle in the work place, (there are several strikes on at the moment e.g. the Metal Workers, the Hospital workers and others), and in the squatter areas for land and livelihood. Several controversial symbolic acts such as the burning of the South African flag, the mock trials, the kill-a-cop-a-day placards at marches are indications of the level of feeling towards the state and perception of the present legal system. The multiplication of illegal gun possession, rise of crime and general degeneration of life in the Black community is attributable to the violent assault on it.

Three things bewilder the Black community most at present: the lack of co-operation between the liberation movements, fluctuating and conflicting directives in the liberation movements sometimes within one and the same movement, and some movements' naivete about White insensitivity to black aspirations. The build-up to the recent two-day national stayaway was most instructive in this regard. Up to three days before the stayaway one could no get a clear directive from the movements about whether the stayaway would go ahead or not. While one appreciates the fluidity of the present political situation, the basic tenets of the Apartheid are still in place.

It is therefore incomprehensible why De Klerk can be "wanted for murder" today and tomorrow be a "man of integrity" who is now negotiating to bring the PAC to the negotiation table. Also the

rigorous separation of the "regime" from the "(white) community" seems to assume that as many white people are discontented with Apartheid as black people are. According to this manner of speech what is wrong in South African society is the government and the security forces and everybody else is fine. But this is far from the truth. The flippant disregard of a moment of silence in honour of the victims at one of the first International rugby match in Johannesburg as agreed upon by the Rugby authorities and the ANC is instructive. Could it be, that the truth is simply that white people simply do not care about "black-on-black violence"? Why should they care? What justification do we have to assume that they might care about the thirty-nine people who died at Boipatong on June 17 this year.

BEYOND ANECDOTES

South Africa's socio-political issues, although some appear to be broken pieces, are interrelated and linked. The question therefore is not whether they are linked but how they are linked. In order to make projections and progress we must move beyond mere anecdotes and descriptions. We must proceed on to ask why. Why in the reign of the most "liberal" (?) white leader, assisted by a conciliatory church fraternity, a National Peace Accord, willing Liberation movements, some of whom have suspended the armed struggle, renewed sports contacts, crumbling sanctions; so many black people are dying. In other words we must search for connections between these realities and the concrete Black experience. Malcom X liked saying: "Nothing happens by accident". What are the connections between the violence bankruptcy of political innovation, CODESA, National Peace Accord, the Role of the Churches, the reality of Dr. Gluckman's revelations, corruption scandals, suspension of the armed struggle, revelations about the shadowy Hammer Unit's connection to the Goniwe murder, the government's call for a general amnesty etc.

From certain quarters one has heard the charge that the South African government is not willing to "hand-over power". How naive. Perhaps our first projection should be the realization that the government will not "hand over" power. There is no such precedent either in mythology or in history. It is disturbing to

realise that some players in the political scene even thought that it was possible for the present government even to consider "handing over" power. Some continue to think this. This government intends and prefers not only to stay on as long as possible but to carve a permanent place either for itself or for white interests in a future government. If we view things from that premise we may view the government's agenda in all these wonderful structures from a different perspective. Thus far real power rests firmly in the hands of the government.

The strengthening and the undiluted inclusion of Apartheid structures such as overnight Homeland "freedom" and "progressive" parties in the negotiation process is simply a change of tactic but the perpetuation of the same fragmentation of Black people, and the struggle for voting cows. CODESA in fact reflects the Conservative Party's social analysis wherein South Africa consists of at least ten Black nations, one white nation a few aberrant so-called liberation movements.

We are therefore, at a stage where Apartheid is at its most sophisticated. It is prepared to lose both its clothes and name but not its soul and will. As the white government harnesses international opinion and backing, tacit church respect, the cooperation (albeit sometimes grudgingly) of the liberation movements, the multiplication of its ideology via the homeland parties, a newly-found concern for the economy, a moral legitimacy built on repeated allusions to "power hand-over" and the language of peace and democracy; the poorest among black people have never been more vulnerable and more alone. Already the vultures are hovering in the horizon. The democratic party is about to launch a campaign for black members. The National party has already gone multi-racial.

If ever there was a time when the poor and the Black needed prophetic leadership it is now. Now is the time for a liberation theology not a reconciliationist theology. Now is the time for rigorous reflection not mere political band-wagoning. Not mere change but real transformation is called for. Paulo Frere once put it thus:

Authentic revolution attempts to transform the reality which begets this dehumanising state of affairs. Those whose interests are served are served by that reality cannot carry out this transformation; it must be achieved by the tyrannised, with their leaders. This truth, however, must become radically consequential; that is the leaders must incarnate it, through communion with the people. In this communion both groups grow together, and the leaders, instead of being simply self-appointed, are authenticated in their praxis with the praxis of the people. (FRERE, 1972, p.100)

The tyrannised of this country together with the authenticated leaders must wake up to this reality. One of the most important needs of our times in this stage of the struggle against Apartheid is authentic dialogue among the oppressed and between the oppressed and their leaders. Dialogue is a continuing aspect of liberation. Sustaining good dialogue is very difficult; for the oppressors, and white media in particular, do not desire it. There are little signs of vigorous attempts at both intra and inter-dialogue amongst the oppressed and their leaders. Signs of lack of consultation and dialogue between black student organizations and liberation movements, civic associations and political organizations, labour organizations and other labour organizations etc. are increasing. In the same work quoted above, Frere cautions the oppressed and their leaders against the enemies of dialogue and the praxis of anti-dialogue. Ironically, Frere submits that the same methods of anti-dialogue practised by the oppressors can be practised amongst the oppressed as well as by the leaders of the oppressed. He calls these "oppressive cultural actions". These are, described by Frere as the "conquest" approach to the masses which is sustained by the perpetuation of myths designed to keep them dominated.

THE NEGOTIATIONS PROJECT

The negotiations project has strengths as well as flaws. Recurring controversies about its "representativeness", "legitimacy" and "built-in vulnerability" are illustrative of its core weaknesses both in terms of its status but also in terms of its capacity to deal with the real

(all) issues comprehensively and authoritatively. Some of these weaknesses relate to the question of what different people and players perceive to be what has brought the project about. This consideration, in itself is perhaps insignificant, except insofar as it may have influence over the direction of the negotiation. Meanwhile the minority and illegitimate white parliament continues to fiddle with laws and all sorts of restructuring. The negotiations project has become quite significant insofar as it can (and for some has) become a forum where the precise nature and depth of liberation can be hammered out. Liberation is the key. If the negotiation project does not succeed in making liberation a reachable reality for all South Africans then God help us. It is not important merely to negotiate. (For some would prefer that to happen for ever). It is rather paramount to negotiate something that can reverberate in rural South Africa's mountains where black children die of hunger and disease.

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SEARCHING FOR A LIBERATING ETHIC

Bonganjalo Goba*

INTRODUCTION

There is no doubt in my mind that we have entered a critical phase in our struggle for liberation. There is a sense in which we stand at cross-roads, where a wrong turn can either lead to authentic liberation or unimaginable catastrophe. In other words there are critical choices to be made and some of those choices have already been made. Whether to continue with struggle or to negotiate. Given the current political situation there are confusing signals.

Those who have held the position to continue with struggle are now inclined to negotiate and those who chose to negotiate are now saying we must now continue with the struggle through mass action. To the average black oppressed person confusion and uncertain is the order of the day. Whilst this confusion prevails and there are conflicting positions held by the key political actors, there is carnage in most of our communities. Is the oppressor simply an observer in this current state of affairs or serious manipulator who is supported by his cohorts who have so much to lose should the edifice of the Apartheid system collapse and crumble? How do we understand our present political context? That is a critical challenge to any liberation ethic.

I do not pretend to have any wisdom to resolve the enormous problems that we confront, but to say I am challenged as a christian to turn to the resources of the christian faith and African wisdom, to gain moral insights that may assist us to choose which way to go. That choice I believe constitutes the challenge of developing a liberation ethic. It is in this context that I share Miguez Boninos perspective when he writes:

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Ethical options are posed by reality (which naturally include previous human decisions and options) to dream of ethical decisions outside this framework of reality is the illusion of moralism. But history will not in any fatal or mechanistic way decide for us the decision always be a human decision.¹

THE KAIROS DOCUMENT AND RUSTERNBERG

I want to suggest that in trying to decide which way to go, we must revisit the challenge of the Kairos document specifically the sections on prophetic theology and challenge to action, for they are an attempt to provide a basis for a liberation ethic in our context. But we also need to move beyond that because of its limitations and address the critical context in which we find ourselves today. In assessing these sections I also wish to make references to the Rusten declaration. Some of the fundamental issues raised in the Kairos document have not been addressed by the church in the South African context. One of these issues has to do with the question of political strategy or rather the kind of political praxis that is required in our present political context. I believe the Kairos document makes a critical point about this

changing the structures of society is fundamentally a matter of politics. It requires a political strategy based upon a clear social and political analysis. The church has to address itself to these strategies and to the analysis upon which they are based. It is into this political situation that the church has to bring the gospel. Not as an alternative solution to our problems as if the gospel provided us with a non-political solution to our problems.²

¹Jose Miguez Bonino, Toward a Christian Political Ethics, Philadelphia: Fortress Press 1983 p. 41.

²Kairos Theologians, The Kairos Document Challenge to the Church, Revised Second edition, Johannesburg Skotaville 1986 p.15.

The question we have to ask is to what extent has the church responded to this challenge? As a keen observer of the church, I sense a deep crisis one that is reflected in conflicting and sometimes contradictory statements made by the church on our current situation. The church seems to vascillate between a commitment to taking sides in the struggle for liberation or to assume a mediating role between the key political actors as they struggle for political power. This I believe is the dilemma confronting the church. However this confusion over what is to be done to dismantle the system is also reflected amongst some of political actors in the South African context. At the time when there was euphoria about negotiations, the church responded positively, but when they failed it also responded positively also by supporting mass action. I suppose we can justify this by saying the church reacts and responds to each existential situation. For me this raises fundamental issues about the church's understanding of our political context. This is reflected particularly in the Rustenberg declaration.

We believe, however, that we stand on the threshold of new things. There appears to be the possibility of a new dispensation and the promise of reconciliation between South Africans as some our black leaders and white leaders prepare to negotiate together for a new and liberated nation of equity and justice. In this context christians are called to be a sign of hope from God, to share a vision of a new society which we are prepared to strive for, and if needs be suffer for.³

As I read this part and the subsequent sections, I could not help but marvel at naivete of the statement. One of the problems I have is the perception that there are fundamental changes taking place in our society. I suppose this will depend on what one means by change. This perception of change is shared by both the oppressor and oppressed. Is this just conceptual change or is it something else? James Farr, in his provocative essay on

³L Alberts & F Chikane (eds), The Road to Rustenburg: The church looking forward to a New South Africa, Struik: Cape Town, 1991 p. 276.

understanding conceptual change politically, makes the following observation which I believe is pertinent to our discussion

conceptual change is one imaginative consequence of political actors criticizing and attempting to resolve the contradictions which they discover or generate in the complex web of their beliefs, actions and practices as they try to understand and change the world around them.⁴

One of the fundamental problems that we face in South Africa, as we try to make choices about an alternative social order, is confusion about what key political actors mean by change. This is reflected on a number of different levels both in the church as well as in the secular context. To appreciate this current confusion, one has to examine what is behind De Klerk's reform initiative and why CODESA was bound to fail as instrument to bring about change. In his insightful and timely book The Apartheid state in crisis political transformation in South Africa 1975-1990, Robert Price has made very interesting observations, which I believe are critical for our understanding of the present political impasse. He maintains that the grand design of the reform initiatives which were introduced by PW Botha in 1979, in what was referred to as the twelve principles had three major goals: 1) to preserve white domination by all means whilst promising reform; 2) to end South Africa's pariah status internationally; 3) promote sustained economic growth. This was to be achieved by: a) upgrading of black urban areas and of special significance to this particular strategy are the Cillie Commission 1986 and the Riekert Commission of 1997. b) deracialising official and public life by the removal of racist legislation eg. the Prohibition of mixed marriages act and the immorality act which were both repealed in 1986; c) control the urban black population through the creation of regional authority structures under the indirect control of the state; d) redesign the constitutional order by promoting black participation in a form that does not promote any threat to the white

⁴James Farr, Understanding conceptual change politically . In Political Innovation and conceptual change. (Eds) Terence Ball, James Farr, Russel L Hanson. New York, Cambridge University Press 1989.

community. However the central focus of these initiatives were not designed to relinquish power by the Nationalist regime but to manipulate the political system by promoting their concept of power sharing. Robert Price makes very interesting observations in this regard

In the 1980s Pretoria attempted a resolution of this dilemma by proclaiming itself amenable to arrangements of power sharing that would not undermine the white groups capacity to control those aspects of the socio-economic system deemed vital, the industrial economy, the system of socio-cultural reproduction and the security apparatus⁵

Based on this brief analysis, I want to suggest that these intentions of the Nationalist regime have not changed but continue to represent the core of their policy on the whole question of political change. To what extent these intentions have succeeded I leave that to your critical judgment as we go on with our discussion. But my own limited assessment seems to suggest that whilst most of their intentions have failed, their basic commitment not to relinquish power has not changed.

Unfortunately there seems to be a general impression, especially in Church circles, that the regime's intentions for change are genuine. This is reflected especially in the Rustenberg declaration. This I believe is part of the problem as we begin to assess what the role of the church should be. Apart from that I have also a hunch that some of our black political leaders may be trapped by the same illusion that there is a commitment for genuine change from Nationalist regime's side. For me this raises many critical questions about the whole question of negotiations, a point I will return to later.

The challenge to formulate or develop a liberation ethic must be acutely aware of the political dynamics of our situation. One of

⁵ *ibid.* Price, Robert.

the goals of a liberation ethic is to provide moral guidance particularly to the black oppressed in their efforts to dismantle the system of domination. Such a liberation ethic is not just based on principles of justice alone but is geared to a kind of political praxis whose goal is to promote authentic liberation. This commitment to authentic liberation is inspired by indignation produced by the prevalence of unjust structures and, in our context by the system of Apartheid under the guise of the reform initiatives of the Nationalist party. This calls for prophetic vigilance the ability to question the basic intentions of those who seek to promote white domination at all costs. In other words, in our present context of political confusion, a liberating ethic must be informed by a hermeneutic of suspicion. Such a hermeneutic I want to suggest, must emphasize that the basic goals of Apartheid system have not changed. That white domination continues to be the precondition of the so called reform initiative. That white political legitimacy and the need to maintain white economic privilege is the bedrock of the De Klerk's political agenda. A liberation ethic must expose the inherent contradictions in the Nationalist regimes agenda, but also the limitations of the political vision of those who are aspiring for political power, especially from the oppressed community. At the centre of this commitment to provide a liberation ethic, is the quest for our political power which demands that we rediscover our authentic humanity. This means developing the capacity to resist and confront those structures that seek to keep us in perpetual bondage. This point is expressed very forcefully by the Kairos Document on the question of prophecy.

prophecy is always confrontational it confronts the evils of the time and speaks out against them in no uncertain terms. Prophetic theology is not afraid to take a stand, clearly and unambiguously. Prophetic statements are stark and simple without being hedged in with qualifications or possible exceptions. They deal with good and evil, justice and injustice, God and the devil.⁶

⁶Kairos Document, p. 18.

One of the problems that we face is that the powers of evil that are reflected in the system have the semblance of reasonableness and openness. In other words, it is difficult to name the enemy. Part of the problem is that the system apart from coopting people from our black communities is also luring certain black leaders to participate in the program of their self enslavement, under the false notion of power sharing. This is why when certain leaders call for resisting the state through mass action there are disagreements within the black oppressed community. What is so revealing to me, as we agonise over the present political impasse, is that the tactics of divide and rule are being used so effectively by the state.

This inability to confront the structures of oppression is reflected in the Rustenberg Declaration which states:

3.3 To political leaders, we express appreciation for the progress made thus far and we address an appeal that you must urgently negotiate a new just order for our country. We call on the government to repeal as matter of urgency all apartheid laws⁷

The tone of this statement is extremely problematic for it reflects the political naivete that the governments intentions are good. That the church should grant the state the benefit of the doubt whilst the atrocities perpetrated by the security apparatus of the State continue. As we gather here more and more of our people are being killed not in the white suburbs but in the black communities. I believe the challenge, as we develop a liberating ethic whose goal is radical social transformation, is to rediscover the ability to name the enemy, the ability to name the monster that is destroying our black people. Part of the major weakness about the Rustenberg Declaration is a lack of a clear and decisive identification of who the enemy is. This I want to emphasise is the major focus of any liberating ethic, the ability to name source of injustice and to do something about it. It is in this context that the

⁷Rustenberg Declaration p. 281.

Kairos Document is clear:

To be the enemy of the people a government would have to be hostile to the common good in principle. Such a government would be acting against the interest of the people as a whole permanently ..

... That leaves us with the question of whether the present government of South Africa is tyrannical or not. There can be no doubt what the majority of the people of South Africa think. For them the apartheid regime is indeed the enemy of the people and that is precisely what they call it, the enemy"⁸

I am sure there are those who will argue that the context and the circumstances under which the Kairos statement was made have now changed because political prisoners have been freed, exiles have returned home and negotiation have taken place. My response is; that may be so, but as the bible reminds "Beware of false prophets, who come to you dressed up as sheep while underneath they are savage wolves. You will recognise them by their fruit" (Matthew 7:15-16). I believe this popular text refers to the hidden intentions of those who claim to promote the common good especially for those who suffer. Here we discover a wonderful example of a hermeneutic of suspicion which is the basis for any liberating ethic. A liberating ethic must promote a sense of radical scepticism, one based on critical social analysis of the political context and a commitment to dismantling Apartheid.

I have decided to revisit the Kairos Document inspite of its inherent problems because of its commitment to social praxis and a calling for a clear identification with the victims of oppression and injustice, also inviting the christian community not simply to make pronouncements but to engage in the struggle for liberation. This means we are called to assess how is the church in the

⁸The Kairos document p. 23.

present context is involved in the struggle. How is the church in solidarity with the victims of the ruthless violence that is destroying many of our black people? How is the church at this present time providing moral guidance to the black people? Is the Rustenberg Declaration the answer? Is it the recent code of conduct promoted by the South African Council of Churches the answer? Where does the church stand on the current political impasse? Is going back to negotiations the answer? Many people say yes, but there are those who say under what conditions? Who should take the initiative to resolve this current situation? Again the Kairos Document provides an interesting insight which must be interpreted in the context of this present political context:

The people look to the church, especially in the midst of our present crisis, for moral guidance. In order to provide this the church must first make its stand absolutely clear and never tire of explaining and dialoguing about it. It must then help people to understand their rights and their duties. There must be no misunderstanding about the moral duty of all who are oppressed to resist oppression and to struggle for liberation and justice⁹

As we seek to develop a liberating ethic we must respond to this challenge. What does it mean to provide moral guidance as the church at this particular time in our struggle for a true democratic society? What is the basis of this liberating ethic?

PRELIMINARY CONSIDERATIONS ABOUT THE NATURE OF A LIBERATING ETHIC

1. From my perspective a liberating ethic must reflect the emancipatory interests of the black oppressed. It must be in touch with their pain, but apart from that it must seek to express their sense of moral outrage at the system which keeps them in perpetual bondage. But to speak about the black oppressed people

⁹Kairos Document p. 30.

in South Africa is becoming problematic, because the enemy has succeeded to divide our ranks, creating a serious sense of identity crisis. I raise this issue here because the racial dynamics and character of our struggle are being undermined. But we need to realise that the legacy of racism under the policy of Apartheid is going to haunt us for a very long time inspite of aspirations by some for a non-racial, non sexist society. A liberation ethic must revive a sense of solidarity amongst the black oppressed people so as to remain vigilant and aware of the hidden agenda of the Nationalist party. The recent issue around "Die stem" is just a tip of the iceberg, reflecting what is to come, but more than that exposing the tenacity and determination of a racist ethos that has shaped the outlook of so many white South Africans for a long time. One of the great lessons from the black struggle of the late sixties is that the quest for authentic identity and humanity is the driving force for any worthwhile struggle to die for. This means a liberation ethic must seek to revive a sense of mutual destiny amongst the black oppressed people as part of the larger struggle for a democratic society. What this implies is that the oppressed must put their house in order and forge a united strategy to finally dismantle the system of Apartheid.

2. A liberation ethic must be informed by a critical social analysis one which unravels the question of power relations as they impact socio economic structures of our society. Such analysis must be sensitive to history of both the nature of racial and capitalist formation that has shaped our society. That the quest for liberation must be to create a just democratic order for all. However such a consideration must seek to address the competing interests of various groups as they seek power and privilege, a source of great conflict in the South African society. Such a liberation ethic must address the violent manifestations of this conflict in the South African context as a product of the ongoing legacy of Apartheid. For one of the critical questions of our time is who is responsible for this violence and what will it take or involve to stop it? It is in this respect that we need to consider the insightful observation of Mike Morris and Dough Hinson in their informative paper on South Africa: Political Violence, Reform and Reconstruction:

The political causes of the violence must be more deeply conceptually grounded than simple political rivalry between Inkatha and the ANC. What is involved here are three interrelated issues; the breakdown of the previous mode of regulating the political cohesion of the society; the changing role of the state in containing the antagonisms generated by Apartheid; and the emergence of competing power centres at all levels of society struggling to establish new forms of political hegemony¹⁰

This is the kind of analysis that should inform our social analysis and I trust during our discussion we will have the opportunity to come back to some of the issues.

3. A liberating ethic must be grounded in a radical faith whose fundamental thrust is the preferential option of the poor and black oppressed people. This means the faith perspective that is to inform this ethic must arise out of the black religious experience of suffering. In the South African context this will mean standing in solidarity with the victims of oppression. As Donald Dorr puts it:

To make an option for the poor involves (as the word itself indicates) making a choice. A first step in exploring this choice I want to examine its presuppositions. The option is an act of faith which only makes sense in the particular way of interpreting the world. It presupposes that we see the world as a battle field where the many little struggles we face each day are part of a much more comprehensive confrontation between the forces of good and the forces of evil.¹¹

¹⁰Mike Morris & Doug Hinson, South Africa: Political Violence, Reform and Reconstruction in Review of African Political Economy No 53: 43-59 ROAPE Publications Ltd 1992. p. 49.

¹¹Donald Dorr, The Social Justice Agenda, Justice, Ecology, Power and the Church. Maryknoll: Orbis Books 1991. p. 105.

A liberating ethic makes a choice as it seeks to provide moral guidance for the poor and the black oppressed people. This preferential option of the poor must be informed by a re-reading of scriptures as a commitment to discern the will of God (1 Peter 3:8-17). The challenge, as I understand it, is to respond particularly to verse 5 of 1 Peter 3 "But hold Christ in your hearts in reverence as Lord. Always be ready to make your defence when anyone challenges you to justify the hope which is in you". The challenge is to reaffirm our commitment to resistance as a black christian community at this time of political crisis? What theological vision informs this liberating ethic? When these issues are addressed faithfully in the context of the struggle and resistance the church rediscovers her liberating mandate for a new social order.

4. A liberating ethic in our present context must be informed by a strategy to transform the present political context. Miguez Bonino raises very critical questions about this, questions that are very pertinent to our situation, when he writes:

How can people who have introjected oppression over centuries of domination (including religious domination) be so helped to an awareness of themselves and their dignity as to conceive a historical project of liberation (and how can the consciousness of those who are blinded by the ideology of domination be unblocked - liberated for a participation in the struggle of the poor?¹²

As I try to respond to this question, I am inclined to believe the level of consciousness amongst the black oppressed people about the need to dismantle Apartheid is very strong. However this consciousness needs to be channeled to explore radical solutions. The current anger, destruction and violence seem to suggest there is a serious problem, which must be addressed by the black community as it seeks to dismantle the system of Apartheid. The kind of political praxis that is adopted by the oppressed must be

¹²Bonino op.cit p. 161.

informed by a vision of struggle and a commitment to a just democratic order. A liberating ethic must spell out what this vision of struggle is at this time. But what about those who are blinded by the ideology of domination? Here I think of our black compatriots in this country. How do we invite them to be part of this vision of hope. Do we demand a need for radical repentance? Or do we provide a space where they can reclaim for themselves a vision of the struggle that will open the door for them to be in solidarity with their oppressed brothers and sisters? This is the challenge which I hope we will discuss in this conference. For the struggle of a new democratic South Africa is the struggle for all South Africans. But what will it take to enable the oppressors and the black oppressed people to find a new path together in creating a new social order. Bonino asks yet other important questions:

Do we have any ethical guidelines-pointers, criteria to guide our action. So far as the possibilities and costs of social change are concerned?

In the long and painful process, how are personal and communal meaning, integrity and fulfillment made possible? How can personal life be meaningful when there is no visible success in the historical task to which one is committed?¹³

These are very tough questions, but for me this means turning to the black religious experience and African wisdom. We have to rediscover that value of *ubuntu*, which entails a sense of mutual respect, harmonious social and interpersonal relations, stability kindness, humility, openness, benevolence, gentleness, communal justice and a tradition of resistance. All of which enhance our authentic identity and humanity. These core moral values find expression in the life of the liberating christ. For it is in him that we discover the meaning and the abundance of life. How does a liberating ethic succeeds to embody this vision of a political understanding of *ubuntu* is a challenge for us all.

¹³Bonino, *ibid.* p. 101.

SEARCH FOR LIBERATING ETHICS: RESPONSE TO GOBA

Dr David Luka Mosoma*

INTRODUCTORY REMARKS

The formulation of this topic exhibits two important key words: a search and liberating ethics. The Penguin Concise English Dictionary defines the word search as an "act of examining thoroughly or seeking in many places; prolonged attempt to find something lost or hidden."¹ Implicit in this definition is the idea that searching is an activity that requires astuteness, diligence and intellectual discernment. A search is necessary where something precious is lost or hidden. What is it that we have lost or is hidden from us, it may be asked? The organisers of this conference clearly identified the need for liberating ethics as that which has not been adequately articulated in the Black community. Liberating ethics is deemed essential because of the status quo domesticating or oppressive ethics which legitimises reform politics, rather than a complete destruction of apartheid, as morally tenable.

Given the socio-political deformation in South Africa, accompanied by state orchestrated violence in the townships aimed at destabilising the Black community and politically demoralising them, the need to discover and appropriate an ethic of struggle that is politically relevant and theologically justifiable is critically important. Arguably, liberating ethics is essentially an ethic of struggle. Cone connects liberation and struggle when he says,

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¹G. N. Gammansway, The Penguin Concise English Dictionary: The One-Volume Reference Book of the English Language, (London: Bloomsbury Books, 1969), p. 652.

"liberation is a reality to be created and define in the struggle."² If liberation is born in the heat and tumble of the struggle for life, so also, liberating ethics forms both tactical and strategic decisions of the oppressed, "engaged in the life or death struggle."³ For this reason a quest for this type of ethics should be the task of every organic ethicists (rooted in the daily struggles of the community to be free) who strives to provide a sound moral ground upon which the struggle for freedom and justice could be persued and intensified. Most importantly, an ethic of struggle is not a one time activity. That is to say, it is not something we do once and for all. It is an ongoing activity tested and purified in the heat of the struggle itself.

PRAXIS AND SOURCES OF ETHICS OF STRUGGLE?

Before identifying some sources of the ethics of struggle, it would be helpful to note that the ethic of struggle focuses on human political activity. That is to say, it reflects on the practical liberational action of the oppressed. It asks probing questions in relation to the struggle. Where are we in the struggle? What have we achieved or not achieved? This means that appropriate liberational strategies are born in the process of deliberation informed by the nature of the struggle, enabling us to make strategic choices. Paris writes, "morality is expressive of the capacity to determine the quality of human activity by making choices in accordance with understanding of the goals of bad, right and wrong."⁴

What Paris does not show is that the goals of right and wrong are not necessarily objective or bias free criteria, that these criteria are determined, coloured and tinted by one's social location, and one's material self-interest. Further, it is essential to develop a critical

²James H. Cone, God of the Oppressed, (New York: The Seabury Press, 1975), p. 211.

³Ibid.

⁴Peter J. Paris, The Social Teaching of the Black Churches, (Philadelphia: Fortress Press, 1987), p. 60.

moral discernment that empowers the oppressed to unmask the status quo's ethical fallacies or what Cone calls the ethics of white injustice: deceptive morality. For example, during the Mass Action campaign the minister of constitutional affairs castigated the ANC for embarking on Mass Action as morally unacceptable. By that he meant that Mass Action had no moral basis. The question, however, is whose morality was he talking about? Obviously, he was talking about the status quo morality. If resistance against injustice and oppression has no moral base, then injustice and oppression have. It is at the level of competing political claims that an ethic of struggle is most essential. In South Africa two sets of ethics exist side by side: the dominant ethics of the oppressor and the ethics of the oppressed. These types of ethical thought cannot both be authentic. The latter is closer to truth than the former for it seeks to justify and actualise human liberation.

Further, the ethic of law and order deserve our rigorous attention in the struggle. The **Kairos Document** takes issue with status quo moralising which gives the unjust law a semblance of credibility. Unjust law and order have to be resisted at all cost. The resistance is based on the moral ground that put the primacy of justice rather than law. That is say, our starting point is that justice has been violated and where this has happened one cannot appeal to law and order for these are rendered insignificant where justice is at stake. Clearly, law and order as we have it in this country is predicated on fox justice. Weaving the Black American folklore material in his liberational discourse, Cone writes, "Sis Goose demanded fair (rational) trial from Br'er Fox but only found "fox justice," because all in the courthouse were foxes. To which black people concluded! "Now my chilluns, listen to me, when all de folks in the cotehouse is foxes , and you is des'er common goose, der ain't gwine to be much jestice for you pore collud folks."⁵

This citation helps ethicists engaged in the search for liberating ethics to analyse human behaviour. In addition, it alerts us that our quest for land, liberation, justice and democracy will not be handed over to us on silver platter from the foxes' courthouse, but from

⁵Quoted in James H. Cone, God of the Oppressed, p. 204.

the courthouse of human struggle. Foxes established courts in which to protect themselves against legitimate legal claims of the oppressed persons for stealing the indigenous people's land and murder of the innocent people in the name of their law and order.

Furthermore, the tale locates the source or genesis of a liberating ethics in the stories of the oppressed community. That is to say, it considers the black experience as an informative resource for liberation thought. The category of foxes and geese is a reality that we cannot avoid. We may not agree about the nature of fox justice depending where we stand in relation to fox political structures, but the common reality is that we are oppressed by the unjust structures; this should form the basis for common cooperative political activity.

An authentic ethic of liberation informed by the depth of the community's struggle requires a moral vision sufficient enough to enable the victims to work together irrespective of their religious or ideological differences. Advisedly, Cone says, the difference among blacks should not be "permitted to weaken the struggle."⁶ Equally convincing are Malcom X's insightful words:

"What you and I need to do is to forget our differences. When you come together, we don't come together, we don't come together as Baptists or Methodists. You don't catch hell because you're a Methodist or Baptist, you don't catch hell because you're a Democrat or a Republican, you don't catch hell because you're a Mason or an Elk, and you sure don't catch hell because you're an American; because if you were an American, you wouldn't catch hell. You catch hell because you are black man. You catch hell, all of us catch hell for the same reasons."⁷

⁶James H. Cone, God of the Oppressed, p. 215.

⁷Malcom X Speaks, (New York: Groove Press, 1966), p. 4.

Malcom dismisses all the reasons we often put forward, regarding why we are oppressed and exploited. Suffering and genocide against blacks, Malcom argues, has nothing to do with our different religious or political affiliations, but rather, it has all to do with the fact that we are black persons. For this reason, a liberating ethic "arises out of love, for ourselves and for humanity. This is an essential ingredient of liberation without which the struggle turns into a denial of what divine liberation means."⁸

Essentially, three elements form the basis of the ethic of struggle: first that God wills for human liberation (Lk.4:16ff); second, love for ourselves and for humanity; and third, moral transcendence on our part to values that are meant to destroy us. Of the three elements the most important one is the "love for ourselves and humanity." In a casual discussion, one thinker raised the issue of black love as the single minded commitment of Black theology. He said, if you don't love black people you won't do Black theology. Who can love or identify himself/herself with a people that have been despised, marginalised and often slaughtered like cattle? Similarly, no one can actively engage in an ethic of struggle if one does not love the black community. Therefore to engage in an ethic of struggle is deliberate political choice.

An ethic of struggle is not simply knowing or be morally convinced that the struggle is tenable or merely citing biblical verses in support of it. In effect, it means that political actors in the struggle should discern the significance of what Paris calls, "constructive analytical and critical thought with respect to political purpose, effective strategy and realizable goal."⁹ That means that good ethical thought and action "necessitate the concentrated effort of many people thinking and acting cooperatively and constructively in a sustained manner."¹⁰

⁸James H. Cone, God of the Oppressed, p. 217.

⁹Peter Paris, The Social Teaching of the Black Church, p. 91.

¹⁰Ibid.

Lack of discernment concerning the importance of thought and action based on an informed social analysis would render a liberating ethic ineffective.

PEOPLE AS THE SUBJECT OF STRUGGLE

In an essay published in the book, **Our Story**, Karenga writes:

"You see, human personality is deformed by the system in which we live. And it is your religious duty, your spiritual duty to struggle against that. Not to wait for a chariot....not to wait for a freak miracle. For you are a miracle. If you don't make a miracle happen, it won't happen. People, in the final analysis, must struggle for a new world."¹¹

Karenga underscores the understanding that people are the subject of struggle. For the oppressed community, freedom is not a formal concept, but rather a full blown experience of liberation from political bondage and conventional relationship, seeking to live out the full implications of that relationship in all aspects of their life together. That full blown experience of freedom is concretised in land. Hence an authentic ethic of struggle should take land as a context of struggle, the acquisition of which spells victory and lasting shalom. Anyone who does not concretise justice and freedom in land reduces these life-giving concepts into mere philosophical abstracts. To talk about an ethic of struggle without connecting it to the struggle for land is to miss the point. Land is the arena of struggle and therefore it is also a context where liberating thought find its most profound expression. That is to say, land and struggle are inextricably bound, as such a liberating ethic seeks to give moral guidance regarding the acquisition of that which Whites stole from the people: land. Once that which was stolen is exhibited and identified, it is morally and legally defensible to demand that it be returned to its legitimate owners. This should also apply to land. We can argue that alienation and

¹¹ Maulana, Karenga, "Struggle and Culture:Toward a National Black Value System," in Akyaaaba, Addai-Sebo and Ansel Wong, ed., Our Story, (London: London Strategic Policy Unit, 1988), p. 222.

lack of sense of belonging on the part of the oppressed is a consequence of apartheid's uprooting praxis. People have been alienated from the land and from themselves. Therefore an ethic of liberation seeks to affirm the humanity of the exiled and alienated from land, as subjects of their own destiny. This means that human beings as moral agents are central to liberating ethics.

APPROPRIATION OF BLACK VALUES

Central to the African ethical thought is the idea of human interdependence crystallised in the dictum "I am because we are, and because we are therefore I am." This way of understanding our life together is gradually being eroded by forces of fragmentation and divide and rule on one hand, and the deforming practice of individualism on the other. These forces have made it impossible for the oppressed to act together on political issues. Rivalry and enmity exist among liberation movements to such an extent that they find it easier to speak to the enemy/oppressor, rather than among themselves. At this critical juncture, a liberating ethic should enable the black community and liberation movements to appropriate the fundamental principle of human interdependence in political life. As Karenga poignantly states:

"I am because of you. If I am weak, it is because of you, if I am strong it's because of you. In a word, I have meaning because of you. If I am a leader it's because of you....I get my essential meaning from you."

We have to realise that we need each other more than any other time in our struggle because our salvation clearly depends on the liberation of the entire black community. This means that we should pick ourselves from the ground, bandage our wounds and dare struggle to victory - a collective victory for the living, the dead and the yet unborn. The forces of death are conspiring against us. An Apartheid Front is being arranged for next month. Why is it that all the efforts toward principled political relationships among blacks are short lived. Is this one example of our God forsakenness or a curse?

One thing is clear in my mind: we should not delude ourselves by thinking that the oppressor has the moral capacity for self-correction without struggle. We have to take our destiny and daily lives into our own hands. The upshot of this understanding is that since "the oppressor is responsible for our enslavement, we are ultimately responsible for our liberation."¹²

Further we should be vigilant enough to know that "no matter what we say about the oppressor, in the final analysis, a people that cannot save itself is lost forever."¹³

Cabral once said that the greatest battle is the battle against ourselves. Regardless of the obstacles that the enemy puts along the road of human liberation, we are our own enemies. This means that knowing an ethic of struggle without commitment to the struggle would not help. We have to deal with our own apathy and contradictions to the best values and the choice we made. A liberating ethic is a political choice to struggle for liberation and high human value. It provides the moral choice for the oppressed to change the course of the history of oppression.

An ethic of liberation proper emphasises human moral agency, encourages free inquiry and guards against every heteromy. This ethic is a product of critical human deliberation. If morality comes from outside, one cannot be blamed or praised for one's actions. Only people who act voluntarily can be blamed or praised for their actions. This brings us to the question of whether or not an act is right because God loves it or God loves an act because it is right. The rightness of an act is not dependent on God but on the goal it serves. Actions that serves the promotion of justice, liberation and justice are judged morally right.

An ethic of liberation has to emerge out of the experience and engagement in the struggle. Since to know God is to do justice, so also to know an ethic of liberation is to do the struggle.

¹²M. Karenga, *ibid.* p. 220

¹³M. Karenga, *ibid.* p. 220.