

Racial inequality and the imperative critique of the South African negotiated settlement

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Abstract

The former South African first black President's vision aimed to unite and fight racial tensions and inequalities by introducing and envisioning a South Africa for all who live in it. However, twenty-five years later, the post-apartheid South Africa is riddled with cancerous ills such as racial inequality, racism, and failure to bridge the gap between the poor and the rich. This paper will attest to the notion that the 1994 rainbow nation ideology is dead because racial inequality is still a norm, and that the implication of the negotiated settlement has preserved racial inequality and its core racist foundations. The ideology of the "rainbow nation" has failed to erode racial inequality in South Africa. It has failed to close the gap between the poor and the rich and most importantly, the "rainbow nation" ideology has shown that it was a one-sided concord dependent on whose privilege matters most and not a collective view to addressing racial inequality. Black South Africans have, therefore, continued to bear the brunt of poverty, unemployment and inequality compared to white South Africans. I argue that the "rainbow nation" has failed to address racial inequality and build the imperative ideology of sameness and togetherness. I will employ a standard method of applied analytical philosophy to perform this task, which is grounded in critical conceptual analysis and systematic rational argumentation.

Keywords: Nelson Holihlahla Mandela, Post-apartheid South Africa, racism, sameness, togetherness.

Introduction

The new South Africa was coined a rainbow nation, a term which captured the post-apartheid's diverse nature and history. The meaning behind the term "rainbow nation" was to encapsulate and embrace everyone irrespective of race and skin colours living in South Africa. Each colour of the rainbow, expresses the different skin colour found in South Africa. Like the rainbow, which comes out with beautiful colours in the sky after a heavy rainfall, South Africa was also coming out from a racial, segregated, and discriminatory storm. After the first democratic vote that produced Nelson Mandela: South Africa was "reborn" with the vision to build an integrated diverse nation. However, realities on ground show that grievances are still unresolved and cordial race relations is far from being achieved.

In this paper I seek to critically discuss racial inequality and the imperative critique of the South African negotiated settlement because I believe that the negotiated settlement failed to close the inequality gap between the poor and the rich and instead preserved racial inequality with some basic structural racist foundations. In my discussion I will critique the South African negotiated settlement and argue that the implication of the negotiated settlement has preserved racial inequality and the core structural racist foundations which were built through the ideology of reconciliation, diversity, and transformation. I employ the South African Truth and Reconciliation Commission (TRC) as an example of preservation of basic core structural racist foundations and racial inequality. I argue that the TRC prioritised “forgiveness” which was a requirement of the negotiated settlement, instead of identifying the truth and punishing those involved in the gross human violation of non-white people, while rehabilitating victims of apartheid. In my view this was not only a strategy to allow the apartheid government and its law enforcers, to get away with violating non-white human rights for years but also raises question about the true intention to address and root out racial inequality by the TRC and subsequent South African governments. It is the view of this paper that the South African negotiated settlement perpetuates the legacy of apartheid, segregation and racial inequality which draws its influence on racial capitalism (MODIRI 2012). The implication of the South African negotiated settlement was that those oppressed and conquered, will secure political freedom, equal rights and wealth and they will, as the Freedom Charter claims, “share in the country's wealth” (1995).

In 1995, the South African government set up a commission called the Truth and Reconciliation Committee (TRC). The TRC was tasked with investigating the gross human rights violation at the hands of the apartheid government. The aim was to “heal or unburden” the lives of black South Africans, who were at the receiving end of the gross violation of apartheid (VALJI 2004). The instigator or perpetrator of these gross human rights violations was provided with an opportunity to come forward to the commission and “truthfully” admit their violation to the whole world, families of the victims and thereafter granted amnesty. Authors such as Valji (2004) and Modiri (2012) argue that the South African TRC created an illusion of unity and a perception that the gross human rights violations fostered and inflicted by the apartheid government were engaged and addressed. The world at large applauded South Africa for facilitating a bloodless transition, which many, including the international community feared was brewing-civil war. However, the reality is far more complex because the TRC and the negotiated settlement have failed time and time again to address racial inequality and build an imperative ideology of sameness and togetherness as a diverse country where all those who live in it share in the wealth of the country (FREEDOM CHARTER 1995). As it stands, the ideologies of the TRC and the negotiated settlement have shown to be ineffective and unsustainable because forgiveness, reconciliation, sameness, and togetherness in South Africa is one-sided. It is not a collective ideology, where all those who live in South Africa work in solidarity, equality, and share the wealth of the country as per the promise of the negotiated settlement which presumed the end of apartheid

In his newly published book called the *New Apartheid*, Mpofu-Walsh (2021) argues that apartheid did not die, rather it was privatised. He claims that apartheid continues in new and unsuspecting guises, despite democracy's inception. He also claims that democracy was not the cure that the African National Congress (ANC) presented it to be and instead democracy enabled the new apartheid to thrive: "Indeed, the resemblances between South Africa's old and new order are stark and distressing" (MPOFU-WALSH 2021). Mpofu-Walsh's claim is partly because he wanted to expose the deception that has been advocated for by the democratic ANC and the facade presented by sympathisers and beneficiaries of the apartheid regime. In doing so, he discussed five themes, which are (1) Space – geographical saturation of South Africans, (2) Law – enforcement of law and the holders of power, (3) Wealth – those who hold the wealth, resources, and land, (4) Technology – infrastructure, digitalisation, and the internet and lastly (4) Punishment – crime and incarceration. Mpofu-Walsh (2021) discusses how each theme has been privatised to some extent. An instance is the privatisation of gated communities, where mostly well-off white South Africans reside, with security personnel and private security companies responsible for ensuring that these gated communities are safe and protected from crime, while most Black South Africans still reside in outskirts of the urban areas such as Soweto, Alexandra, or Mdatshane. Mpofu-Walsh (2021) also noted that the God-like perception that the African National Congress (ANC) presented, created expectations that were not met. In other words, the declaration of liberal democracy, right to vote and various bodies such as the TRC did not root out or cure apartheid because there is still division in the most fundamental categories of being a citizen, such as geographical spacing, law, wealth, technology and punishment (MPOFU-WALSH 2021). Furthermore, Mpofu-Walsh (2021) argues that the God-like perception and liberal democracy that the ANC built was a significant mistake because it provided an illusion that the ANC had an upper hand at the negotiation table. The significance of the authors and their work mentioned above is to provide background and draw in similarities of their work with this paper to show that the negotiated settlement in South Africa failed the oppressed by not addressing racial inequality, racial injustices and racial discrimination but instead, perpetuated the accommodation of the oppressor. Furthermore, post-apartheid South Africa has failed to at least attempt to adopt models such as Black consciousness or the Azanian thoughts to conscientize and cultivate sustainable models/traditions of autonomous Black practices.

Failure by the ANC and the TRC to address and redress historical apartheid violations created a one-sided concord that was dependent on perpetuating and protecting white privilege and not a collective view on oppression with the adoption of the South African liberal democracy in mind (KAMBULE 2018). Drawing from Mpofu-Walsh, the narrative of post-apartheid South Africa still resides and is controlled by those in power and with privilege because the ANC was out-maneuverer(ed) at the negotiation table. This means that the ANC only managed to gain victory in political power and the right to vote for Black South Africans, while white South Africans maintained wealth, infrastructure, resource control, power, and the economy. This argument supports

my claim that the apartheid government did not intend to hand over power even in the midst of the resistance that came with it. This means that, what the ANC and most Black South Africans did not consider was the nature of the aspects of power they gained and the aspect they lost in the negotiated settlement. It is safe to say that Black South Africans won the political victory and the right to vote and lost the economic victory. To provide context of the current post-apartheid South Africa, the paper will provide background of South Africa's transitional history from apartheid to democracy and thus develop an argument for an imperative collective view of sameness and togetherness based on the initial ideology of a united South Africa which does not assume that racial prejudice and history of human rights violation will suddenly disappear (VALJI 2004). The paper will also discuss why it is important to be held to the same standard of sameness and togetherness and lastly advocate for an imperative ideology of sameness and togetherness inspired by Azanian thought in South Africa, therefore tackling racial inequality.

Transitional history of Apartheid to Democracy

For 46 years, South Africa was under the apartheid rule governed by a political party called the National Party (NP) which was dominated by the White minority. Apartheid was a system of government set in place to protect the supremacy of a minority group (Whites) and to repress a majority group (Blacks) through a policy of almost complete separation. Noah (2016) argues that “the genius of apartheid was convincing people who were the overwhelming majority to turn on each other. Apart-hate is what it was. The strategy of apart-hate within black people was to separate black people into groups and tribes (Zulus, Xhosas, Pedis, TshiVendas, xiTsongas, Ndebeles, Khoisans, Tswanas and Sothos) and make them hate one another so the White minority can run the country.” The white minority capitalised on and maintained the long-standing tribal factions between the various groups and subgroups amongst black South Africans by using policies such as the Group Areas Act. The Group Areas Act (1950) was a policy under the apartheid government which divided cities and towns into segregated residential and business areas. Thousands of Coloureds, Blacks, and Indians were removed from areas classified for white occupation. The Group Areas Act and the Land Acts maintained residential segregation (SOUTH AFRICAN HISTORY ONLINE 2022). The Apartheid government created segregation and discrimination policies to ensure that their domination thrives and continue to do so even after they are gone. Through the apartheid policies, black South Africans were systematically marginalised and segregated into groups and subgroups. Human rights and dignity of black South Africans were stripped, they were pushed out of cities and towns and placed on the outskirts of cities. They were systematically denied citizenship, isolated, and required to carry an identifying document (ID). Apartheid was a structural subjugation with exceptional infrastructure, wealth, and power (MPOFU-WALSH 2021). I believe it is that power that the apartheid government had and took away from the negotiation table, while the ANC government took away political power.

According to Inman and Rubinfeld (2012) “Though peaceful, the constitutional negotiations were far from harmonious.” The authors note that the process took at least four years of negotiations to reach a democratic agreement accepted by all relevant parties, which was the National Party representing the white minorities, ANC representing mostly blacks and other coloured persons categorised as black. The duration of the negotiations themselves shows the resistance of European whites and Afrikaans towards the transition. They were not thrilled or welcoming of the transition and what it would mean for their power and authority. The length of the negotiations also places emphasis on my argument that the intention to truly address and root out racial inequality was missing. The transition from apartheid to post-apartheid South Africa was overwhelmed with excitement, hope, aspirations, access, and opportunities to the historically oppressed, excluded, and disadvantaged black South Africans to practice their democratic rights for the first time in their lives since it was an opportunity for the majority of black South Africans to vote for who they believe will represent their needs and transform the country by sharing in the wealth of the country and providing access to quality education. As discussed above, the TRC was therefore, introduced to “recognise and address” past gross injustices. While the transition was peaceful in the sense that, there was no bloodshed, we are yet to achieve and embrace a fully functional “rainbow nation” project as South Africans and a commission that holds the apartheid government accountable. This paper touches on other forms of inequality and the high rate of unemployment which stems from structural inequalities and the imbalance created by the legacy of colonialism and apartheid, although the post-apartheid South African democratic project has made considerable strides to improve living conditions of previously disadvantaged South Africans. In the late 1990s to 2000s, the ANC government introduced programmes such as the Reconstruction and Development Programme (RDP), Black Economic Empowerment (BEE) and Affirmative action to name a few. These programmes were aimed at assisting previously disadvantaged black people (including Indians and coloured people) to empower themselves and successfully participate in the transition from apartheid to democracy. The current governing party’s mantra of “radical” transformation has failed dismally due to a number of reasons including, but not limited to the claim that the ANC has no true intention to disrupt the racial status quo and improve the lives of black South Africans. The lack of access to socio-economic resources, health care, housing, sanitation, and employment are only a few instances of failure by those that govern the country. The response by the public, mostly young black people to the failed provision of socio-economic rights resulted in increased demonstration of discontent through acts of civil disobedience/protests. In the last decade, South Africa has seen increasing forms of social unrests, civil disobedience, and looting. This according to Masipa (2018) is a “manifestation of democratic distemper rather than consolidation.” This means that the transition to democracy and consolidating a racially unequal country like South Africa requires more than the conceptualisation of flat policies and ideologies of ubuntu. It requires confrontation of racial inequality, wage inequalities, unemployment, and many other social ills. This is necessary for the effectiveness of democracy in South Africa. Those with privilege will continue to strive, while those without privilege

will continue to be marginalised (MASIPA 2018).

A possible solution according to this paper lies in shared imperative view of sameness and togetherness which does not marginalise, oppress and strip away black South Africans' dignity. A democratic project should be about creating and improving access to general opportunities and confronting racial inequality as argued by Masipa (2018). In other words, a democratic project should result in a racially equal country, create jobs and reduce all forms of inequalities such as, policing HR matters, rooting out corruption and bridging the wage gap, make attempt to destroy or minimise to a minimum all forms the continuation of privilege by those in power, political or otherwise which is a result of their failure to participate in making project South African work. Project South Africa requires serious addressing and re-dressing of racial inequality, wage inequality, unemployment, and corruption, ultimately levelling the playing field and avoiding the assumption that racial prejudice and history of human rights violation suddenly disappeared in 1994 (VALJI 2004) This is important to advance the well-being of the society and increase youth involvement and participation in public discourse and young people should also invest in their intellectual capacities to imagine a future they wish to realise (MASIPA 2018).

Failed quest for Transformation in a racialised South Africa

The lack of radical transformation, diversity and the clearly visible racial inequality has been costly to the ANC government. Here, I discuss briefly two of many examples of how the ANC government failed to transform people's lives. What happens and as captured by Statistic South African (Stats SA) in their 2019 report, shows that black South Africans particularly women, struggle to access basic services such as housing, healthcare, and education. Those who are able to access some opportunities do so from a disadvantaged starting point. According to the inequality trends report (2019) launched by Statistics South Africa (Stats SA) and the South African Labour and Development Research Unit (SALDRU) at the University of Cape Town (UCT), women earn 30% less than their male counterparts. Webber (2019) explicitly outlines and critically discusses the inequality trends report that shows that "white people in South Africa are more likely to find work and once they do, they also earn better. Between 2011 and 2015, a white person earned R24 646 per month on average, more than three times the R6 899 of their black counterparts". These unequal incomes, according to the Inequality trends report remain stubbornly racialised, gendered and spatialised in South Africa. As noted above, racial inequality and unequal incomes have shown to have been a loss for the ANC government and a prevalence and maintenance of what Mpopfu-Walsh calls *The New Apartheid*. Another example of the lack of transformation has also been observed in academic citizenship. In 2019 the Mail & Guardian (M&G) published an article called "*Few women leaders in academia*". In the article, Macupe (2019) discusses a report published by the Department of Higher Education, Science and Innovation on the recruitment, retention, and progression of black academics in South African universities. The report found that the number of black and female academics in universities were growing at a slow rate. The report also found that "white females are overrepresented at 25.3%

of the academic staff, compared to their 4.5% slice of the general population. In comparison, black women academics are the most underrepresented group at 16.1%". The ministerial report also shows the slow pace of black female academics and other leadership positions such as Deans, Heads of Department (HoDs) and vice-chancellors and the overall underrepresentation of black academics. The Stats SA inequality trends report (2019) shows how racial inequality has marginalised black people from opportunities and stripped them of dignity. Both reports show that there is still so much that still needs to be done to address racial inequality, gender inequality and other forms of discrimination. In the next section, I will discuss the importance of being held to the same standard of sameness and togetherness in the elimination of inequality which seems to be a common denominator in this paper.

Why is it important to be held to the same standard of sameness and togetherness?

In this section the paper explores why it is important to be held to the ideology of sameness and togetherness. I employ sameness and togetherness to promote an idea that could support a framework of ubuntu through the cultivation of an identity that encourages diversity and inclusiveness. The South African constitution was built on the grounds and conceptual framework of unity, diversity, and equality. It was built on the premise that; we are all equal and there is no race superior to the other. According to the South African Constitution, chapter 2 of the Bill of Rights (1996), which is the cornerstone of South African democracy; it enriches and protects democratic values of human dignity, equality, and freedom in line with the Universal Declaration of Human Rights. As a result, "Everyone is equal before the law and has the right to equal protection and benefit of the law." In other words, the declaration by the Bill of Rights means that the democracy of South Africa equalises and protects all who live in South Africa, regardless of the colour of their skin, wealth, power, and influence. It supposedly ensures that all South Africans are treated the same and share the ideologies of togetherness to build democracy. For the democratic South Africa to prosper and affirm its place in the world, it is important that all who live in the country are equal and treated the same. The South African constitution envisages that everyone is the same in the eyes of the law with intention of coming together to create a "rainbow" nation which advocates for a unified South Africa. However, the reports of the Stats SA inequality trends (2019) shows that it was a one-sided concord dependent on whose privilege matters most and not a collective view. I think that the racial inequality problem should not be only black people's concern but a responsibility of all, while the government ensures that the required radical transformation happens. It is my view that we should be the same and share the idea of togetherness not only conceptually but also practically.

The uncriticised 1994 political transformation and euphoria assumed that challenges of race and gross violation of human rights and dignities will wear off (VALJI 2004). It was not given special attention by the South African constitution, TRC and the governing party (ANC) because of increased racialised inequality. Such ignorance perpetuated the core foundations of apartheid and shows no goodwill to address them. The South African governing party (ANC) is seemingly in

denial of the apartheid as a gross violation of human rights and not a crime against humanity. This is exemplified in the slowness to speak against the former President of South Africa, FW De Klerk who claimed that apartheid was not a crime against humanity, as he believed there was no genocide under apartheid government. The implication of this view is that racial segregation/discrimination, illegal detention of black political leaders such as Steven Bantu Biko and many other gross human rights abuses were not in any way violations of any kind. In response to former president, political analyst Aubrey Matshiqi argued in a television interview that “according to De Klerk and many other, those who are not white remain people who are anthropologically inferior and therefore are not as human as they are or are not human at all, therefore apartheid could not have been a crime against humanity, because it was not a crime against those who are human.” Matshiqi’s response speaks to the results of the lack of shared unity, sameness, and togetherness that is contained in the South African constitution. Matshiqi further argues that South Africa still has a lot of unfinished business and the best we can achieve under the current circumstances is a “peaceful non-reconciliation”. Matshiqi’s sentiments support the argument of this paper that the South African 1994 collective view of sameness and togetherness is unable to respond to the historical racial inequalities. Instead, this failure has protected and maintained structural racism. As asserted above, the governing party possibly assumed that racial inequality would wear off and they will not have to address it internationally. Holding all South Africans to the value of sameness will also clarify the misconceptions that apartheid was not a crime against humanity; it also means creating employment, closing the gender pay gaps, closing racially motivated pay scales, restoring the dignity of black South Africans, and most importantly sharing in the wealth and power of the country by prioritising the land restoration policies.

The end of apartheid and into democracy did not reconcile South Africans as equal holders of wealth and resources and most importantly it did not hold citizens to the same collective view of unity, sameness, and togetherness. A way forward should be that of a country that is treating its wounds and removing cancerous cells by addressing racial inequalities; build a truly united view that does not only benefit those who thrived on the human injustices of apartheid but also those who suffered from the injustices of apartheid. Below, the paper will advocate for a collective view of sameness and togetherness in the racialised South Africa.

The inequality hierarchy in South Africa has the white male at the top, the white female, non-whites (includes black, Indian, and coloured people) at the bottom of the hierarchy. This inequality hierarchy is racially systematic and structural as it aims to exclude black bodies at all costs. Such racially motivated inequality functions to protect whites and their privileges and ensures that those at the bottom of the racial chain cannot and will not move up. The Stats SA (2019) report says that racial inequality in South Africa has always been a challenge for the government, institutions and corporate companies, and failure to address these challenges has disadvantaged a lot of women, black businesses, and the well-being of the majority of South Africans. As discussed above, it is my view that for project South Africa to work, we all need to be a unit, in a sense that people of all

colours and ethnic affiliations work together to confront racial inequality. European whites and Afrikaans should be concerned and work towards confronting the space of whiteness with all the privileges and understand how they can be a part of a group of people who want to make the lives of their fellow humans better. The Covid 19 pandemic made these inequalities evident and highlights the importance of a conscious and constant engagement in conversations about improving the lives of black South Africans by creating employment and access to other opportunities; for instance, support for black businesses; advocating Azanian thoughts to conscientise and cultivate sustainable models/traditions of autonomous Black practices; ensure that all citizens participate in the shared, collective view of sameness and togetherness in South Africa, thus not infringing on other people's human rights irrespective of race, or cultural affiliations. People should be provided with the opportunity to move from the dusty streets of township to leadership positions they qualify for. This approach of imperative sameness and togetherness aims to disrupt the structural racial inequality and privilege; disrupt all forms of inequality and demand equal treatment. At the same time, caution should be in place to avoid a reverse form of racism, or agitation that leads to a creation of a new set of hegemony.

Conclusion

Like most African countries, South Africa has had its fair share of colonial rule. While the country has seen promising strides of improvement, it is also riddled with unfulfilled promises, compromised leadership and high rates of corruption which has become the new normal. The paper argued that one of South Africa's challenges is failure to address racial inequality and build the imperative ideology of sameness and togetherness. The paper discussed transitional history of South Africa from apartheid to democracy. The discussion observed how this transition took place and what it was supposed to achieve for those who were oppressed. The paper also briefly explored the failed quest for transformation in a racialised South Africa. There should be no discrimination or empowering those who are privileged in disregard to those who are victims of at least years of colonialism. Lastly, the paper advocated for an imperative collective view of sameness and togetherness in South Africa which will create employment, address, and re-dress racial inequality and most importantly, advocate for a view that will not marginalise, oppress and strip away black South Africans' dignity.

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