



# Justice, populism and restitution in South Africa

HOW MUCH DOES OUR HISTORY HAVE TO DO WITH THE POPULIST MOVEMENTS WE SEE IN SOUTH AFRICA TODAY? AND, ASKS **SHARLENE SWARTZ**, HOW SUSCEPTIBLE ARE SOUTH AFRICANS REALLY TO THESE MOVEMENTS AND THEIR LEADERS?

**A COUNTRY THAT IS COMMITTED TO JUSTICE FOR CURRENT AND PAST INEQUALITIES, AND IS MAKING PROGRESS IN REDRESS, HAS NOTHING TO FEAR FROM POPULIST LEADERS OR POPULIST MOVEMENTS. SO HOW ARE WE DOING IN SOUTH AFRICA WHEN IT COMES TO JUSTICE AND REDRESS?**

We know that 23 years into democracy, South Africa remains a starkly unequal society. The most unequal in the world, in fact. But do we know the facts behind these inequalities, and how they are distributed? If we did, we could begin to understand the appeal of populist leaders and populist movements that draw attention to them, and offer unconstructive answers.

We know that black South Africans bear the largest burden of this inequality. As for the statistics on coloured and Indian/Asians, they fall somewhere between that of black and white South Africans, and reflect almost exactly the relative privileges and benefits afforded each population group under apartheid.

According to Statistics South Africa's 2014 General Household Survey, the life expectancy of whites in South Africa is 20 years longer than that of blacks. Black unemployment is four times that of white unemployment, and 60% of blacks live below the poverty line (compared to 4% of whites).

Add to that an average household income for whites that is six times higher than that of blacks', findings that put half of privately owned land in white hands, and a 2016 South African Institute of Chartered Accountants survey that found 75% of all directors of JSE-listed companies to be white, and it becomes clear that not only is South Africa the most unequal country in the world, but that these inequalities remain differentiated by race.

Despite the formal end of their institutionalised privilege, white South Africans still have one of the highest living standards in the world. This is most unambiguously illustrated when we consider the United Nations Human Development Index: South Africa as a whole is placed 116th out of about 200 countries, whereas the white population is ranked 15th. It is on par with Sweden and the UK and one place ahead of Belgium and France. So clearly we are not doing well when it comes to issues of justice and equality.

**But what of redress?** When it comes to land reform, affirmative action, sport quotas and apartheid compensation, a 2016 Human Sciences Research Council (HSRC) survey of South Africans' social attitudes found white South Africans to be least in favour of government actions to redistribute wealth.

Similarly, for forms of redress such as support for the unemployed, tertiary education opportunities for the poor, progressive taxation and higher social grants, of which most other South Africans are highly in favour, whites lag behind considerably, despite knowing that wealth is highly unequally distributed in South Africa and saying that they are opposed to such inequalities.

*Despite inequality, racism and injustice, South Africans do not easily follow populist movements.*



Yet two thirds of all South Africans agreed with the statement 'Forget apartheid and move on' in a 2013 survey by The Institute for Justice and Reconciliation. More recently, when asked who was in favour of forgetting and moving on, the figures in the aforementioned 2016 HSRC survey have increased for whites (up to 76% from 69%) and decreased for blacks (now 51%, down from 63%) compared to 2015.

However, when asked about specific steps that might be taken, whites were markedly less keen. For instance, only 8% agreed that a compulsory restitution tax should be implemented (vs 43% of blacks), 20% of whites agreed that they should act to repair the past (vs 60% of blacks) and 14% were in favour of a voluntary restitution fund (vs 54% of the black respondents). Even with regard to steps that would not affect them financially, only 22% of white respondents said that there should be small group discussions about restitution compared to 56% of the black participants.

In view of this, populist movements and populist leaders have a very welcoming environment in which to thrive.

**When students from elite universities began their protests in 2015, they were tapping into this pervasive feeling that**

justice has not been done in South Africa (note that I write 'elite' since many students at previously black institutions have been protesting their living conditions and unaffordably high fees since 1994).

These 'elite' students used their commitment to end institutional racism and make university fees accessible to the poor as proxies and linked their struggle to that of workers' wages and working conditions.

#RhodesMustFall at the University of Cape Town began by highlighting the imperialist statues on campus, focusing on that of Cecil John Rhodes but the focus soon shifted to the dearth of black senior academics and a curriculum steeped in colonial thinking.

This was followed by #TransformWits at the University of the Witwatersrand that protested similar issues, including unaffordable fees and accommodation. Stellenbosch University students then began

#OpenStellenbosch to eradicate Afrikaans as a medium of instruction because it excludes and disadvantages black students. By October 2015, there was a nationwide call for all university students to embark on mass action under the banner of #FeesMustFall to demand that fees would not increase in 2016.

Students at several campuses also campaigned against the practice of outsourcing cleaning, catering, security and transport functions under the banner #OutSourcingMustFall.

As a result, a number of universities closed before the end of the academic year and many postponed final exams to January. The President announced that there would be no fee increases in 2016 and the country was delighted but students vowed to continue the struggle for equality and 'decolonisation' in 2017. #ThisIsOnlyTheBeginning trended on social media as the year ended.

By late 2016 students' methods of protest, which included arson and violence, had lost them the support they previously enjoyed. Shouting, burning and marching may, in fact, be easier to do than talking, changing, relinquishing. However, they did succeed in highlighting for the entire country the slow pace of economic transformation.

South Africa may have undergone a political transformation but socioeconomic transformation has yet to be realised, they argued loudly. Accompanying their protests was a renewed focus on what it means to have benefited from past injustice and #WhitePrivilegeMustFall trended on social media, accompanied by a spate of public racist incidents, which made national headlines and came from both black and white South Africans.

When asked what should happen to those who propagate hate speech, the HSRC survey participants overwhelmingly (81%) said that they should stop it, be punished and be told that they are destroying our vision for a united future. Only 2% said they should be praised for it (4% had no opinion and 13% said nothing should happen to them).

It therefore appears that, despite ongoing inequality, racism and injustice in the country, South Africans do not easily follow populist movements. This is also further evident as the governing party loses support, endures criticism and is subjected to scrutiny from all quarters due to exposés of corrupt practices.

**The problem with a monocled fixation** on the current corruption, however, is that it offers many an 'out', an opportunity to conveniently forget the corruption of the past and to make little or no contribution to the redress and redistribution that is needed now.

Of course corruption must be dealt with, but it does not necessarily need to be dealt with first, nor is our corruption exceptional in the world. We are placed 67th on an international index of perceived corruption (similar to Italy, Lesotho, Montenegro and Senegal), and we're ranked 75 places above Nigeria, our closest African economic competitor. We fare far better than our fellow BRICS countries and compare favourably with many European countries on indices of corruption.

But apart from the recent failed campaign against 'white monopoly capital', very little sustained attention has been given to business' role in redress – apart from Black Economic Empowerment – which seems to mistakenly rely on trickle-down economics.

It has also been fraught with malpractices such as fronting, tax avoidance and political elites who perpetuate colonial extractive and de-industrialised practices, as Moeletsi Mbeki wrote in his 2009 book *Architects of Poverty: Why African Capitalism Needs Changing*, and by an absence of government leadership in putting things right, as Adam Habib argued in *South Africa's Suspended Revolution: Hopes and Prospects* (2013).

Hlumelo Biko (in *The Great African Society: A Plan for a Nation Gone Astray*) and others offer a fine analysis of what business has failed to do and what might be achieved if it were encouraged to take up meaningful public-private partnerships in, for example, education and community upliftment, as a form of restitution.

**The notion of restitution** addresses the very heart of what it means to deal with past injustice. Historically and legally, 'restitution' has been defined as restoring matters to the state

they were in before an injustice occurred. This is difficult, often impossible to achieve.

If, however, we take the word to simply mean 'making things right' or 'making good' for wrongs previously committed, restitution has numerous possibilities. It is a task for government, for business and for individuals. Fundamentally, it comprises the actions and attitudes needed to bring about redress and justice in South Africa.

In *Another Country: Everyday Social Restitution*, released in October this year, I analyse what restitution has already been attempted, with what effects, and what is now needed. Confronting the need for restitution in South Africa forces us to ask some uncomfortable questions: how does the past continue to have an effect on the present? Who has benefited from the past and who has been hurt? What should be done about these unearned benefits, and undeserved pain? Have we done enough, and when will we know if we've done enough?

Injustice – whether slavery, colonialism, imperialism, apartheid or the ongoing inequality and greed of today – damages the humanity in all of us, for both perpetrators and victims. And this damage has enduring effects over time, so it must be understood before we can simply move on with our lives, individually and corporately.

Restitution has the potential to restore our humanity, or sense of personhood. Addressing our need for dignity, opportunity, belonging and remembering, restitution can include symbolic, practical and financial acts.

An enormous array of ideas need to be discussed and implemented if we are to fully address our past. But when it comes to restitution, there is something everyone can do, and that goes for individuals and communities, governments and institutions – including business.

To ensure that we do not merely repeat the past, with one group dominating the other, the best way to decide on what actions should be taken is to decide together, in dialogue, with people who are different to us.

Some ideas may include dialogues to remember past injustices; developing a shared vision of what it means to be a South African; implementing projects to promote physical and psychological flourishing; building friendships across former lines of hatred; transferring skills; mentoring across our usual divides; having discussions about forgiveness; and disrupting the perpetuation of wealth passing from generation to generation through inheritance.

All these are strong antidotes to populist leaders and populist movements. ■

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