



INCLUSIVE SOCIETY INSTITUTE

Op-ed

WORDS THAT WOUND: “KILL THE BOER” IS LEGAL, BUT NOT WISE FOR A FRAGILE SOUTH AFRICA

By Daryl Swanepoel

In March 2025, South Africa’s Constitutional Court upheld a contentious ruling that the slogan “Kill the Boer, kill the farmer,” a liberation-era chant, does not constitute hate speech under South African law. This judgment followed an appeal to a previous judgment by AfriForum, a civil rights organisation, who argued that the slogan incites violence and hatred, particularly against white South Africans and especially farmers. The court found, however, that the phrase, when understood in its historical and political context, does not meet the legal threshold of hate speech.

That said, it is argued here that while the slogan may be constitutionally protected, its deliberate use in contemporary political settings is not merely provocative, it is profoundly unwise. In a society still grappling with the legacies of apartheid, endemic inequality and fragile race relations, words carry weight far beyond their legal definitions. It is within this context that the South Africa Social Cohesion Index (SASCI), developed by the Inclusive Society Institute, has drawn timely attention to a worrying decline in societal cohesion by providing critical insights into why the continued use of divisive slogans serve only to jeopardise the country’s progress toward unity and social stability.

The Constitutional Court’s reasoning

The Constitutional Court’s dismissal of the appeal by AfriForum was grounded in legal and historical nuance. The justices concurred with the 2022 Equality Court ruling that the chant is not to be taken literally, but rather as a symbolic relic of the anti-apartheid struggle. It was not, they emphasised, a call to actual violence against individuals or groups. And there was also insufficient evidence linking the use of the slogan to specific acts of harm or incitement, which is a requirement for speech to be classified as hate speech under South African law.

This decision reaffirmed the robust commitment of the South African judiciary to freedom of expression, one of the bedrock rights enshrined in the post-apartheid Constitution. It recognises that a democratic society must allow space for emotional, political and even uncomfortable speech.

But freedom of speech is not equal to freedom from consequence.

Social cohesion under strain

According to the 2024 South African Social Cohesion Index, produced by the Inclusive Society Institute, South Africa is treading a narrow ridge between cohesion and fragmentation. The Index, which measures solidarity, fairness, trust, identity, civic participation and respect for institutions, paints a picture of partial resilience and underlying volatility.

- Solidarity sits at 61.3, indicating moderate willingness to care for others regardless of identity, but still vulnerable to racial and economic fault lines.
- Perception of Fairness, however, is a weak point, at 42.7, reflecting widespread public sentiment that South Africa's socio-economic systems remain unjust.
- Intergroup Trust is alarmingly low: just 41% of Black and White South Africans express some trust in one another.
- Identification, that is the sense of belonging to a shared national identity, is strong at 72.2, and is the glue that is holding the nation together. But this is susceptible to erosion under divisive rhetoric.

These findings underscore a society still recovering from historical trauma, where the social glue is thin and brittle. So therefore, in this context that the use of a slogan such as "Kill the Boer" must be evaluated, not in a courtroom, but in the court of public morality and nation-building.

The political weaponisation of memory

Chants such as "Kill the Boer" are more than mere slogans. They are symbolic vessels, carrying the memory of past struggles, but also the potential to stir contemporary fears. So, with this in mind, it follows that the historical justification of the chant, which is rooted in the anti-apartheid resistance, does not automatically make its current use politically, or socially, justifiable.

In today's South Africa, invoking such slogans, especially during political rallies or in highly charged public platforms, is often a calculated act. It is a way of stoking populist sentiment, galvanising political bases and appealing to historical loyalties. But this comes at a steep cost: the polarisation of society, the re-traumatisation of communities and the erosion of hard-won intergroup solidarity.

The Trump factor and global amplification

The domestic controversy over "Kill the Boer" took on international significance during South African President Cyril Ramaphosa's visit to the White House in May 2025. In a meeting with U.S. President Donald Trump, the slogan once again found itself at the centre of a geopolitical flashpoint. Trump, resurrecting claims he first made in 2018, alleged that white South African farmers were the targets of a "genocide." He presented images purporting to show murdered white farmers images.

President Ramaphosa firmly rejected Trump's assertions, defending South Africa's constitutional land reform process and reaffirming the courts' dismissal of the "white genocide" narrative. Yet, the damage had been done, because Trump's global platform amplified fringe narratives and served to validate domestic fear-based politics within South Africa.

This episode demonstrates how international rhetoric can dangerously reinforce internal social divisions, skew the global perception of South Africa's challenges, and undermine the legitimacy of its reconciliation and land reform processes.

Why legal speech can still be harmful

Even if the courts are correct in finding that "Kill the Boer" does not legally constitute hate speech, it is crucial to understand that legality does not equate to wisdom, unity or responsibility. In a country with such deep wounds, where race, land, identity and violence intersect in volatile ways, rhetoric matters.

When political figures or public activists invoke this chant in the present day, they must consider:

- The historical trauma it reactivates for many white South Africans
- The fear it induces among farming communities
- The backlash it sparks from domestic and international actors
- And most importantly, the distrust and division it fuels between already polarised communities

Words, especially in political arenas, do not exist in a vacuum. They shape social perception, inform behaviour and influence whether people feel safe, respected and included.

What leadership requires

Leadership in a democratic society does not simply involve defending rights; it involves exercising them responsibly. South Africa's path forward depends not only on constitutional fidelity, but on a moral and social imagination capable of transcending inherited grievances.

Political leaders and public influencers must ask: Does this speech unify or divide? Does it heal or harm? The question is no longer about what is legal, but what is nation-building.

This is by no means a call for censorship. It is a call for ethical and moral restraint and for choosing reconciliation over rhetoric. And for choosing unity over provocation. It is possible to honour the past without weaponizing it. It is possible to demand justice without alienating communities. It is possible to seek equity without amplifying enmity.

Conclusion: The test of nationhood

South Africa's journey from apartheid to democracy is often lauded as a global symbol of reconciliation. But symbols can become brittle. The SASCI's data tells us that the social cement is cracking and the slogan controversy is one fault line among many. If left unaddressed, such fissures can widen into fractures.

The Constitutional Court has spoken on what the law allows. Now the burden falls to civil society, political leaders and ordinary citizens to determine what wisdom, justice and reconciliation demand. In a country where speech has the power to harm or to heal, the future will not be built by shouting into wounds, but by speaking into hope.

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