



INCLUSIVE SOCIETY INSTITUTE

Prosperity through inclusivity

South Africa should tackle racism and corruption openly and honestly

By Daryl Swanepoel

South Africa's Constitution cannot be blamed for the pandemic of corruption, violence, racial tension and mistrust that is currently sweeping the country. As stated by retired Judge Albie Sachs, a founding member of the Constitutional Court and contributor to the design of arguably one of the world's most progressive coalitions of fundamental principles upon which South Africa's legal system is based: "[The Constitution] won't eliminate racism and corruption, but it gives mechanism for doing so."

The Inclusive Society Institute (ISI) has been wrestling with this very notion of national inclusivity in a set of recent debates focusing on how an economy benefits from a fully inclusive society once political leaders and citizens find a shared identity and a common goal.

Sachs, a giant in his own right as both a stalwart of the struggle for a democratic society and a pioneer of South Africa's reconstituted post-Apartheid legal system, contributes to this debate in his insightful and meaningful way.

Some argue, in the face of continued inequality, that the Constitution may have limited government's ability to accelerate racial redress in South Africa, but Sachs counters that the Constitution, far from a repudiation of the beliefs and vision of the anti-Apartheid struggle, was instead "a continuation of our beliefs, because the Constitution incorporated what we had been fighting for".

Building on this, Sachs states that the vision in 1994 for South Africa's democratic Constitution does not include the ready-made conviction: 'now we'll have a great society'. The Constitution itself realised that many of the aspects of the new, more equal society had to be built – or in the words of the Constitution had to be "progressively realised". Agreement on South Africa's new Constitution in 1996 is best described as the end of the beginning rather than an end in itself.

"The Constitution doesn't create society; it provides the mechanism and the values for creating the society. It doesn't build homes, it doesn't build schools, it doesn't stop corruption," argues Sachs. What it does do is empower the people through elections, through voting, and through fundamental rights, and to that extent Sachs believes the vision has been maintained.

The need to feel empowered is one of the fundamental points that comes through clearly in the ISI's debates on national inclusivity and advancing the economy through inclusive growth. It is seen and recognised by societies across the globe as a building block of a successful economy and thriving nation.

Divisions and exclusions along race lines are threatening to derail many of the country's achievements since 1994. Certain groups believe that bringing down the race walls will threaten their ability to wield control over voters, while others fear that removing divisions will challenge their existing privileged way of life.

Sachs believes that while the injustices of the past cannot be ignored, race is not a proxy for poverty and injustice. However, race is intertwined with accumulated injustice that still exists in our minds and in our ways of doing things.

That said, race has to be confronted head on in order to ultimately create a non-racial society. South Africa need not, however, be trapped in race should the nation tackle the issue openly and honestly.

The Constitution, tempers this potentially stormy interaction by denouncing the use of hate speech by either side. The legal framework promotes interaction, speech and debate while simultaneously trying to protect against the counterproductive onslaught of slander, defamation and incitement to violence. Freedom of speech does not allow freedom to promote hatred.

Interestingly, Sachs believes that acknowledging the realities of race could be extremely important, especially for whites in South Africa. "To acknowledge their potential vulnerability because of race, because of stereotyping of whites, because they are in a minority and they are seen by many as the source of all evil."

Sachs as always is cautious, true to his beliefs, when he stresses that progressive change must take place according to law, and according to the Constitution that is designed to protect all South Africans.

"Not through anarchy, grabbing and self-enrichment or corruption," says Sachs, will the ideals of the liberation struggle take root.

Daryl Swanepoel is the Chief Executive Officer of the Inclusive Society Institute. These thoughts, within the context of the heightened racist rhetoric of late in the country, emanate from the recent Inclusive Society Institute's annual lecture delivered by Judge Albie Sachs.