The Freedom Charter: A Critical Appreciation

For thirty years now the Freedom Charter has been a vital expression of the struggle for freedom in South Africa. It was the product of the Congress of the People, held in Kliptown in 1955 and attended by around 3,000 delegates of all races. Since then it has been endorsed by many political organisations, including the African National Congress, the United Democratic Front and the South African Communist Party. The significance of the Freedom Charter, however, transcends these particular political groupings. For many black people in South Africa, it has become a living symbol of their liberation.

Thirty years on, the Charter has not lost its validity. At a time when apartheid is in crisis and the movement from below is pressing hard for change, the Charter offers a vision of a democratic future: a government based on the will of the people as a whole, universal suffrage, equality before the law, civil liberties, freedom of movement, free trade unionism, land reform, state education and welfare, equal pay for equal work, the abolition of all apartheid legislation and transfer of the private monopolies in mining, industry and finance to the ownership of the people. The language of the Charter combines the liberal ideals of the Enlightenment and the social ideals of the modern welfare state. It is not for nothing that the Freedom Charter still captures a popular imagination.

These days there are few political forces outside the Far Right which are not anti-apartheid. In South Africa calls for reform come from the magnates of big business like Gavin Relly of Anglo-American, from the "liberal" opposition in the Progressive Federal Party, and from conservative tribal leaders like Gatsha Buthelezi. Even the government itself has instituted a substantial programme of reforms beneath the sound and fury of its guns. As apartheid loses its utility for capital, some of these forces may become "anti-apartheid", but none of them is pro-democracy. "Anti-apartheid" is a purely negative slogan which is entirely unspecific in terms of positive content. It says nothing about what the movement is for. Just as oppression of black people did not start with apartheid, so too there is no certainty that it will end with the abolition of apartheid. Black people have fought for more than the replacement of white rulers, white bosses and white supervisors

by black rulers, black bosses and black supervisors. The Freedom Charter expresses positively this aspiration for something better, namely the replacement of apartheid by democracy.

The Freedom Charter is not, however, above criticism. It is not an infallible bearer of eternal truths, but a product of human activity, revealing the strengths and weaknesses of its conditions of birth. The idealisation of the Freedom Charter as a dogma negates the very freedom it seeks to express. In this spirit, I wish to explore three connected problems: the first concerning the origins of the Charter, the second its content and the third its means of realisation.

Origins

Both at the time of its formation and among today's heirs to the Congress tradition, the Charter has been presented as a pure expression of the "voice of the people", allowing for the first time "ordinary citizens" to speak for themselves. The people, so the story goes, were called upon to pose their demands. The demands were gathered together by volunteers. The Freedom Charter was drafted on the basis of the people's own demands. It was presented to the Congress of the People, discussed and adopted by acclaim. Thirty years later it continues to express "the will of the people".

A 'good story but bad history. In reality as the historian, Tom Lodge, has commented: "the formulation of the Charter involved only a limited amount of consultation: certainly popular demands were canvassed but the ultimate form the document assumed was decided by a small committee and there was no subsequent attempts to alter it in the light of wider discussion." The form of representation at the "national convention" was narrow and did not reflect the numerical predominance of workers. At the convention, there were speeches but no debate; acclamation of the Charter, but no rival programme in spite of passionate opposition from Africanist and Liberal currents, the exclusion from the Charter of demands put forward by the Women's Federation, and behind-the-scenes arguments over nationalisation and trade union rights with the workers' wing of the alliance.

By South African standards the process of the Charter's creation was relatively democratic, but the idea of "the people's voice" was largely a formality through which a particular, political current expressed itself. Even if the Charter were the "people's

voice" in 1955, democracy is not a singular event but a process of repetition. Just as the people can create one constitution, so too they can dismantle and replace it. As Marx once commented: "a constitution produced by past consciousness can become an oppressive shackle for a consciousness which has progressed". Historical criticism and political practice go hand in glove. In the construction of future programmes, people may learn from criticism of the old. The Charter is not inviolate. The people may change it and explore more democratic means of expressing their wishes than those possible at the time of the Charter.

Contents

The second set of criticisms concern the Freedom Charter's content and in particular the incompleteness and ambiguities present in its conception of democracy. The idea of "a democratic state based on the will of the people" is a fine sentiment, but can cover a host of sins, depending on how formally or substantially the "people's will" is present and on the mediations through which it is expressed. "Universal suffrage" does not indicate the power of the elected assembly in relation to the unelected parts of the state bureaucratic and military machinery. It does not explain the relation of representatives to the electors: whether accountable to them as their servants or privileged above them as their masters. It does not say whether the assembly will be one-party or multi-party, nor what kind of internal party democracy is desired. These "little" ommissions can make all the difference between a real parliamentary democracy and its formal trappings.

The idea that "the mineral wealth...the banks and monopoly industry shall be transferred to the ownership of the people as a whole" falls short of a commitment to nationalisation and says nothing about what form of nationalisation is envisaged. Under the apartheid state - indeed since the 1920s - South Africa has enjoyed many nationalised industries (e.g. in steel, energy, rail and oil) but this has had precious little to do with the democratic management of industry.

The opening of the state administration, the police and the army "to all on an equal basis" and their transformation into "helpers and protectors of the people" leave intact their hierarchical structures, lack of accountability and vast powers over the people. The opportunity for every citizen to join these state apparatuses may create an identity between them and the public only in

the sense (in Marx's words) of "an identity of two hostile armies in which every citizen has the opportunity to join the hostile army". What is to be done to the passive obedience, worship of authority, rigid principles and corporate abuses of power which characterise the police and army if their function as "protectors" and "helpers" of the people is to be more than a formality?

The idea that "all national groups shall have equal rights" offers a vitally important perspective of multi-racialism based on the idea of protection of minorities (not on a federal or power-sharing system but on laws against discrimination and for the protection of languages and religions, etc.). It does not, however, conceive an eventual transcendence of racial divisions altogether in a non-racial South Africa.

The freedom of "all who work...to form trade unions, to elect their officers and to make wage agreements with their employers" makes no mention of a right to strike or of a right of unions to political affiliation or activity. The principle that "men and women shall receive equal pay for equal work" does not guarantee women access to equal work nor does it touch upon the many other forms of oppression facing women. The promise that "the land shall be re-divided among those who work it" does not indicate what forms of landownership this re-division will be based upon.

The great step forward for democracy taken by the Freedom Charter should not blind us to the limits of its promised freedom. The likelihood is that where democratic demands are not explicitly articulated, they will succumb under the weight of old prejudice concerning the needs of state. When taken to its limits, the concept of "democracy" implies the democratisation of the state far beyond the limits of the Charter and to the point of the dissolution of all the authoritarian, bureaucratic and unaccountable structures associated with the modern state. The degree of political emancipation envisaged in the Charter falls well short of the democratic potential being released by the South African revolution.

Means

My third set of criticisms of the Freedom Charter concerns its abstraction as a desirable end from the means required for its realisation. The Charter offers no programme of action. The democracy of the future is suspended in mid-air divorced from the struggle in the here and now. As far as the Freedom Charter is

concerned, means and ends are severed. Isolated in their separate documents, they become strangers to one another's company. This is a fault, since it is unlikely that democracy can be achieved as an end except through means which themselves contain a democratic content. This is not to say that the method of struggle must "prefigure" in its entirety the democratic goal to which it aspires. Such a view ignores the pressures on a democratic movement fighting in an environment not of its making and can only lead to a paralysis of will. Democracy, however, needs to be constructed in the process of struggle, if it is to have any hope of realisation at the end of struggle.

If "popular representation" is to mean anything in the future, then it needs to be built up in the present through the establishment within the democratic movement of mechanisms of election, accountability, recall, education and open debate. If "popular participation" is to become a reality, then the movement's current methods of struggle need as far as possible to be based on the democratic self-activity of black people. If "trade union freedom" is to mean anything in the future, then black workers need to fight for their independence now. If "women's equality" is to mean anything in the future, then women's issues cannot be postponed till a "second stage". If "non-racism" is to become a future reality, then the democratic movement needs to construct it within its own current organisations. The problem with the Freedom Charter is that it offers no guidance on these questions. It leaves a blank space where the most important of issues lie.

These three criticisms are linked to the question of socialism. I am not saying that the Freedom Charter is wrong to place democracy rather than socialism at the centre of the struggle against apartheid. If socialism is to come to South Africa, it will come through the battle for democracy and not apart from it. Socialism requires the extension of democracy beyond the limits allowed by liberal constitutionalism; it is not simply a negation of liberal values. What I am saying is that the depth of the democratic revolution depends on how the future is conceived, programmes are devised and struggles are waged in the here and now.

(Bob Fine, November 1985)