

SOUTH AFRICA'S OPTIONS

Strategies for Sharing Power by F. van Zyl Slabbert and David Welsh

(David Philip: Cape Town: Rex Collings: London)

Reviewed by J. Unterhalter

This is a book by two men who have immense knowledge of the literature that is relevant to a study of divided societies; they have knowledge from their personal encounters, of the South African political experience; and the study of the divided South African society that they present is therefore one that is intriguing and responsible.

When John Locke wrote in the 17th Century he stated the case for subject against King, and his theory of the social contract was that individuals agreed one with the other to give up to the community the natural right of enforcing the law of reason — all other natural rights each individual retained. This thought has influenced doctrine as to a Bill of Rights to protect fundamental liberties. Van Zyl Slabbert and Welsh say that the formula is too simple because it ignores the existence of groups mediating between the individual and the State, and they emphasize that simple majoritarianism is incapable of bringing democracy to divided societies. They plead for consensus between groups as a feature of the legislative process and suggest institutions to bring this about.

There is a carefully detailed background survey : comment on Marxist interpretations of conflict in South Africa; analysis of problems arising from ethnic groups in Nigeria, the Sudan, Malaya, Yugoslavia; descriptions of the consociational democracies of Austria, Belgium, the Netherlands and Switzerland; federalism. The text is deeply interesting, more especially as it constantly shows that South African political conundrums are not unique.

As to the franchise the writers acknowledge that South Africa needs to have universal suffrage on common electoral rolls. They declare that their normative preference is for a more democratic dispensation, but the context of their acknowledgement is not in a discussion of the right of those affected by the laws to participate in the making of the laws. This is said: "The time when a qualified franchise would be acceptable to a majority of Africans has passed". They add that the major theme of the book has been to emphasize the inappropriateness of majoritarianism in deeply divided societies and say that majoritarianism will not be averted by seeking to block access to an equal franchise by certain disadvantaged categories.

I would have thought that universal franchise is implicit in any statement of natural rights and would be accepted for South Africa, not because Africans will now refuse a qualified franchise, but because a just society cannot be

founded on a system that prohibits such franchise, and it is a just society that is sought.

There is a suggestion in their approach to the franchise that the authors' admission is grudging. Their concern is to devise means to protect minorities, and the need for this protection may arise if a vengeful majority should use its power to correct ancient wrongs. The probability of this use is much greater when most who never could vote now can. Perhaps this preoccupation with minorities has induced hidden doubts about universal franchise which are revealed in the equivocal passages to which I have referred.

Again, in considering the problem of evolutionary change, they say that a simplistic one-man-one-vote majority-rule political programme appears not to be capable of implementation because those who govern will not surrender sovereignty if it is likely that they will not participate in government under a new constitution. But fundamentals cannot be abandoned because of opposition. It may be that on the day of negotiation or confrontation the circumstances are such that such rule must be accepted. There must be preparation for that acceptance by constant support of the belief by the believers and by those who are won over. There is no chance of acceptance if the belief is renounced early in the day because the powerful are hostile.

It is difficult to reconcile the statement that sovereignty will not be surrendered, with the admonition, in the chapter about negotiating for a democratic dispensation, that the government must announce a statement of principle committing itself to full and equal citizenship for all South Africans and effective participation in the same government irrespective of race. It may be that it is contemplated that effective participation will be subject to veto by the minority, of proposals affecting the minority. Is that then effective participation? And, as the authors say, will this not be construed as a device to entrench the racial privileges of whites?

I'm not sure that the avoidance of simple majoritarianism lies "in the attitudes of the political leaders who operate the system, and in the institutional mechanisms of the kind of political system advocated here". I'm not sure that simple majoritarianism should be avoided for South Africa. It was not avoided for Botswana and there is a democracy at work there. The avoidance is urged, essentially, because of fear of the community. A constitution can be devised to circumscribe the powers of the King but one that would shackle the community cannot survive. □