

## CHAPTER TEN

### CONCLUSION

My thesis examined pessimism about both South Africa's elite transition to democracy and rights discourse in effecting social transformation through the lens of critical discourse analysis. I loosely followed steps used in Foucault's analysis of discourse (Kendall & Wickham 1999:41-46) to discern organised, regular and systematic statements about the realisation of socio-economic rights, specifically housing rights, in a context of neo-liberal economic policies, to discern whether key forces or agents involved in the unfolding rights culture make statements signifying shifts in rights thinking. Despite criticism of rights philosophy as a historical and philosophical construct with a questionable ontological status, and an ideological instrument of ruling elites, I was convinced by arguments that rights discourse still has powerful import for the struggles of the poor.

I emphasised an argument about rights discourse as a promising reformist strategy, and my research sought answers to the question of whether incremental changes remains a useful intervention strategy to bring about structural change. I gave considerable attention to a central mobilising idea system for introducing incremental changes --- the language of rights --- as a vision of how apartheid's legacy of inequality might be transcended and significant socio-economic change eventually achieved. I gave specific attention to themes immediately connected to social and economic rights, such as: the continuity of race and class inequality after the demise of apartheid policies and the emergence of a black political and economic elite; the actual transition in policies and the regime of new laws; specifically, policies and laws to change the recently enfranchised black people's quality of life through realising the right of access to houses.

Houses are physical structures that bear value transferable across generations, and they are physical structures where a “home” is made. For black people to acquire ownership of houses through programmes that increase the stock of good quality houses it represents a form of capital accumulation denied to most blacks under apartheid; in effect, housing is an important resource that contributes to and effects redistributive goals aimed at dealing with the legacy of apartheid inequality. Moreover, home-ownership by the working class is expected to have co-optive consequences, and contribute to political stability.

The liberation struggle sought to overcome race and class domination in the context of an inclusivist post-apartheid democracy, to that end the struggle involved the actions of masses mobilised in youth and women’s movements, trade unions, civic organisations, and armed liberation organisations. The leadership elite of these political organisations achieved such a democracy through a negotiated settlement rather than a cataclysmic decline of the old regime. A new political and economic elite has formally transcended the *de jure* racial barriers which apartheid policies had placed on their control of the state’s policymaking processes and resources, and on their economic mobility. However, this elite and must acknowledge accountability for policies and measures that still do not reduce the unequal control of resources and assets, which fuels campaigns for greater access to services and resources; it is unfortunate that the phenomenon of a new multiracial political and economic elite has often become synonymous with the installation of an ANC government and the shortcomings of some of its policies. Housing unrest is a sign of how urgent the need is to address enduring features of class inequality. Quite often, criticism of the new black elite and calls for them to accept accountability for outcomes of their policies and management of institutions, is dismissed as racist by defenders of the actual achievements of the new black-dominated government (see Carroll 2004; Good 2003:82-3). Although fourteen years is a short period in which to expect systemic change, it is still important to be critical of the trajectory along which it has been guided and to point out the unintended consequences that nurture social unrest. To a great extent, the post-apartheid

transformation project has invoked rights discourse, rights language and culture, and the policies adopted to bring about changes talks in terms of realising specific socio-economic rights; the transformation project must also acknowledge that most proponents of a rights-based transformation project argue for the recognition of the interdependence of the different generations of rights.

The dominant tendency in capitalist neo-liberal democracies is to prioritise civil and political rights over socio-economic rights. In South Africa this might not be a deliberate option; it may be an outcome of the capacity of the state, the nature of the economy, and external constraints on the choices of economic policy and how this affects the state's capacity to build its resources. But the contributory role that the latter factors may have also influence the rights discourse used in the post-apartheid transformation project. Although the number of incidents of repression may be few and far apart, it may still be valid to ponder whether South Africa is headed for curtailment of civil and political rights in response to spontaneous protests of communities as well as to the new social movements. Important questions are also raised about whether the elite pact is sustainable especially when we consider the sustained calls for elections boycotts by some of the new social movements. Further research would have to evaluate the extent to which such calls have been observed and whether these calls for boycotts have the potential to grow thus raising questions about the legitimacy of the political order. While service delivery protests indicate growing disillusion with the transformation of capitalism in South Africa, it is hardly a sign of the imminent demise of capitalism, and, one of the central social cohesion factors of the new social order, the idea system of rights, must be constantly interrogated and used to refashion policies and institutions that deliver on the spectrum of citizenship rights. This means challenging the dominant figures who interpret the meaning of rights and the obligations of specific agents towards their realisation as well as shape the discourse of how subjects are disciplined and live their everyday lives with beliefs about how their rights are to be realised. This would have to be an important counter-hegemonic project of the new social

movements in order to move beyond views that the Constitutional Court judges are not bold in their interpretations of how socio-economic rights are to be realised (see Bond 2004a).

A likely sign of moving beyond the individualistic creed linked to Western conceptions of rights (see Leary 1990:17-18; Turner 1993:499) is the incorporation of *ubuntu*, an indigenous African philosophical system of community, caring, and restorative and redistributive justice, which is arguably the same ethos as universally shared notions of human dignity achieved through the realisation of the socio-economic realm of rights, in the Interim Constitution but not the Final Constitution. To a great extent, I was concerned with whether such a legal culture has developed, and whether the multiracial political and economic elite demonstrate respect for this tradition. It appears, however, that neo-liberal discourse has overwhelmed attempts at such creative ways of shaping rights discourse in South Africa.

My thesis has demonstrated that the liberation struggle goal of attaining full citizenship rights, and developing the enabling policies and institutions for the social citizenship rights, has been decelerated, particularly as far as the right to housing is concerned, to the extent that the ANC government has acknowledged that, fourteen years into democracy, the housing backlog is growing. To a great extent, this may be rooted in the fact naïve liberation movement leaders expected that all other transformation goals would easily follow a political transition. There has been much contestation about rights in those structures created to formally interpret and monitor their realisation. Although most is about the realisation of the Constitutional rights, there is not so much contestation about the social arrangements that still protect inequality. The housing backlog endured by a few million only exacerbates perception about the elite transition favouring the political and economic black elite that have been accommodated by the deracialisation of capitalism in South Africa. The contestation for rights in street barricades, marches and attacks upon police stations, and the burning of the homes and offices of local government officials, are manifestations of

alienation from participation in structures that control their lives, and feelings of “relative deprivation” of formal Constitutional promises to housing rights. Such conditions are easily exploited by opposition organisations, and, if they become widespread, they may also become harmful to the legitimacy of the political systems and the normal operation of its processes (see Gurr 1970:4, 12-3, 199, 298-9).

Contestation about rights discourse has not been pushed to a point where the dominance of mainstream natural rights discourse is challenged. In mainstream natural rights discourse, liberty rights and private property rights must be protected from deleterious encroachment. In South Africa, just as in most cases across the world, private property rights protect an unequal starting point; it is a situation akin to John Rawls’s concern about why the state needs to be expanded in opposition to contemporary conservative calls to roll back the state and limit its intrusions on individual liberties, the kind of things that welfare state measures were seen to be doing, because of the role in protecting communitarian rights that an expanded (or welfare) state has to play in addressing the legacy of an unequal distribution of “holdings” and protected by individual liberty rights (see Rawls 1992). A legacy of colonial conquest of resources and apartheid policies created a scarcity of land on which houses may be built for the homeless, and this has the further consequence of limiting their accumulation of wealth. This has yet to be challenged by a radical social democratic Lockean approach (see Donnelly 1990), or by a pragmatic utilitarian approach concerned with maximising the welfare of the majority, where an entitlement sense of rights to health, housing, and services, occasionally surfaces. Communitarian concerns about community building, also need to conceptualise pragmatic approaches to rights discourse, and reveal how class warfare and race divisions in society persist and worsen, if a new prioritisation of housing rights for the poor is not attended to, as a means of reducing those divisions.

Constraints on changing economic policy in ways that radically advance the realisation of socio-economic have been a combination of internal and external factors (Bond 2004). Internally, the leadership elite of the black liberation movement elite has been the hegemonic social force in the course of the multi-class alliance liberation struggle and has had considerable success with the transformation of the legacy of a racially skewed ownership of capital and white dominance in the economy, the strategy to change control of the state bureaucracy, and the programme to change ownership of state-owned enterprises, all of which contributed to elevating the material circumstances of a small, mainly black, elite. Externally, international financial institutions, such as the IMF and the World Bank, which had by the 1970s been drawn into advising states on housing policy for lower-income classes, have not been directly influential in steering policy-making in directions which favoured the protection of private property rights, nevertheless, the approach preferred by the ANC leadership converged with that of these external institutions. The ideology of market driven delivery of goods and services and the opening of the economy to international competitiveness has had many negative consequences, the most significant being a sharp increase in the unemployment rate. The drastic rise in unemployment has diminished the capacity of many black households to make their own contribution to building houses. In fact, it has increased their dependence on state delivery of housing, and nurtured an entitlement sense of rights to housing. Whether leadership changes in the ruling party will also open the door to drastic changes in economic policy and service delivery remains a difficult to answer question.

Quantitative studies of housing processes and their outcomes do not satisfactorily uncover a variety of problems with politically volatile consequences. Extensive dissatisfaction is apparent about the outcomes of housing programmes. Access to housing is also about competition over resources. The subsidy scheme entrenches social stratification patterns and social divisions. Although larger subsidies are given to households with lower-incomes, a stratification system still results. The subsidy scheme barely provides houses

that meets people's needs and expectations. A stigmatisation of the occupants of many low-income housing projects does little to enhance their sense of contentment, it only enhances a sense of alienation and marginalisation. This kind of dissonance is fertile ground for campaigning to repudiate elections and other rituals of an inclusivist democracy. The subsidy scheme operates in a market system impacted by other factors, such as the inflation rate in the building materials industry, which exceeds the periodic subsidy increases. Houses are structures which influence people's sense of identity; poor quality houses only contribute to a sense of alienation, as well as stigmatisation, and a sense of stratification and exclusion of occupants of the single-roomed chicken-coop hovels. Their dependence on the state is met with a self-help subsidy scheme that does not enhance their quality of life and dignity. They are stuck in dwellings that they cannot find funds to improve on, contrary to the rationale of the self-help housing idea.

Despite the optimism that rights discourse could contribute to a revolutionary transformation of citizens in a post-apartheid inclusivist democracy (see Sachs 1990; 1992:9), unemployment and worsening class inequality, as well as decelerated developments on the redistributive promises of socio-economic rights, particularly housing rights, demonstrate that the transformation in quality of life and dignity for many is still far from revolutionary. However, there is no convincing evidence that rights discourse and the institutions that support it are completely rejected by those still waiting to realise services such as housing.