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MA Dissertation

THE AFRICAN NATIONAL CONGRESS' CHANGING RELATIONSHIP WITH LIBERAL DEMOCRACY

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THE AFRICAN NATIONAL CONGRESS' CHANGING RELATIONSHIP WITH LIBERAL DEMOCRACY

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INTRODUCTION

The aim of this research paper is to provide an analysis of how the African National Congress' (ANC) relationship with liberal democracy has developed over the course of the party's history. The purpose of this analysis is to identify shifts in the ANC's thinking with regard to liberal democracy in order to understand both the ways in which this has changed and what factors influenced these changes, but also to gain a greater insight into the ANC's own understanding of liberal democracy within the South African context and changes in the level of its commitment and adherence to liberal democratic principles.

The end of apartheid and democratic transition marked the formal acceptance and institutionalisation of liberal democracy in South Africa. The nation is hence formally a multi-party system and during the years from 1990 the ANC has set about making its transition from a liberation movement to a political and, moreover, a governing party -formally accepting liberal democratic values and principles as the rules of the political game. However, ideological leanings and practices during its earlier years, characterised by a more Marxist-Leninist and radical-nationalist style of politics, provide points of contrast and comparison with its more liberal democratic discourse from the late 1980s. It therefore seems crucial to ask where the liberal democratic leanings in the party emerged; what the ANC's conception of liberal democracy is as well as how this has evolved from its earlier political ideologies to the present; and the current level of its genuine commitment to liberal democratic values.

The intention of this research paper is to analyse the ANC specifically, as opposed to the broader Congress Alliance. However, given the relationship of the ANC with the South African Communist Party (SACP), both during the struggle against Apartheid and within the Tripartite Alliance, then the ways in which the nature of this relationship has altered over time and come to influence the ideology of the ANC is particularly relevant. Similarly, the influence of the South African Congress of Trade Unions (SACTU) on ANC politics and its more recent formal relationship with COSATU – The Congress of South African Trade Unions – since 1985, warrant some consideration. The historical roots and traditions of the ANC are also of tremendous significance. Furthermore, the extent to which the ANC can still also be considered a *social movement* has bearings on the nature of its relationship with liberal democratic values.

There exists, today, a vast amount of literature on the transition from liberation movement to political party made in a variety of cases across Africa, such that this does not warrant further coverage in itself. However, with the advent of multi-party democracy during the 1990s, this particular transition has been all the more difficult and has presented numerous challenges for former liberation movements throughout Southern Africa and the African continent at large (see Baregu, 2004). The ANC's own transition and status as a former liberation movement; the centralisation of party authority which continues to characterise

the ANC (see Johnson, 2003) - with particular implications for *internal* party democracy; and the overwhelming electoral dominance and political power now wielded by the party in what is still a young and fragile democracy, does appear to provide grounds for specifically undertaking this analysis. If we place this alongside the broader continental context where there has in fact been a *reversal* of some democratic gains and a lack of commitment to liberal democratic principles, then this research becomes all the more relevant.

On the one hand, South Africa's liberal constitution and bill of rights guaranteeing a broad range of civil freedoms is widely celebrated - all the more so given the nation's political history of apartheid rule. However, a number of analysts within the field of political science have expressed concerns as to the extent of the ANC's commitment to liberal democracy and, moreover, its own *understanding* and *interpretation* of democratic principles.

As noted above, liberation movements at large have faced challenges of transforming themselves into political and, moreover, governing parties. With regard to the ANC in the post-apartheid framework, Adam, Slabbert and Moodley refer to the dangers of confusing "liberal democracy" with "liberation democracy" (1997: 83) - an idea which has largely related to concerns over democracy being equated with the ANC who, as the liberator of black South Africans, perceives itself as representing 'the nation'. A number of viewpoints concerning the limits of the ANC's democratic commitments are therefore associated with South Africa's dominant party context. For Giliomee and Simkins, in this system "the vital elements of democracy, namely genuine competition and uncertainty in electoral outcomes, are removed in a process that is self-sustaining" (1999: 340). With this in mind, while it must be emphasised that the ANC has won political power according to democratic rules, if the key means by which alternative and contesting political views can be represented (i.e. through a political opposition) is particularly weak, then the ANC's own observance of liberal democratic practice becomes all the more important.

Simultaneously, an aspect that requires equal examination, alongside the issue of political opposition, is the role of civil society in South Africa. If civil society is also to be able to hold government to account for its actions, as well as to exercise its fundamental political rights and freedoms, as expressed in South Africa's Constitution, then a liberal democratic understanding of civil society within the ruling party itself is undoubtedly helpful. A further area of examination is, therefore, the state-civil society relationship in South Africa and the way in which this relationship, as well as the appropriate role for civil society, is understood by the ANC.

In considering the ANC's relationship with liberal democratic ideas, it must be reiterated that commitments have been made to political pluralism and rights which would not earlier have been a feature of the liberation movement's discourse (Glaser, 1991; 1998). In fact, Glaser goes on to note that these values have emerged from "a movement whose historical allegiances and practices are far from consistently democratic" (1997: 5)

Of particular interest, and what appears to be worthy of further investigation, is the period

from the mid-1980s to the fall of the communist-led states in Eastern Europe - which also coincided with the open expression of liberal democratic leanings in the formulation of the ANC's 1988 *Draft Constitutional Guidelines*. As a period in which the ANC came to express the value of multi-partyism in a new South Africa, as well as conceiving of "a whole range of individual rights" (Glaser, 1991: 107), the sources and significance of this shift warrants further consideration. Moreover, this is something which also coincided with a shift in the programme of the SACP, moving away from its orthodox vanguardist terms, to an acceptance of a pluralist democratic system for South Africa (Glaser, 1991: 93). This move is expressed clearly in the 1991 SACP discussion document, *'Has Socialism Failed?',* written by one of the party's leading theorists, Joe Slovo (1991).

As stated above, post-1994 South Africa has seen the formal establishment of legislative multi-party elections based on the principle of one person one vote; representative parliamentary structures; and the establishment of constitutionally guaranteed rights and freedoms for all. However, particular concerns have arisen as to not only the extent to which the values underpinning these mechanisms will endure amongst the ruling block, but also to what degree these values are genuinely accepted and internalised by those in power. As Southall aptly phrases this predicament, "increasingly the debate is not just about whether democracy in South Africa will survive, but about the *quality* of that democracy" (2001: 1).

Having said this, however, a crucial point that must not be understated is that, as Alence argues, "electoral dominance has not been taken as licence to dismantle institutions of political contestation and constitutional government" (Alence, 2004: 4). Rather, he highlights that "the [ANC] government has more consistently treated the consolidation of constitutional democracy as a central component of its project of post-apartheid governance - not, as many of its postcolonial African predecessors did, as a transitional encumbrance to be shucked at the first opportunity" (Alence, 2004: 19).

Nonetheless, the key concern underpinning the rationale of this paper is that there remain suggestions within the party's discourse - from its earliest expressions of liberal commitments to the present - that can continue to be perceived as a threat to liberal democratic principles. Glaser, writing in 1991, comments that despite the emergence of commitments to multi-partyism by the Congress Movement, the 'unitary' understanding of democracy that characterised the "national democratic discourse" of the 1980s, and the 'collective' will of 'the people', present threats to the liberal notions of "pluralism and rights" central to a democratic polity (1991: 94-95). Good similarly raises concerns over ANC intolerance of opposition, citing Mandela's expression of the illegitimacy and 'unacceptability' of opposition - both political and from within civil society - who tended to be branded as 'racist' and "against social transformation" (Good, 2002: 114). A more recent cause for concern was drawn upon by Myburgh following the April 2004 national and provincial elections when he commented that "for Mbeki the opposition were welcome to participate in the elections, but once the will of the people had been freely expressed and the ANC returned to power, there should be unity in action, and the minority should submit to the majority" (2004).

Analysis of ANC discourse and practice therefore raises important questions as to the ways in which the nature and balance of the movement's relationship with liberal democracy may have shifted and changed since its formation to the present, as well as the ANC leadership's own understanding of the meaning of liberal democracy. This paper is therefore an exploration of these issues. It begins by outlining and discussing some of the theoretical understandings of liberal democracy; what we mean when we speak of 'liberal democracy'; and the particular values it seeks to instil. The ideas concerning institutionalised pluralism and rights surrounding liberal democratic theory are also considered in regard to newly democratic states in Africa, and South Africa in particular. The section ends by covering some of the concerns regarding the acceptance and sustainability of genuine liberal democratic practice by the ruling ANC.

The following section encompasses several sub-chapters analysing where and when the early liberal democratic strands in the ANC emerged. It looks at the early leadership of the movement - such as that of Pixley ka Isaka Seme and Dr A. B. Xuma, each President General of the ANC in the 1930s and 1940s respectively, and considers where the democratic and liberal ideas in the movement may have originated, covering the period up until 1950.

The subsequent section then looks specifically at the ANC's position regarding liberal democracy during the 1950s and 1960s. It looks at the leadership influences of those such as Albert Lutuli - considered by some to be a 'classic liberal'; and the drawing up of the Freedom Charter in 1955 discussing various interpretations of the document in terms of political ideology. There is also a particular focus throughout this chapter on the movement's relationship with the Communist Party of South Africa (CPSA) – renamed the SACP when the party was forced underground – and the ways in which this relationship may have influenced or shaped ANC thinking at this time, particularly in terms of a future vision of democracy.

It then goes on to study the exile traditions of the ANC during the 1970s and 1980s, emanating from a Marxist-Leninist mode of thinking, and where these traditions and practices fit in with regard to liberal democratic ideas. How do the nature of the ANC's exile politics alongside the socialist ideas of its allies and a number of is members, fit in and compare with the liberal democratic politics it later advocated? The second part of this chapter analyses the political traditions of the ANC underground through the formation and work of the United Democratic Front (UDF). The discusses focuses on the practices and ideologies advocated by the UDF leadership and the ways in which the underground movement began to outline and envision a new South African polity through its understanding of 'democracy'. The focus within this section, therefore, is on the competing and conflicting paradigms at this stage between conceptions of liberal and popular democracy. Such tensions were a reflection of the broad ideological character and make-up of the ANC which housed a multitude of interests and ideological convictions under the banner of liberation.

The analysis then turns toward the mid to late 1980s and the period of the transition as the focal point of the paper. It looks in particular at the period from the announcement of the

ANC's 1988 *Constitutional Guidelines* expressing particularly liberal democratic thinking. The concern within this chapter is the influences and events during the period of the 1980s up until 1994 that shaped the ANC's stance on ideas of liberal democracy and its merits for a new South Africa. The chapter considers the impact of the fall of communism in Eastern Europe on ANC thinking, and more specifically on its leadership; and the shifts that then occurred in the party's relationship with liberal democracy during the course of the negotiation and transition period and crafting of the interim constitution and Bill of Rights.

The following part of the paper then turns to the ANC's period in government. The research seeks to answer some key questions concerning the ANC's changing relationship with liberal democracy. It looks at whether we can identify any discrepancy between rhetoric and practice concerning its commitment to liberal democracy as well as how changes in the presidential leadership during this period may suggest changes or developments in the party's relationship with liberal democracy. The chapter is divided into three sections: First of all it examines the relationship between state and civil society, looking at whether we can see changes in the ANC's acceptance and understanding of an independent society. Has the ANC's view of civil society altered considerably from its role during the liberation struggle, in particular during the 1980s? It examines changes in the ANC's perception of the appropriate relationship between state and civil society; how the ANC views the role of civil society and the demands of various interest groups, particularly bearing in mind formal commitments to individual liberty and rights. How are those voices treated that are perceived as conflicting with the ANC as the embodiment of 'the people'? A prominent aspect of this debate is, therefore, the extent to which the ANC is, in fact, still a social movement.

The second section looks at the ANC's changing relationship with liberal democracy in the context of South Africa's dominant party system. This analyses how the ruling ANC, in fact, views the opposition and what it considers the opposition's 'appropriate' role to be? Under conditions in which the ANC is assured of re-election, and opposition parties remain weak, a key question to be considered concerns the extent to which the ANC is actually committed to liberal democratic principles.

Although the liberal democratic framework does not specifically encompass issues of *internal* party democracy, given that the electoral dominance of the ANC renders issues of intra-party (and intra-alliance) democracy all the more important, this will also be covered. How are debate and difference within the ANC and the broader Tripartite Alliance handled and how is internal discussion interpreted? In undertaking this particular examination, liberation traditions regarding the treatment of internal difference and plurality of opinion are compared to current ideas and commitments to the liberal democratic values of debate and tolerance.

The paper adopts a *periodisation*, as opposed to a *thematic*, approach. The intention of this is to enable us to identify where particular shifts have occurred over time in the ANC's relationship with liberal democracy and to allow for some reflection on and comparison between various periods. It also enables us to identify continuities or discontinuities in the conception of and commitment to liberal democracy within the ANC and its leadership in

particular.

Conduct of the research has drawn upon secondary sources and existing literature concerning ANC ideology, coordination and organisation; shifts in transition politics; and the ANC in the multi-party context. However, considerable use has also been made of ANC publications, documents and speeches as a method of mapping changes in the party's thinking, and to make inferences from these sources to identify its stance on liberal democracy. Some of the key documents within the text are statements and addresses by A.J. Lutuli, 1952-1967; the *Freedom Charter* (1955); the *Strategy and Tactics of the ANC* (1969); the ANC *January 8th Statements* of 1986 and 1987; the ANC's 1987 Statement on Negotiations; the ANC's *Draft Constitutional Guidelines* (1988); the *Harare Declaration* (1989); the ANC discussion document *Constitutional Principles and Structures for a Democratic South Africa* (1991); the *National Peace Accord* (1991); and the *State and Social Transformation* (1998). In terms of further primary data collection, several interviews were conducted and personal correspondence undertaken with former ANC party members and advisors who continue to be involved in the politics of the country, and of the ANC, within their own individual work.

Chapter 1

CONCEPTUALISING LIBERAL DEMOCRACY

As a basis and framework for the research, this analysis assumes a basic understanding of liberal democracy as embodying three accepted and central principles: the institutionalisation of an "indirect and representative form of democracy" through the holding of regular elections based upon equal political rights (one person, one vote); the acceptance of political pluralism through tolerance of differing viewpoints and competing value systems within society, allowing for 'open' political competition in the form of multiple political parties and "electoral choice"; and a "clear distinction between state and civil society" through existence of "autonomous groups" able to check government power and guard against abuse of authority (Heywood, 2003: 43), as well as guaranteeing the promotion and protection of a range of individual rights and civil liberties (such as freedom of the press, freedom of association, expression, movement, etc) within a constitutional framework (see Adam, Slabbert & Moodley, 1997: 82; and Glaser, 1991).

Before delving into any discussion over the acceptance of liberal democracy in the South African context, what appears crucial to stress, is that this research paper makes the distinction between *economic* and *political* liberalism - focusing rather on the latter. There is a considerable amount written on the ANC's changing relationship with *economic* liberalism. This subject matter has, not surprisingly, stimulated much debate and controversy across a variety of fields, not least in light of what has been perceived as an 'about-turn' in the ANC's economic policy direction - in particular since its accession to

power[1]. The collapse of Communism in Eastern Europe and ascension to dominance of a neo-liberal global orthodoxy provided the broader international context in which the ANC-led government came to power. President Gorbachev's moves toward *perestroika* and *glasnost* in the Soviet Union and the consummate fall of the authoritarian communist governments of Eastern Europe introduced a new wave of both economic restructuring - moving away from the failed models of orthodox communism - and a momentous turn towards an 'openness' of these political systems. Moreover, these shifts undoubtedly had both national and international effects. The new democratic South Africa was borne into this world of new influences and balances of power. In light of the parallel ideological and policy shifts of the early 1990s, a number of observers do, therefore, place emphasis on the *partnership* of economic and political liberalism - not least with regard to contemporary South Africa. McKinley, drawing upon the combinations of institutionalised individual rights; spearheading of 'good governance' initiatives; free market economics and rolling back of the state, comments that these features suggest that "the ANC.....has now become the standard-bearer of liberal democracy in South Africa and the African continent" (McKinley, 2000:2 cited in Johnson, 2002: 222).

It therefore seems necessary to explain in brief what is meant be economic liberalism in order to portray its distinct features and ideas from those of political liberalism. To speak of economic liberalism involves the 'opening up' of national economies to free market forces and the lifting of particular barriers and restrictions on economic activity. Through increasing reliance on the market, while simultaneously reducing the role of the state in managing and determining economic affairs, it is argued that allowing free-market forces to guide economies and economic policy will produce higher growth rates and increased economic stability. A key element of a reduced role for the state is to privatise, as opposed to nationalise, companies and industries, taking much of the burden of public and social expenditure away from the state itself.

The reasoning behind much of the liberal economic model's presumed benefits for developing nations is stimulated by the failure of the state, particularly in Africa, to realise the benefits for its citizens of social and economic development. In fact, once assumed to be a site of democratic power and change, in many cases the state has rather proved to be a burden on national economies. For economic liberals, the free market is the answer to many of these problems of economic development and to what is believed to be the ruinous involvement of the state. Moreover, the focus of economic liberalism on the *individual* and on individual economic activity, involves increases in capitalist activity and private business ventures. Liberal economic theory draws away from ideas of communalism and more social-oriented policies.

Given the rise to prominence during the early 1990s of the liberal-model in developing states and the implementation of a number of World Bank-initiated structural adjustment programmes involving conditions of both liberal economic and political restructuring, the two concepts tended to be seen as a dual package. On the one hand, the common roots of

[1] On the ANC's economic policy shift toward a capital-friendly and market-led approach, see, for example, Patrick Bond (2000) 'Elites in Transition', Pluto Press, London; and P. Bond (2004) 'Talk Left, Walk Right', KwaZulu Natal, University Press.

economic and political liberalism must be acknowledged. Both persuasions share an emphasis upon freedom of the individual, pluralism and competition, as well as the need for constraints on state power. The fields to which they apply, however - i.e. the political and the economic - are where the two differ, and should, therefore, be understood as separable and distinct theories.

This study, therefore, considers economic and political liberalism as not only separate *methodologically* (i.e. in terms of the methodological approach taken in the conduct of the research), but also as separate on a *philosophical* level - as two independent concepts, the conflation of which can be problematic. A particularly useful example is the frequent conflation of the two by socialists (Glaser, 1988; 1989), who have tended to see the features and characteristics of liberal democracy as linked to capitalist and bourgeois-driven societies and systems. This is an issue which will be discussed further at a later stage. Suffice to say that this particular outlook seems to suggest that the fundamental components of liberal democracy, such as the right to chose elected leaders; to influence public policy and hold these leaders to account through open and democratic public institutions; as well as to have protected rights and liberties in the exercise of such activities, are neither the concern of, nor valued by, the working classes and poorer sections of the population (Glaser, 1989).

I would therefore suggest, firstly, that economic and political liberalism must each be understood in their own right as separate ideologies. Many people who consider themselves *political* liberals, by no means consider themselves to be *economic* liberals, and vice versa. Secondly, not only can one be advanced without a consummate move toward the other, but, in some cases, the effects of one can also negate the advancement and consolidation of the other. Economic and political liberalism are, therefore, not necessarily mutually reinforcing. The application of the liberal model to a number of African states during the 1990s reflects the difficulties and limitations of what we can refer to as the 'liberal model' (i.e.: the introduction of both liberal economic policy and liberal political principles) when applied in the context of underdevelopment; weak or overrun state structures and services; and high levels of poverty or economic inequality. While the advent of increasingly open and pluralist political systems across sub-Saharan Africa is undoubtedly a welcome step, the flip side is that its counterpart has posed some significant challenges to the upholding of democratic values. Economic liberalisation in the form of an open market-led economy and a reduced role for the state in economic affairs - has, in the African experience, served only to exacerbate the incidence of state corruption, and the tendency for governments to resort to authoritarian, repressive and extra-legal methods of rule by which to manage mounting social unrest stemming from the harsh effects of its economic policies (Sandbrook, 1988; Sheahan, 1980, Boron 1981 in Sandbrook, 1988: 257).

Similarly, for certain states, the commencement of multi-party competition has merely translated into the opening up of new avenues and vehicles (in the form of political parties) by which groups can compete and vie for access to scarce (state) resources. The intended benefits of liberal democracy - the protection of civil liberties and existence of institutions through which these liberties can be advanced and governing groups can be held

accountable to their citizens - are then negated[2].

It must, of course, be emphasised that while there are undoubtedly historical, political and socio-economic features which set South Africa apart from many other states on the continent, one of the arguments which this paper seeks to grapple with is the converse relationship between the political and the economic implied in the liberal model. One of the propositions withing this paper is that South Africa provides a demonstration of an *inverse* relationship between economic liberalism on the one hand, and political liberalism on the other. While the ANC has come to adopt an increasingly liberal economic policy outlook, there has been a simultaneous rise in the governing party's seemingly authoritarian and undemocratic tendencies with which to deal with the social unrest and public outcry triggered by its own conversion to economic liberalism. Such a reaction on the part of the governing party can, hence, be viewed as amounting to an erosion of the principles of liberal democracy.

Having outlined the central tenets of a liberal democratic system above, we should elaborate on these principles and on the reasoning behind its broader acceptance as a superior political system in practice. Considerable value is now placed on liberal democracy as a guard against authoritarian practice and 'despotism', and as a defender of civil and political rights (Sandbrook, 1988). At the extreme, some argue that liberalism itself is now "virtually coterminous with democracy", suggesting that given the track record and growth of failed democratic experiments under 'one-party' and 'people's' democracies, we need to question "whether there is any actually existing credible alternative to 'liberal democracy'?" (Welsh, 1998: 2). In light of the high regard in which liberal democratic systems have come to be held, then expectations of lasting government accountability, political tolerance and civil freedom involve issues that stretch beyond liberal democracy's *formal* features, such as the holding of regular elections; secrecy of the ballot; etc, to deeper aspects concerning the embracing of a certain value system - without which many of democracy's formal features become empty of any real democratic content.

A contextual analysis of the extent to which liberal democracy has been consolidated and accepted as 'the only game in town'[3], therefore requires a deeper analysis than that of the *formal* acceptance of multi-party democracy and holding of regular elections. For example,

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[2] Although standing outside the scope of this paper, a particularly interesting argument is presented by Swilling (1992). While Swilling in no way conflates economic and political liberalism, he does consider that while liberal democracy's *strength* lies in its emphasis upon the promotion and protection of rights, its "critical weakness.....was to assume that only political life should be subjected to democratic rules and accountability" (1992: 76). Economic life hence remains outside of social control. Conversely, therefore, he concludes that while socialism's crucial downfall lay in its reduction of all power relations to that of class, its "overriding strength was its extension of the democratic principle to all spheres of society: political economic and social..." (ibid). The question that emerges from this standpoint is whether we are then looking for an ideal which combines the strengths of the two theories, and disregards their central weaknesses? I.e. some form of *social-democracy*.

[3] Linz, J.J. and Stepan, A. (1997) 'Towards Consolidated Democracies' in L. Diamond, M.F. Plattner, Yun-han Chu and Hung-mao Tien (eds) *Consolidating the Third Wave Democracies,* Baltimore, Johns Hopkins University

there is absolutely no doubt that South Africa is, *formally*, a multi-party democracy (albeit one in which one party is dominant), nor that the nation possesses one of the most liberal constitutions the world over, with an accompanying Bill of Rights that commits to the protection of all those civil liberties and political rights that underpin liberal democratic theory. However, the extent to which these principles are given full protection in practice and are genuinely upheld and promoted by those in power is something that can by no means be taken as a given. Indeed, Sandbrook refers to the primacy of the 'internalization' of democratic "political values" by elites as being crucial in upholding support for liberal democracy - all the more so where this democracy is in its relative youth (1988: 254).

What this implies is that successful democratisation requires 'institutionalisation'. Institutionalisation, according to Sandbrook's definition, "means that all major political actors come to value, and hence defend, the rules that underpin democratic organisations and procedures" (1996: 85). It is the absence of such institutionalisation that links to the failure of actors - "both political leaders and the public" - to "understand the essence" of multi-partyism (Makinda, 1996: 567) and the values it seeks to instil.

Liberal Democracy involves, perhaps first and foremost, the acceptance and institutionalisation of political pluralism in the form of multi-party representative democracy. Political liberalism hence involves the opening up of a nation's political system to allow open and free political competition in the form of political parties, all of which have the right to openly campaign and stand for election as a prospective governing party.

The existence of political opposition within a competitive party system is inarguably valuable in that it presents alternatives to the governing party; stimulates debate within society about ideas and policies; and allows society to question the actions and choices of government. Moreover, it is argued that countervailing forces, the most effective of which is the existence of a strong political opposition, are essential to check moves by the incumbency towards authoritarian tendencies and abuse of power (Giliomee & Simkins 1999, p 337).

In understanding the principles and values underpinning liberal democratic discourse, we must therefore consider the importance of the uncertainty of electoral outcomes. Drawing upon Schedler (2001: 19), Habib and Schultz-Herzenberg refer to one of the key principles of democracy as being 'substantive uncertainty'. In other words, "the uncertainty of the outcomes of the game" (2005: 167). Given both the track-record of failed transitions and reversal of democratic gains, as well as the prevalence on the African continent of former liberation movements-come ruling parties, they similarly echo the concern highlighted above, that the presence of "institutional mechanisms" - such as "legislative elections, separation of powers, civil liberties, opposition political parties, an independent press" - by no means "automatically lead to substantive uncertainty" (Habib and Schultz-Herzenberg, 2005: 168-169). Rather, numerous critics and analysts have warned of former liberation movements tending to confuse 'liberal democracy' with 'liberation democracy' (Johnson, 2003; Adam Slabbert & Moodley, 1997) failing to abandon "the idea that the state is a site to be captured permanently by the dominant party" (Adam, Slabbert & Moodley, 1997: 83).

In a similar vein, and seemingly in line with both the acceptance of electoral outcomes and Sandbrook's ideas of 'internalization' and 'institutionalisation', Schmitter (1994) refers to the key liberal democratic principle of 'contingent consent' (cited in Adam Slabbert & Moodley, 1997: 82). As he outlines, 'contingent consent' is "the principle that the party that wins.....will not abuse its victory to deny those who lost the opportunity of winning next time.... This is contingent upon the willingness of the losing parties to accept the right of the party that wins to take binding decisions over them until next time" (ibid). A critical component, therefore, in ensuring the consolidation of liberal democratic practice, is that the ruling party *accepts* both *participation and the role* of political opposition, as well as their value in sustaining a genuinely pluralistic, tolerant democratic system in which debate is fostered and government accountability and responsiveness is maintained.

Tolerance of pluralism and debate - in addition to allowing for the formation of disparate, autonomous groups to safeguard democratic behaviour - require that a certain divide be drawn between state and civil society. For proponents of both liberal and social democracy, tremendous value is placed upon a strong and independent civil society. Alongside the existence of a strong opposition, an independent civil society is also a key mechanism in being able to maintain a check on the authority of government, sustain debate and open discussion and keep government on its toes.

As Glaser summarises, "in liberal democratic theory civil society serves as free space for individuals and their voluntary associations; its members seek freedom both *from* the state and (in respect of relations between citizens) guaranteed *by* the state" (1997: 21). What's more, principles of both individuality and equality apply in terms of all being equal before the law, and with civil and political rights that apply to the individual, as opposed to the collective.

If, as Friedman proposes, "to argue for civil society's independence from the state is surely to argue for the freedom to associate and speak as well as for the right of the organised citizenry to influence, and check the power of, governments" (Friedman, 1992: 83), then in a liberal democratic framework the freedom and independence of civil society *directly relate* to the issues of pluralism and rights. For society to attain any degree of autonomy requires that certain key liberties be guaranteed (Glaser, 1997: 21). Therefore, as noted earlier, liberal democracy embraces the importance of institutionalised civil and political rights provided for in the constitution itself. The liberal democratic understanding of political rights is that they "imply limitations on the power of the state vis-à-vis the individual" (Atkinson, 1992: 44). Democracy is therefore based upon what Schmitter refers to as 'bounded uncertainty': "- the principle that certain critical issues or rights are removed from the arena of political contestation and protected from the will of politicians" (1994, cited in Adam, Slabbert and Moodley, 1997: 82).

However, it is important not to overstate the level of citizens' freedom from state control. While liberal democracy recognises the need for citizens to be able to utilise rights free of state interference, at the same time citizens are subject to its laws and regulations. Of course, one of the central functions of the state is the exercise of social control and

maintenance of law and order. However, a liberal democratic framework seeks to place certain *limitations* on the application of state authority through institutionalisation of certain mechanisms. These mechanisms include things such as civil liberties; the separation of powers; and legislative multi-party elections, discussed earlier, in order to protect citizens from arbitrary state action and authoritarian rule. Liberal democratic theory therefore necessitates that a distinction be drawn between such guaranteed freedoms, and those which the democratic state may, within its own right, circumscribe and infringe upon.

The key political rights encompassed in a liberal democratic framework are considered to be universal franchise on the basis of one person, one vote; the right to secrecy of the ballot; the entitlement of all persons - men and women - to be entitled to vote for any party of their choice; to have the right to form and join any political party or organisation; and to have the right to stand for and occupy any position in office. Liberal democracy equally advances particular civil rights: freedom of expression, including freedom of the press and other media; freedom of speech; freedom of movement and assembly; and freedom of association.

Of course any legitimate limitations on these rights must also be defined and the criteria for any limitation constitutionally outlined. This is particularly crucial in the case of South Africa given its own political history. For example, with regard to freedom of expression, the current Bill of Rights, Section 16 (1) states that this right "does not extend to propaganda for war; incitement of imminent violence; or hatred that is based on race, ethnicity, gender or religion, and that constitutes incitement to cause harm" (see Appendix 1).

Having discussed the value of a strong and independent civil society for democracy, it becomes clear why liberal democrats consider its suppression, and that of civil society's fundamental rights, as such a danger to democratic stability. As has already been emphasised, autonomous centres of power outside of the state are fundamental to the maintenance of debate and discussion in society at large; holding government accountable for its actions and choices; as well as fulfilling a watchdog role. An important point which should be added here is that, in South Africa, given the weakness of the political opposition - in both its appeal to the electorate and its limited muscle and leverage in carrying out parliamentary oversight - then the role of civil society as a government watchdog becomes all the more important.

However, a very interesting and valuable debate is raised by Friedman (1991; 1992) with regard to exactly what is meant by an 'independent' civil society. Or, perhaps more precisely, what does the ANC mean when it speaks of "the independence of civil society?" (Friedman, 1992: 83). This is a particularly relevant question and certainly worth investigation. Looking back to the ANC's liberation heritage and its particular characteristics as a liberation, and social, movement, there are concerns that have arisen from various sources as to the ANC's own understanding of civil society as indeed that of some theorists commenting on South Africa. A widely understood characteristic of liberation movements is their emphasis upon unity in ideology and action. Struggles

against colonial and apartheid rule encompassed an appeal to broad spectrums of the population. When oppressive powers sought to divide native populations and suppress the emergence of unity and strength in numbers, liberation movements sought cohesion and reiterated common goals and ideology. Moreover, the exile conditions of many such movements required that extreme discipline was exercised, and obedience and allegiance emphasised under conditions in which debate and difference would be divisive (see Baregu, 2004).

Given the extent of the ANC's status as a hegemonic force, both during and after the struggle against apartheid, Friedman notes that "the insistence on civil society's independence in South Africa.....seems to break with a powerful strain in resistance rhetoric, which has often submerged or denied the wide range of differing interests and values among the voteless - and within society as a whole" (1992: 83). During the liberation struggle, the ANC certainly came to represent 'the nation' – an idea that was kept alive throughout the 1980s by the UDF and civic organisations who continued to undertake resistance work on the ground in townships and local communities. However, one particular contention is that, in post-1994 South Africa, having taken hold of the wheels of the state, the liberation movement now seeks to take a hold over civil society. Friedman (1991; 1992) and Glaser (1997), interrogating understandings and notions of civil society and the establishment of hegemony over it, refer to the ideas of Marxist, Antonio Gramsci (1971), which appear to have influenced voices within the liberation camp. Friedman observes a Gramscianism which views civil society, not as a site in which 'consent' for a given hegemony may be 'won' through "pluralist political activity" (1992: 86) but, instead, as the 'colonisation' of institutions within civil society by ideologists of the liberation movement and, hence, of the new ANC-government.

If we are to concur with the argument that an independent civil society, able to exercise constitutionally protected rights free of state interference, is crucial for democracy, then the possible existence of the above understanding of civil society is concerning. A critical question to ask is whether some of the liberation movement's ideas regarding the definition and role of civil society are, in fact, problematic for a liberty-protective, democratic system?

Contextualising this particular aspect of the civil-society debate with regard to South Africa, Friedman notes that there are activists within the congress alliance itself, and the political left more generally, who envisage that "the entire range of interests and values within civil society may be represented by particular organisations" (1991: 10). Hence the Congress tradition which appeals to the embracing of a broad range of individuals and associations, is also a "concern to recruit all political persuasions", and "becomes an attempt to compress the full range of popular opinion into one hegemonic movement" (Friedman, 1991: 11). The arguments put forward by both Friedman (1992) and Glaser (1997) criticise a particular brand of theorising about civil society that was adopted by various theorists at this time. One such theorist holding the above-mentioned understanding of civil society is Mark Swilling (1991) whom Friedman (1992) and Glaser (1997) both critique in their independent work, alongside Mayekiso (Glaser, 1997). This particular model, as advanced by Swilling, fundamentally undermines the liberal

democratic understanding of the plurality of the civil realm. This is not merely "a pluralism between civil society and the state", as Friedman points out (1991: 10) but, rather, *associational pluralism* in society at large. As Glaser summarises, the problem for liberal democracy lies is the view of civil society as a 'collective actor' (1997: 15) that can be represented, despite its inherent diversity, through historically ANC-aligned civic movements.

A further point which should be added here regards the challenges to consolidating substantive liberal democratic practice in states recently having obtained independence[4] and in which the former liberation movement becomes the ruling party in the new democracy. In such cases, the ruling party's liberation credentials inevitably lend it a degree of both political and moral legitimacy. However, the worrying implications of this are highlighted by Shubane, who cautions that, under these circumstances, there is the danger that "the liberation movement sets itself up as the only legitimate party in government. Thus the idea of multiplicity in political representation… [is]…done away with" (1992: 41). The governing party then comes to see itself as being the sole representative of 'the people' – reinforcing both the notion of the 'collective will' raised by Glaser (1997), and the denying of social and political diversity.

Furthermore, in a dominant party system such as South Africa's, the immense political power and electoral dominance wielded by the ruling party mean that there is the risk of the ANC coming to be associated with democracy itself. The problems inherent in the lack of both multi-party representation and an independent civil society, in any system claiming to be *democratic,* therefore become obvious – particularly with regard to the role assigned to each in ensuring government accountability and keeping a check on the abuse of power.

Relating back to the acceptance of multi-party democracy, then it becomes clear that the liberal democratic understanding and definition of civil society automatically reinforces the necessity of "allowing for the formation of political parties which represent the many interests in society and also contribute to competitive politics" (Shubane, 1992: 41). A critical point to emphasise, therefore, is that an analysis of liberal democratic theory reflects that its key components are by no means isolated features but are, rather, mutually reinforcing. By way of an example, we can say that just as the *diversity* of society itself necessitates the existence of *multiple* political parties through which their numerous interests can be represented, then there must also be formalised and broadly accepted *rights* by which citizens themselves can organise and form such parties when they do not feel truly represented by those already in existence.

A final issue of importance should also be noted, not so much as a component of liberal democracy, but in light of the dominant party context in which this analysis of the ANC takes place. This concerns the issue of internal party democracy. The nature of this context is such that the political opposition is weak. Its role in being able to keep a check on the abuse of authority and provide alternatives to the ruling regime which ensure that the ruling party remains responsive to public opinion is therefore reduced. This necessarily means

[4] The term 'recent' here is intended to mean those states having gained independence from colonial rule, or who are undergoing / have under-gone, democratic transition, since the mid-20th Century.

that other areas of democratic debate and diversity, such as those taking place within the ANC camp itself, are all the more critical. If issues of true representation, accountability, pluralism and rights are to be upheld in South Africa, then those concerned to see such consolidation will need to maintain a watchful eye on internal party democracy.

PART I

Chapter .2.

1912 - 1950: THE ROOTS OF A LIBERAL TRADITION

The following section encompasses several sub-chapters analysing where and when the early liberal democratic strands in the ANC emerged. It looks at the early leadership of the movement - such as that of J.T. Gumede, Pixley ka Isaka Seme and Dr A. B. Xuma, each President General of the ANC during the periods under analysis. Through examining both the dominant political ideologies and ideological tensions existent within the ANC, in particular from 1920s to 1949, the origins of the movement's democratic and liberal ideas are analysed.

The early leadership of the South African Native National Congress (SANNC) - also referred to as the Congress - and later to be the African National Congress (ANC), were products of missionary education. While the ANC was the first organisation within South Africa to transcend ethnic divides reinforced by colonial domination and boundaries, from the point of its formation until the late 1920s, it remained a conservative organisation, whose ideology and programme remained the attainment of equality and inclusion, or integration, of Africans into the “economic life and political institutions” of the country (Walshe, 1987: 34). As Walshe describes, they were “ministers, teachers, clerks, interpreters,.....not trade unionists, nor were they socially radical.... they were setting out to attain what they considered their constitutional rights” (ibid). Early ANC thinking was hence characterised by an admiration and respect for classically liberal concepts of constitutionally guaranteed rights and values of representative government in the form of a parliamentary system. Ideas of 'liberalism' in South Africa at this time were thereby based upon what Fredrickson describes as the "idealistic view of the British empire" and notions of what was considered a system for 'civilised' subjects (Fredrickson, 1995: 223).

Analysis of ANC language and doctrine during this time reflects that, at least until the mid-1940s, the dominant position within the movement was one of 'constitutional liberalism' (Welsh, 1998; Rich, 1984; Walshe, 1987). In terms of revolutionary and Marxist ideologies, therefore, political forces in South Africa remained relatively removed from and uninfluenced by such concepts (Ranuga, 1996: 6). Black intellectuals advocated nothing that suggested an overthrow of the ruling class, nor, it should be added, any clear statement of demands for majority rule (ibid). Moreover, even when close ties were forged with the Communist Party of South Africa (CPSA) from the late 1940s onwards - a

relationship which will be discussed in some detail in the following chapter - many members did in fact remain "firmly liberal in their view" (Gerhart, 1978).

Liberal thinking hence dominated the ideological position of the ANC leadership, such that from 1912 to 1940, the movement has been described as being characterised by "a type of nationalism that is reformist and moderate in perspective" (Ranuga, 1996: 6). Both the historical and socio-political context under British and Boer imperialism served to shape the formation of these values amongst the strata of educated Africans during the early part of the 20th century. Although, under imperial rule, Africans were denied the franchise and participation in the organisation and decisions of government, from the 1850s Africans in the Cape had been included in the common voters role "on the basis of a qualified but non-racial franchise" (ibid). Liberalism therefore had a significant influence upon the values considered amongst particular groups of Africans to be 'the norm' and, equally to be aspired to. The Cape liberal tradition therefore came to be held in high esteem by the ANC leadership. This related in part to the desire for assimilation amongst many educated Africans, who sought not to aggravate or challenge the colonial authorities but, rather, aspired to be included as equal participants in the latter's system. As Ranuga concisely explains, "African leaders were hopeful that the British liberal principles of equality before the law, civil rights, freedom of the press, and an independent judiciary would be encouraged by the Cape Constitution and extended to the other provinces" (Ranuga, 1996: 6).

Furthermore, as noted above, having undergone missionary education, these men were also strong believers of "Western and Christian norms", perceived to be "closely interrelated" (Walshe, 1987: 34). Ideas of moderation, obedience, tolerance and respect for the rule of law were highly valued practices in the minds of these Africans, and thus influenced the ideas and practices of the early policy and programme of the ANC. Looking to the hopes and aims expressed by the ANC leadership at this time, early leanings toward the aforementioned principles highlighted by Ranuga (1996: 6) reflect the early strands of ideas that form a key part of conceptions of current liberal democratic theory.

In one of its earliest forms of expression, the *1919 Constitution of the SANNC* by no means expressed a desire for an overthrow of the existing parliamentary system - let alone a vision of an *alternative.* Rather, the movement's constitution advocated the "equitable representation of Natives in Parliament or in those public bodies that are vested with legislative powers", seeing its own role as "the medium of expression of representative opinion" for Africans within the republic. Moreover, in addition to defending the "freedom, rights and privileges" of all Africans, the document cites the mutual contract between state and society, expressing the importance of educating Africans "on their rights, duties and obligations *to the state* and *to themselves individually and collectively*" (emphasis added). While the colonial government was clearly discriminatory and exploitative, the values for the Congress leadership lay in the specific *practices* and *institutions* of the representative democratic system. While the Congress' specific position on ideas of political pluralism are not sufficiently discernable from the wording of the 1919 Constitution, there is certainly reference to the advancement and protection of rights. In fact, 1923 witnessed the Congress' first attempt at formulating an *African Bill of Rights* (see footnote 4).

It should also be noted that a prominent feature of this period was that the moderate and reformist leadership of the Congress had a particular aversion to Marxist-Leninist ideas, largely on the grounds of its militant and radical discourse which clashed starkly with the liberal reformist view of the Congress. The SANNC's fairly conservative stance with regard to political and social change was matched by a tremendous hostility to militant politics - both of which reflect the education and status of the leadership, many of whom held fairly elite positions and for whom specifically 'working class' concerns let alone the idea of 'a classless society' held little appeal[5].

The Congress' attitude toward Marxism-Leninism is reflected clearly in the eventual forced resignation in 1930 of the Marxist-oriented ANC President-General, J.T. Gumede - an event demonstrating the lack of radical influences amongst the older leadership at this time. Influenced significantly by the Communist Party of the Soviet Union following a visit there in 1927, Gumede was replaced only 3 years later by the conservative leader Pixley ka Isaka Seme from which point Gumede's radicalism was effectively 'silenced' (Walshe, 1987: 181). Seme's Presidency of the ANC came at a time when the Communist Party in South Africa (CPSA) was being encouraged by Moscow to begin promoting the idea of an 'independent black republic' in South Africa as the most realistic way for an avenue to socialism. Seme hence warned against infiltration attempts by revolutionary and 'militant' communists (Walshe, 1987: 181).

Fredrickson does, however, highlight an interesting point regarding further reasoning behind the ANC leadership's dismissal of communist ideas. He notes that, although "radical black intellectuals" were "attracted by Communist opposition to capitalism and racism", their aversion to communism lay in the idea that they must "surrender their minds and talents to a party bureaucracy that had little respect for the free play of the intellect and imagination" (Fredrickson, 1995: 180). With regard to the importance placed upon freedom of thought and opinion within a liberal democratic framework, then this should perhaps not be overlooked as it reflects a concern within the Congress leadership for the free exploration of individual ideas, unhindered by rigid party doctrine.

The period from 1940 to 1949, however, saw something of a shift in the balance of forces within the ANC, from a liberal reformist ideology to that of an appeal to African nationalist sentiments. In 1936, the government introduced legislation which brought about an abolition of the Cape African franchise, the effects of which were to be considerable for the liberal reformist policy so staunchly defended by the ANC leadership. A great part of their liberal belief rested upon the hope of the eventual extension of the franchise to the African population in all provinces of the republic. Moreover, it had also been hoped that the participation of a considerable number of the native population in the Second World War may induce changes in the position and rights granted to Africans within the Republic. However, by the early 1940s it had become clear that the government had not the least

[5] ANC leadership from 1912- 1917 under the Rev John Dube and then from 1917-1924 under Sefako Mapogo Makgatho reflected this particular leadership type, both of which were conservative in their outlook. ANC President General from 1924 - 1927, Rev Mahabane, insisted upon a struggle that remained along "peaceful and constitutional lines" (Ranuga, 1996: 15).

intention of improving the lot of Africans, but was, rather, turning to the introduction of increasingly discriminatory legislation.

The impact upon the policy and ideological direction of the ANC was, as Gerhart describes, that the disappointment in government and its failure to improve the status of Africans stimulated a new militancy amongst African intellectuals (Gerhart, 1978: 66). As Walshe describes, "the 1936 abolition of the Cape African Franchise, which black liberals defended passionately, deprived black liberals of a key reference point and contributed to their disillusionment" (Walshe, 1987: 279). The liberal opinion and position of the ANC had never really faced any challenged until the late 1930s (Rich, 1984: 77). However, alongside the action or, indeed, inaction of the government, an increasing frustration with the control and involvement of 'liberal whites' in the affairs of Africans equally bred amongst members of the ANC. Thus Rich summarises that "a new generation of African political leaders began to come to the fore by the 1940s who were also far less likely to accept as automatic the clientelism on which the white liberals had continued to rest their political appeal to Africans" (1984: 77)[6]. As a result, the President-General of the ANC from 1940, Dr A.B. Xuma, began to face increasing pressure from ANC members to adopt "a more militant and independent political line" (Rich, 1984: 74).

On the one hand, the direction of the ANC under Xuma certainly took a turn with regard to policy and practice, while Xuma himself - a man who had also looked toward integrationist ideals and the involvement of Africans in the existing system through assistance and support of white liberals - began to reiterate the need for Africans to begin generating and pursuing independent ideas and action (1984: 78-79). This shift in attitude toward liberal and reformist thinking during the 1940s is reflected most prominently in the formation of the ANC Youth League - or Congress Youth League - (ANCYL) in 1943. The ANCYL came to take on an orthodox nationalist approach, a racially conceived idea of nationalism that was critical of imported ideologies such as communism, and lambasted the Congress leaders' previous approach to the plight of Africans. The ANCYL's manifesto highlighted both the lack of understanding of the situation of "the rank and file" demonstrated to date by the Congress leadership; and the lack of serious or 'convincing' programmatic effort to 'eliminate' the voids dividing the privileged from the mass of the people (ANCYL, 1944).

While the league adopted a particularly militant and nationalistic stance that openly emphasised the harsh policy and ruthless attitude of government to the African majority, it should be noted that it continued to remain committed to the attainment of key rights for Africans within a democratic system, citing specifically 'demands' for "the right to be a free citizen in the South African democracy; the right to an unhampered pursuit of his national destiny and the freedom to make his legitimate contribution to human advancement" (ANCYL, 1944). On the one hand, therefore, in considering where particular strands of thinking with regard to liberal democratic values have been upheld or adapted, then although the 1940s were a new phase, there were certainly not dramatic shifts in

[6] Many frustrations had emerged from the government's policy of 'Trusteeship' established in 1936 which provided parallel political institutions for Africans and a continuance of segregation (Walshe, 1987: 266). This appeared to Africans as a mere insulting attempt at appeasement which they would no longer continue to accept (see Rich, 1984).

fundamental ideology. However, the Youth League also represented a brand of African nationalism new to the ANC, conceived by leader, Anton Lembede, that conjured up romantic notions of an African past and African cultural roots, hence forming the grounds on which to reject imported ideologies (see Gerhart, 1978: 65-68).

In 1943, the ANC began work on formulating *Africans' Claims in South Africa*. The document was a response to the announcement of the *Atlantic Charter* in 1941 by Great Britain and the United States, and listed a set of claims for Africans, based upon the conditions in South Africa and the rights claimed by the native population within this context (Asmal et al, 2005: 1-3). The document also comprised a *Bill of Rights* drawn up by the Congress Committee. It directly addressed political rights concerning the right of all people to choose their form of government; to direct representation in parliament and to full citizenship rights. The rights and demands claimed in the document included the extension to all adults of the right to vote; to both stand for, and be elected to, government office; to freedom of movement; freedom of the press; and the right to equal justice in courts of law. Given the content of the 1943 document, it would appear that, if anything, the ANC's demands for the full democratisation of existing representative institutions of government, as well as the extension of civil and political rights considered to be key to liberal democracy, became far *more* pronounced in the *Africans' Claims.* While early statements of Congress during the 1920s and 1930s made clear their support for both a representative system of rule as well as the 'liberty of the individual'[7], *Africans' Claims* appear to take the form of a more clearly articulated and explicit set of claims with respect to such principles.

In light of the developments of the early part of the 1940s, therefore, a point that warrants further consideration is that, toward the end of the 1940s, the issues under debate concerned not so much *what* the ANC was demanding from the government, as the *means* by which they were to be achieved. In other words, it was not that the ANC was retracting from liberal democracy as an ideal, but rather that it was moving away from the ideas of gradualism that had previously characterised its programme, toward more explicit demands. Indeed, despite the formulation of *Africans' Claims* by Dr Xuma and a Committee of traditionally more conservative leaders, Walshe observes that it was both accepted by the emerging 'radical' elements of Congress found in the ANCYL and "became the basic policy statement upon which later ANC documents were essentially based" (Walshe, 1987: 278).

Similarly, Ranuga notes that the revised *ANC Constitution* in 1943, replacing the earlier Constitution of 1919, upheld the same 'liberal reformist' and 'moderate' aspirations of the movement (1996: 34). What could be said about the *Africans' Claims*, however, was that it seemed to bear a more 'social-democratic' face (Rich, 1984). This also perhaps suggested a move away from any ideas of classic economic liberalism. While still encompassing the ANC's traditional liberal political objectives, its statements on equality in various fields of politics, state social services, land, industry and labour, commerce, education and public health demonstrate the social democratic benefits added to Congress' "traditional political

[7] The *African Bill of Rights* (1923), formulated from Resolutions of the Annual Conference of the African National Congress, 28-29 May, 1923

objectives" such as the franchise, equality before the law and press freedom (Rich, 1984: 85-86).

The ANCYL's acceptance of the *Africans' Claims* document reflects that, although, as Gerhart observes, Lembede was of a different generation to the conservative leaders such as Seme (Gerhart, 1978: 46), he still held "a reluctance to break completely with the liberal integrationist values of the past" (1978: 63; see also 63). For her, the Youth League's "underlying conception of political change still revolved around ideas of reforming, rather than totally scrapping, South Africa's existing system for the distribution of power" (Gerhart, 1978: 68). Rich similarly adds that, despite the pressure it generated for a more radical approach by ANC leaders, the League still relied to a significant degree on existing ANC organisation (1984: 84).

A further point which appears particularly relevant to this analysis, is that despite the shifts in its approach to achieving its objectives, which took the form of outright 'demands' as opposed to the Congress' earlier 'requests' to the South African government, the ANCYL continued to have little to say about the actual *form* or *type* of democracy that they envisaged (Gerhart, 1978: 68). At this stage, the ANC appeared to have no particular stance on what it envisaged the place of whites to be, for example, in a future state (ibid). Nor, it should be added, was there any open discussion of how pluralism within the African majority would be dealt with, nor of how the existence of competing political ideologies would be dealt with. The 1944 Manifesto of the ANCYL continued to refer to each group as a collective entity - as 'the white man' and 'the black man' - as opposed to groups within society made up of a plurality of individuals. The manifesto also reiterated the need for unity, for "a compact group" in order to achieve their set aims (ANCYL, 1944).

Overall, however, the major shifts occurring during this period appear to have related to an increasing militancy and nationalistic approach to the attainment of Congress' objectives. A rising, younger leadership within the ANC was growing increasingly impatient with the moderate and 'evolutionary' approach to change, as well as Congress' leadership's cooperation with liberal whites. This is by no means to undermine what Rich has suggested to be a "growing democratisation of African political consciousness in the 1940s" (Rich, 1984: 85). However, in terms of the actual *changes* or *shifts* in ideology, it may be more accurate to reflect on what Asmal, Chidester and Lubisi argue in their work mapping the history of the ANC's human rights tradition, that the ANC was "no longer *submitting requests*...[but instead]....*asserting the claims* of Africans for their human rights in South Africa" (2005: 2) (emphasis added).

With the growing disillusionment that emerged amongst Africans from the mid-1930s and the negligible effects of the work of the Congress during its early decades, then by the 1940s the ANC was faced with somewhat of a "liberal ideological dilemma" (Rich, 1984: 76). Having said this, as Gerhart argues, it can also be said that "a solid majority in the ANC" did not shift toward "a militant policy of non-cooperation" until 1949 (Gerhart, 1978: 81) - a point reflected in the early nature of the ANCYL's discourse discussed above. In 1949, the growth of African nationalist sentiments amongst the liberation movement came to the fore in the drawing up of the 1949 *Programme of Action,* a document which

was a far greater reflection of the move away from the liberalism of the 1920s and '30s toward a new African nationalism.

This *Programme of Action* was the first statement of the ANC asking for self determination (Ranuga, 1996: 41). The document reflected the growing militancy and challenges emerging from a new generation of leadership and was the first document which stated openly the ANC's proposed use of boycotts, strikes, civil disobedience, and non-co-operational tactics (ANC, 1949). A key characteristic of the document, and one which is perhaps telling of the ANC's thinking at that time, is that the use of central terms in the document such as "national freedom", "political independence", "self determination" were left 'undefined' (Gerhart, 1978: 83). There seemed to be no clarity as to what particular words and phrases were suggesting. What exactly was the content of the nationalism that the ANC sought to unite the people under? (ibid) And what did these terms mean with regard to a future state and a form of political system? By the end of the 1940s, these questions appeared to have been left unanswered.

This perhaps goes a significant way to explaining the 'all-inclusive' character of the ANC. The vagueness of some of its political formulations were precisely what enabled it to hold together a broad alliance of political inclinations and representations. Furthermore, the content of the *Strategy and Tactics* is a further reflection of the ANC's focus at this stage being geared not toward 'ideological theorizing' (Gerhart, 1078: 84) or resolving the ambiguities of its discourse, but rather toward more decisive political 'action' (ibid). The announcement of the *Programme of Action* and the onset of the 1950s therefore marked a new approach to struggle from the ANC, but also a new phase in relations between the ANC and the CPSA, with a consummate shift away from the previous hostility to the latter's involvement. It is to this that the discussion now turns.

Chapter 3

THE 1950s AND 1960s: THE ANC - SACP ALLIANCE

Analysing the relationship between the ANC and the CPSA/SACP, as well as the transitions in ideology of the ANC itself, Ranuga (1996) describes what he understands as three 'phases' in the relationship between the two organisations. The previous chapter discussed the hostility to Communist ideas during a period in which the ANC adopted a particularly liberal reformist and, it should be added, conservative stance that took place form the 1920s to 1943. The following phase from 1943, was also discussed, marked by the rise of African nationalist sentiments within the ANC and the formation of the ANC Youth League who viewed Communism still with hostility, but also as an foreign ideology, un-applicable to the South African context (Ranuga, 1996; Norval, 1990: 38). However, this phase also came to see a closer cooperation with the CPSA - a relationship which began to cement following the Defiance Campaign in 1952 (Ranuga, 1996). The third phase which then began to set in is that identified by Ranuga as 'pragmatic cooperation', consolidated on the basis of the principles of the *Freedom Charter* in 1955. It is to the

transitions and shifts in the ANC's commitment to principles of liberal democracy, during the 1950s and '60s, that this discussion now turns.

Considering the period from 1950 onwards, this chapter seeks to provide a deeper understanding of the nature of the relationship between the ANC and SACP, as well as the extent to which ANC thinking, in particular with regard to liberal democratic ideas, was influenced and shaped by this relationship.

Between the late 1940s and the early 1960s, a relationship of cooperation was gradually consolidated between the ANC and SACP. By the 1950s, some of the traditionally conservative ANC leadership had slipped into a backseat role within the movement as the more radical youth leaguers had come to the fore. In 1949, Dr James Moroka replaced Xuma as ANC President General and was a man far more sympathetic to the approach of the ANCYL. It was the following year, in 1950, that the CPSA was officially banned by the newly instated apartheid government under the Nationalist Party (then reconstituted underground as the SACP - South African Communist Party). No longer allowed to function as an organisation within South Africa, members of the party sought to join the ranks and cause of the ANC in its own battle against the apartheid government. The late 1940s and early 1950s therefore saw a particular sympathy on the part of communists with the cause of the ANC and the extent of the oppression they faced from the apartheid regime. There emerged, as a result, a series of joint campaigns between the organisations against the strictures of the government.

In terms of the ANC, it must be remembered that black South Africans had decreasing reason to put their faith in liberalism and liberal reform as a method of realistically achieving change (Fredrickson, 1995: 223; Gerhart, 1978). Little had been done or achieved in the face of state repression, despite pronouncements of older leaders about the merits of liberal ideas and values. As a result, for ANC members there emerged a new willingness to embrace alternative allies and alternative viewpoints in their struggle for liberation.

One particular argument regarding the SACP is that the party strategically sought to gain political influence through the ANC as a mass organisation in order to steer South Africa in a communist direction. Such a viewpoint has come from more authors such as Norval (1990) and Styles (1989). In 1928 directions had been issued from Moscow to the Communist Party internationally to work with and support National Liberation Movements in Africa, including the ANC, to 'transform' them into revolutionary organisations (Norval, 1990: 33). Undoubtedly the hopes of the SACP were that eventual success by the liberation movement could play a crucial stage in taking South Africa a further step toward socialism, and eventually communism. Norval, drawing upon an extract from the *African Communist* for example, proposes a scenario in which the ANC functioned as "the mass national movement" while the SACP guides it in the communist role of the 'vanguard party' (1990: 93-94). His picture, however, is one of an extreme.

An opposing argument to this, however, is that the actual *ideological* influence of the SACP can be overstated (Gerhart, 1978; Suttner, 2005, personal interview, Ranuga, 1996).

Ranuga, for example, states that the new face that the ANC-SACP relationship took on during the 1950s "was not symptomatic of an ideological convergence between the moderate nationalism of the ANC and the communism of the CPSA....[but]...simply a product of cooperative action" (Ranuga, 1996: 52). He goes on to state that "bonds of comradeship" were solidified through joint events and action such that "ideological differences between the two organisations were either overlooked or relegated to the background" (ibid). Ideologically, therefore, the organisations continued to remain distinctly separate and Congress leaders not only "continued to register their opposition to communism" (Ranuga, 1996: 55), but also continued their underlying commitment to the right to vote, to participation in parliament and to the attainment of civil rights (Gerhart, 1978). In essence, the fundamental objectives of the ANC, on the ideological plane, appeared to at least converge with some key liberal democratic principles.

From 1946, several key communist and Marxist-leaning people joined that ANC or worked closely with the movement - two of which were the prominent Moses Kotane and Dr Y.M. Daidoo, respectively. Kotane was an SACP member who occupied a place on the ANC Executive from 1946 until 1952. Similarly, although not a member of the ANC, Dr Y.M. Daidoo, a communist in the South African Indian Congress (SAIC), signed an agreement with Xuma in 1947 to embark on "joint cooperation" to fight for "full franchise rights, better economic and industrial opportunities and other basic human rights" (Ranuga, 1996: 42). Between 1950 and 1955, the multi-racial Congress Alliance was formed - an alliance between the ANC, SAIC, South African Coloured People's Congress (CPC) and the Congress of Democrats (COD) - an allied organisation, formed in 1953, made up of white liberals and communists.

Those on the political Right, tended to view the ANC's new found cooperation with the SACP as some form of communist takeover (see, for example, Norval, 1990; and Styles, 1989). Having said this, Ranuga, although coming from far more socialist and left wing perspective, also comments that "the SACP had every reason to strengthen its cooperative relationship with the ANC because.....it was operating underground and was therefore not in a position to project itself as the vanguard party of the masses" (1996: 126). However, the question that concerns us is not so much the intentions of the SACP, as the extent to which the ANC's ideological path and vision for a future South Africa was significantly effected by the relationship with its communist allies.[8] .

"The influence of Marxist class perspectives in key ANC leaders.....was unquestionably strong, but communism's net effect was less to sway Congress from its chosen path than .... to reinforce some of those elements in Congress thinking which were most firmly rooted in the Christian liberal tradition" (Gerhart, 1978: 108).

On the one hand it must be noted that there was somewhat of a 'de-radicalisation' of the

[8] From 1951 to 1958, it was strong Africanists who were against the participation of communists, not those African nationalists committed to a liberal and non-racial ideas (Gerhart, 1978; and Fredrickson, 1995: 224). Thus for Pan-Africanists, a group who would later break away from the ANC in 1969, white liberals and communists tended to be grouped together (Ranuga, 1996: 126). Gerhart hence describes a 'tension' between two types of nationalism, that of the liberal / non-racial nationalism which had become the dominant strand within the ANC versus an orthodox / exclusivist nationalism of the Africanists (1978: 13-16).

Youth Leaguers that had come to the fore in 1949 (Gerhart, 1978: 108). Gerhart therefore suggests that just as these men were "moving into positions of influence in the senior congress, most were also modifying their political opinions" (Gerhart, 1978: 107). This related back to the underlying commitments to liberal political values that had underpinned the founding of the ANC, as Gerhart states that the ANCYL leaders "moved out of the bounds of orthodox nationalism and closer toward the non-racial 'realist' position more traditionally associated with the ANC" (ibid). This viewpoint would appear to suggest that the ANC-SACP alliance was one of both pragmatic cooperation and of support and comradeship. For Gerhart, when it came to ideas of a *future order*, she insists that the ANC "remained firmly wedded to its liberal values" (Gerhart, 1978: 118). This suggestion perhaps warrants further consideration. Raymond Suttner, a former member of the SACP underground from 1969 and a member of the ANC's National Executive Committee and the Central Committee of the SACP from 1991, commented that while communists were placed in a number of different positions, "the price the Communist Party paid was to lose its independence" (2005, personal interview). Would this not appear to tie in with Gerhart's opinion?

Further consideration of the role of communists within the ANC itself seems to conjure up a similar picture. Fredrickson, for example, speaking of involvement of Moses Kotane[9], makes a particularly intriguing statement. He notes that "by 1939....an African with strong nationalist sentiments and an undeniable dedication to the cause of national liberation as an end in itself led the Communist Party of South Africa. Indeed it can almost be said that the Communist Party was prepared to subordinate its own ideology and ambitions to the cause of a non-communist African democratic republic in ways that went beyond what Lenin would probably have found acceptable" (Fredrickson, 1995: 209). Kotane was, of course, only one member and had historically been an African nationalist as well as a Marxist-Leninist. However, as a party leader this is perhaps not an insignificant insight. Fredrickson goes on to suggest that "Kotane came close to saying to African nationalists that he and his party would support them to the fullest without trying to impose their own ideology" - a statement which was, in fact, "directly contrary to Stalin's injunction that Communists in anti-imperialist fronts should always seek to dominate" (ibid).

A further point which perhaps reinforces the idea of 'pragmatic cooperation' on the part of the ANC, as opposed to an *ideological* unity, is that the CPSA was the only group in South Africa making the idea of a non-racial or 'racially integrated' society seem conceivable (Fredrickson, 1995: 210).

From 1952, Chief Albert Lutuli was made President-General of the ANC, a position he held until 1967. Although Lutuli never described *himself* as a liberal, his ideas and discourse have caused some to view him as the "quintessential liberal" (Norval, 1990). In the face of government repression, although Lutuli came to understand the desire by some members of Congress to turn to non-peaceful means by which to make their demands, in his political outlook he remained committed to ideas of parliamentary representation and

[9] Kotane was Chairman of the Western Cape ANC from the late 1930s and was selected to be General Secretary of the Communist Party in 1939. He continued his activity with the ANC throughout the 1940s (Fredrickson, 1995: 209) and remained on the ANC National Executive until 1952.

constitutional rights, regardless of the violent means by which they may need to be pursued. In a comment concerning the 1952 Defiance Campaign, Lutuli described the campaign's objectives as in no way seeking "to overthrow the form and machinery of the state but only urges for the inclusion of all sections of the community in a partnership in the government of the country on the basis of equality" (Lutuli, 1952 cited in Fredrickson, 1995: 247) - a statement reflecting a continued respect for ideas of a liberal democratic system.

However, a crucial point which should not be overlooked is that the democratic and liberal values, as defined by Lutuli, continue to resonate with notions of 'civilised peoples' and their own self-determination, hence this would continue to be the ANC's understanding of democratic rights at his stage. While there appears to be no explicit statement on notions of pluralism and how constitutional rights are defined in a way that pluralism can exist within a tolerant culture, Lutuli does emphasis the importance of democratic representation and consultation (Lutuli, 1957).

Within his autobiography, Lutuli also stated that he in no way shared the 'philosophical outlook' of communists and always maintained opposition to their ideology (1962, cited in Ranuga, 1996: 55). However he valued them as 'human beings' and cooperated with them in that way (ibid). On the one hand, those who warned against the threats posed by communist involvement have suggested that the liberal figure of Lutuli provided a perfect face behind which "socialists and communists could carry out their scheme of taking over the ANC" (Norval, 1990: 47)[10]. Norval, in fact, suggests that Chief Lutuli's banning by the apartheid government in 1952, 1954 and again in 1959 "allowed those with a more communist orientation to take increasingly prominent roles within the ANC" (ibid). The question that suggestions such as this raise, therefore, concerns the extent to which the voice of Lutuli was a true representation of the ideological leanings of the party at large. What can certainly be said, however, is that Lutuli received a great deal of support from his fellow comrades within the movement. Moreover, Raymond Suttner emphasised the particularly close relationship between Chief Lutuli and SACP General Secretary, Moses Kotane. Growing to know one another on a personal level, Lutuli began to read about Marxism, in particular smuggled copies of the banned *African Communist* (Suttner, 2005, personal interview). Rather than being marginalized by communists, the ANC under Lutuli's leadership appeared rather to have found areas of common ground with the SACP in their mutual struggle against the state, without surrendering their ideology or their objectives with regard to liberal democratic ideas[11].

Nelson Mandela, in his speech from the dock at the Rivonia Trial in 1964, stated his awareness that "communists regard the parliamentary system of the west as undemocratic and reactionary" (1964: 43). However, in his very same speech he emphasises his own 'admiration' for this system: "The Magna Carta, the Petition of rights, and the Bill of Rights are documents which are held in veneration by democrats throughout the

[10] This group of critics such as Norval and Styles stand in one particular camp emphasising extreme authoritarian and totalitarian influences of the SACP. The COD, formed in 1953, Styles describes as a "communist front organisation" (1989).

[11] COD, for example, also enjoyed full support of Chief Lutuli due to his belief that they 'identified' with the ANC in its "struggle for human liberties" (Lutuli, 1962 cited in Ranuga, 1996: 46).

world.....I regard the British Parliament as the most democratic institution in the world, and the independence and impartiality of its judiciary never fail to arouse my admiration" (1964: 43). Despite Mandela's open acknowledgement of the merit of a classless society as advocated by the communists, he still appears to place the greatest value in representative democratic institutions and the separation of powers. What appears not to be raised however, is any elaboration on objectives linked to constitutional pluralism. It would appear that one of the most important questions that the ANC's understanding and vision of a democratic future raises, therefore, is where are issues of *pluralism* and *individual* civil and political rights such as freedom of expression, speech, etc placed within this vision? If the SACP and ANC were essentially fighting for the same democratic rights for the people, as Ranuga (1996) suggests and Mandela alludes to in his statement regarding the assistance given by communists in the struggle for liberation and democracy (1964: 42-43), then where exactly are ideas of liberty protection and diversity of political opinion to be catered for in a united South Africa?

Inherent in the Communist ideology is indeed the view of a classless society, but also of society as one 'social body', devoid of all internal difference, in which the individual itself is subordinated to both the Party and the existence a one single dominant 'Truth' - that of communism (Lefort, 1986; 1988). As Anthony Polan has written, the idea of communism is the removal of politics itself. For Communists there was no need to debate over ideology or to cater for political choice as the choice has already been dictated by the very Truth of communism itself (1984). For communists, therefore, democracy, which is itself the institutionalisation of political difference, is not required. Such a view of liberation is surely problematic if the ANC seeks a democratic state based upon fundamental human rights. This would, however, link directly to the suggestion that in their pragmatic cooperation, many such ideological differences were overlooked.

The question remains, however, as to whether the ANC had indeed thought about issues of political pluralism in a new South Africa, and whether it saw itself as being able to house these differences? In an article written by Lutuli in February 1962, he speaks of the existence of political parties in a future state that "should arise from a community of interests, rather than from a similarity of colour" (1962). Moreover, he envisions their competing for elections in which voters will have their free choice to put a particular party in government (Lutuli, 1962). With such a clear recognition of a need for institutionalised multi-partyism, then other than in the gradual recognition by the ANC of the existence of class-based as well as race-based oppression, the political ideologies of the ANC and SACP would appear not to converge at all. At least we can conclude that the relationship between the two did not appear to shift the ANC's allegiances away from liberal democratic-based ideas. Having said this, it is crucial to touch upon one of the most central documents of the Congress tradition. The 1955 *Freedom Charter*, although triggering an eventual split between the Pan-Africanist camp within the ANC and those committed to the Charter's clauses - the 'Charterists', the document was accepted by the SACP as a basis for their alliance in the struggle for liberation in South Africa.

The crafting of the *Freedom Charter* was a reflection of an emerging non-racial unity. The

document was launched at the Congress of the People in Kliptown, Soweto, in June 1955. It was a product of a collection of demands being made by Africans across the country and then drawn up and ratified by a select Committee of the ANC. In 1956 the *Freedom Charter* was officially adopted as "a basic policy document of the ANC" (Gerhart, 1978: 94). Consolidation of ANC-SACP unity was based upon the agreements of the *Freedom Charter*. Interpretation of the Charter's clauses, accepted by these two organisations with supposedly different ideological outlooks has therefore stimulated considerable debate, not least given the involvement of a number of prominent communists in the drafting of the document [12]. Some such standpoints, however, have been of a fairly extreme and right wing nature. Norval, for example, suggests that far from being a 'blueprint' for a democratic future envisioning the implementation of "human rights reforms, the Charter must rather be read "in the context of the Marxist ideological world view" (1990: 49) - in particular given the document's support from the SACP. Norval refers, in particular, to the notion of a 'people's democracy' implicit in the Freedom Charter, which he equates to "leftist jargon for a one-party socialist state" (1990: 51).

In stark contrast, Ranuga appears to claim a reversion back to earlier principles within the ANC during this period, noting that the Freedom Charter drew its inspiration not from the 1944 CYL manifesto or the 1949 Programme of Action, but rather from earlier liberal traditions of the movement cited in the 1943 *Africans' Claims* document (Ranuga, 1996: 48). Despite Ranuga clearly voicing his criticisms of the document from a pro-socialist and pro-Marxist standpoint, his retelling of events does lend credence to the ANC's formal claim in 1963 that, despite the inclusion of nationalisation - a reflection of the participation of SACP members and leftist Congress thinkers in the drawing up of the document, the Freedom Charter was in no way a politically left-wing or 'communist-inspired' document (ANC, 1963: 19-21 cited in Ranuga, 1996: 48).

With regard to ANC -SACP agreements over the Charter, however, a particularly relevant point is raised by both Sampson (1958) and Styles (1989) who argue that that the Freedom Charter is not a document reflecting any clear political ideology (Sampson, 1958; Styles, 1989: 71), a suggestion which perhaps goes part way to explaining the ANC - SACP's convergence over the content of the document. Sampson, writing in 1958 described the Freedom Charter as "mainly a catalogue of the most common-or-garden claims and dreams for the future…only one thing was unmistakably clear: the insistence on a multi-racial state" (Sampson, 1958: 109, cited in Ranuga, 1996: 47). However, this very point has lead other theorists to highlight the need to look, instead, to the ideological leanings of the actual authors of the document in order to understand what is meant *politically* by each of the document's clauses. Styles, for example, argues that "given the Freedom Charter's ideological vagueness and imprecise political formulation it must be evident that any understanding of the Freedom Charter will not be found in an abstract perusal of its clauses..... It must rather be understood in terms of the political objectives of its main proponents" (1989: x). This has, therefore, as detailed above, prompted some analysts to

[12] 1953 - Z.K. Matthews proposed the idea of the drawing up of a 'freedom charter'. Those involved: ANC, COD, SAIC, SACPO. A panel to oversee it - Secretariat: Yusuf Cachalia; Lionel Bernstein (later replaced by Joe Slovo); Walter Sisulu (later replaced by Oliver Tambo); Stanley Lollan. (see Styles, 1989: 1)

read in to the Charter's clauses a Marxist orientation[13].

Either way it would be possible to argue that the Freedom Charter was able unite people of various political persuasions simply because it was neither a *legal* document, nor did it really state any particular political ideology. Some of the Charter's clauses, and perhaps those which had the potential to cause the greatest difference of opinion, could be interpreted in different ways. A further conclusion that can be drawn is that although the document may not have been revolutionary in its content, as such, it provided no concrete statement as to how issues of political pluralism would be dealt with. 'Equal rights' and self determination' appear, rather, as vague statements that do not suggest an open commit to liberal democratic ideals. In fact, with regard to liberal democracy, the *Freedom Charter* was far less explicit than the *Africans' Claims* had been 12 years earlier.

Broadening this debate slightly, however, the ideological leanings of the ANC and the extent to which they veered in a liberal democratic direction perhaps also need to be viewed against the backdrop of the international context at that time, not least in terms of the growing support received by the ANC from the Soviet Union. The 1969 ANC document entitled *Strategy and Tactics of the ANC* places the internal struggle within a broader international context.

The ANC did emphasise, first and foremost, the importance of the national struggle (ANC, 1969). While acknowledging that workers as a majority group amongst the oppressed had a significant role to play, Mandela also wrote from prison that the movement maintained that the most pressing and important goal remained the challenge of overcoming racial oppression (Mandela, 2001). What Ranuga highlights, however, is "that this phase of struggle [i.e. at the national level] is said to be not in conflict with the principles of internationalism" (1996: 57). The 1969 *Strategy and Tactics* document acknowledges the "international context of transition to the socialist system" in which the South African struggle is taking place. In other words, a stage that is characterised by "the breakdown of colonial rule as a result of national liberation and socialist revolutions" (ANC, 1969). With regard to this, Ranuga highlights an interesting point, that the ANC does not 'confront' the important issue of how it considers *itself* to relate to this internationalist trend. He consequently asks whether given "the context of the [then] current global trend towards socialism, the ANC is ipso facto part of that socialist trend"? (1996: 57)

This very issue raises further serious concerns with regard to the possibility of the adoption of internationalist trends at a later stage (i.e. once the goal of national liberation has been achieved). A key point to remember here is the concept of the 'two-stage theory of revolution', propagated by the SACP, and the dangers of this theory in relation to maintaining a commitment to liberal democratic values of pluralism and rights. Here, and rightly so, several concerns have been raised as to the depth of commitment of pluralistic and rights-protective claims by the ANC, should they merely be representative of a

[13] The areas which have stimulated much of this speculation are largely related to the Charter's clauses concerning the economy and, in particular, 'nationalisation of the country's wealth which have implied a move toward a socialist/communist style state. Given the restricted scope of this research, however, this will not be covered in any greater detail.

temporary stage: i.e. the attainment of a democracy which is necessary only as a transitional stage in order to consolidate a dominant and permanent regime. Glaser, analysing specifically this issue, summarises the problem succinctly, stating that "there exists the danger that once a first stage of national democracy, with its guarantees of liberties and pluralism, has been completed, a second stage will be commenced under the aegis of a single entrenched vanguard party, fused with the state and dominating civil society" (Glaser, 1991a: 108-109). Moreover, he argues that there is an inherent suggestion that "the kinds of democratic rights and institutions established in the first stage - parliamentary government, universal political rights, majority rule or whatever - are of a lower order than.....an entirely distinctive, supposedly 'higher' form of democracy under the leadership of a single, entrenched 'working class' party, legitimated by rubber stamp parliaments and by various tightly controlled mass organisations" (Glaser, 1991b:70). Within such a conception lies a real danger to liberal democracy, whatever the ANC's claims and values may be stated to be at this stage.

Taking this debate further, Glaser highlights a related point that should be born in mind throughout the duration of this paper. He observes that , while the ANC and SACP hold separate ideologies, that of anti-colonial nationalism and orthodox communism, respectively, neither of these "has proved very amenable to discourses of pluralism and liberty in other societies and contexts" (1991a: 95). Rather, they each "employ unitary and organic conceptions of the democratic subject, the people in the former case, the proletariat in the latter" (ibid). This very understanding of the democratic subject lies in antagonism with the notion of society's pluralism and the need for individual rights. Moreover, key elements of liberal democratic theory concerning the ideas of bounded uncertainty and contingent consent are removed under such an understanding of the democratic or, rather, 'general' will. The danger hence lies in the fundamental assumption that "the will of the subject can be fully and sufficiently embodied in a single national liberation movement or vanguard party" (Glaser, 1991a: 95).

An interesting statement from Mandela can be drawn from his comments on communism and the ANC during the Rivonia Trial in 1964. Talking of the ANC Youth League's initial demands in the 1940s to 'expel' communists from the movement, Mandela states that this had been disallowed on the grounds that "from its inception the ANC was formed and built up, not as a political party with one school of thought, but as a Parliament of the African people, accommodating people of various political convictions" (Mandela, 1964: 42). This particular statement by Mandela raises some interesting questions which should be continuously reflected upon in the coming chapters, not least given the currently ongoing debate concerning the ANC's identity as a *social movement* - a role that has perhaps complicated its adaptation to a political party within a liberal representative democracy. On the one hand, it reflects an acknowledgement of the broad variety of interest groups and ideological convictions that existed within South African society. On the other, it sets the scene from which a broad movement encompassing a wide range of people under the banner of one cause, that of liberation, can seek to become all things to all people, to represent ‘the people’ and ‘the nation‘, regardless of their internal diversity.

Chapter 4

CONCEPTIONS OF DEMOCRACY: POLITICAL TRADITIONS OF THE 1960s - 1980s

The ANC in Exile

When the South African government banned the ANC and a number of other opposition organisations under the Unlawful Organisations Act in 1960, the ANC confronted a new and challenging period in its life as a resistance organisation. Having sought to build itself up as a mass nationalist movement within the country, conditions of illegality posed a challenge to the continuation of its goal of national liberation. Moreover, this period of exile, alongside that of the domestic struggle which continued at home, largely from the mid 1970s onwards, perhaps reflected more than any other the multitude and, indeed, discord of political traditions and persuasions existent within the ANC, both in exile and underground.

The ANC's banning in 1960 resulted in a decade of tremendous strain and reorientation for the liberation movement as it sought to operate in exile conditions and in a situation in which it was removed from the political climate and situation on the ground in South Africa. As a result, it seems necessary to examine the years between 1960 and the mid to late 1980s inside and outside of South Africa as two separate, yet still interdependent, phases in the development of ANC ideology. This chapter therefore deals solely with the political traditions of the movement *in exile,* while the section to follow forms the counterpart to this sub-chapter, examining the location of liberal democratic discourse within the internal struggle of the civic movements, and the internal ANC underground, many of which came to carry out their work under the banner of the UDF. Certain periods written here therefore overlap with the events and transitions studied in the sub-chapter to follow. The impact and implications of the divergent ideological paths and influences that characterised these parallel periods are crucial in enabling us to understand the discussions and challenges that faced the ANC toward the end of the 1980s, and following its un-banning in 1990, as it embarked on a new era, not only in the sense of its transition to legality, but its transition from liberation movement to political party.

Ellis and Sechaba state that "during its years underground, the ANC came to lose the character of a mass movement which it had developed in the 1950s and became more of an elite organisation" (1992: 36). They do equally note, however, the inevitability of this given that the movement was "now deprived of the possibility of working legally to cultivate support at the local level" (ibid). In exile, the ANC was incredibly concerned about the survival of the movement itself as, from 1960 onwards, it found its members and leadership scattered across both Africa and the globe, while "internal supporters were neutralised or imprisoned" (Ellis & Sechaba, 1992: 41). Moreover, following the Rivonia Trials in 1963-64 a number of the ANC's prominent and highly capable leaders such as Nelson Mandela and Walter Sisulu, were sentenced to life-imprisonment on Robben Island

following their trial by the Apartheid state. Thus were the circumstances in which the liberation movement began its early exile experience, prompting some analysts to describe the mid-1960s as a quiet and "depressing period" for the movement at large (ibid).

A prominent, and not unsurprising, feature of the ANC's exile politics, was the shift in its focus *away* from internal political organisation and manoeuvring as a means of undermining state power, toward a militarization of the political struggle. The movement spent a great deal of the 1960s and 1970s building a up a cadre of armed combatants capable of posing a military threat to the South African security forces, although the apartheid government's military strength was vastly underestimated by the ANC-SACP alliance. However, as Barrell summarises, "whatever ANC intentions in 1961-62, it largely ignored mass-based political activity, concentrating its most gifted and talented organisers in armed activity" (1991: 70).

The relationship between the ANC and SACP, examined earlier in chapter three, was also an alliance that developed and strengthened significantly during the ANC's period in exile. Observers have cited a number of reasons for this, a core one of which is the duration of existing experience the Party had in operating under conditions of illegality, as well as its strong links to the Soviet Union. The SACP was able to offer considerable advice and assistance to the ANC in strengthening its structures, as well as building up a new military wing, in exile conditions (see Suttner, 2004). The ANC and SACP entered into a formal military alliance and, alongside the ANC's campaign of 'sabotage', 1961 saw the launch of Umkhonto we Sizwe (MK), the 'Spear of the Nation'. Although initially formed as an 'autonomous' organisation, the membership of MK was drawn from both the ANC and SACP and was later embraced 'formally' as the ANC's 'armed wing' (Ellis & Sechaba, 1992: 32-33). Through the SACP's connections and knowledge of military practice, people were able to travel to Eastern Europe, China and other African states in order to obtain training for MK (Ellis & Sechaba, 1992: 34).

As had begun to occur prior to the ANC's banning, there were a number of ANC members who held Marxist ideological leanings, a feature which became all-the-more pronounced in exile, and overlaps in ANC-SACP membership became ever-more prevalent. Inevitably, this has led to the continual re-surfacing of questions regarding the real *extent* of SACP influence on ANC doctrine and practice. Analyses of ANC-SACP interaction, the ANC's organisational and leadership structures seemingly modelled on the SACP, as well as aspects such as the drawing up of military strategy and tactics, are well-covered and it is not my intention to relay details of those issues here. However, for the purposes of this research, the *nature* of this interaction between the two banned organisations, as well as the particular circumstances and impacts of exile experience, provide key areas for following the path of *liberal democratic* lines of thought if, at all, they existed during this period within the ANC, and its leadership in particular.

As was mentioned in both chapter three and in the opening of this paper with regard to the theoretical framework for this very discussion, the SACP envisaged its alliance with the liberation movement along specific strategic lines, with a view to the 'national democratic revolution' being a necessary pathway, or 'stage', in order to move forward to the

formation of a socialist and, eventually, communist system. While it must be reiterated that the concept of the 'two-stage theory' was a construct of the SACP, and not of the ANC, the overlapping membership of the two organisations renders the issue of extreme relevance – particularly in terms of the ANC's own understanding and vision of the *form* that a future democratic state would take.

The SACP's concept of the two-stage theory was reaffirmed in the 1962 National Conference of the Party, held in exile. The conference also adopted a new party programme entitled *'The Road to South African Freedom*'. This document also applied to South Africa what it termed 'colonialism of a special type' (Ellis & Sechaba, 1992: 37), in which the racial basis on which the South African state had been constructed, prevented the formation of a working class alliance between black and white workers. Before *class* oppression could be tackled, and the Communist vision of the dictatorship of the proletariat could be realised, *racial* oppression first had to be eliminated. This, of course, followed directly the command of the Moscow-led Comintern in 1928, which promoted the support of national liberation movements as a necessary first stage to lead to the "eventual triumph of socialism" (Ellis & Sechaba, 1992: 37)[14]. With the SACP's reinforcement of this objective, Ellis and Sechaba summarise that the Party reaffirmed

> "its belief that *nationalism can be a progressive force only when it is under the Party's leadership*, reiterating its long-standing strategy of seeking to work with a broad front of political groups for the attainment of a national revolution in South Africa as the necessary first stage leading to the eventual triumph of socialism" (Ellis & Sechaba, 1992: 37) (my emphasis added).

The SACP's theoretical understanding of the South African context through the ideas of 'colonialism of a special type' and the two-stage theory of revolution lay bare the political benefits of the alliance for the Party in both the medium and long term. The question that interests us is the extent to which the SACP's vision of a future 'democratic' state is at all replicated in any way in the programme or language of the ANC? As chapter three highlighted, there are divergent and frequently opposing standpoints regarding the extent of the SACP's leverage over the ideology of the liberation movement. For Norval, while the ANC remained "the mass national movement", as far as the SACP was concerned, it needed "the Party to guide it" (Norval, 1990: 94). In fact, Norval, referring back to the *Freedom Charter* which remained the guiding document of the ANC and SACP in exile, interprets its clauses as a reference to the introduction of a 'people's democracy' which he likens directly to "leftist jargon for a one-party socialist state" (1990: 51). Given the SACP's support for the document, he similarly understands the *Freedom Charter* to be inferring a 'communist-style freedom' and a 'totalitarian' state (1990: 52).

Norval clearly sees an extremely heavy influence of the SACP, to the extent that he views

[14] It should be noted when assessing the nature of the ANC-SACP relationship and the level of the latter's ideological influence, that the SACP was not merely part of a communist bloc, but was more specifically aligned with the most repressive form of the totalitarian communist party in Moscow. The Moscow leadership, it should be noted, remained fully against any notions of reform.

the ANC in exile as merely the '"visible public vehicle" for some form of behind-the-scenes circle of communism-inspired elites (Norval, 1990: 120). While Norval's conclusions lie at one extreme end of the spectrum of interpretations of the ANC-SACP relationship, it is not untrue to state that the ANC certainly fitted the bill with regard to the Communist policy of "forming a vanguard in potentially worker-oriented groups" (Prior, 1983: 187). Furthermore, Prior comments that it also coincides with the Party's endeavour "to collaborate with movements who were ambiguous on the issues of social reform or social revolution" (ibid). This point is particularly interesting, not least with regard to the ANC's formation of its own ideology of democratic change and vision of a future democratic polity. With regard to issues such as 'social reform' or 'social revolution', much of the ANC's language encompassed rather sweeping or vague terms, without any concrete plan or policy outline. In exile, inevitably, planning came to focus rather on armed strategy and external organisation, while its policy on future reforms as well as, it would seem, its projection of a *future democratic state and institutions* would seem to have remained somewhat undeveloped.

During the years in exile the SACP undoubtedly played a considerable role in ANC affairs. The period of Oliver Tambo‘s leadership, from 1967 until 1991, coincided with a time when the SACP gradually came to hold significant roles in ANC policy-making (Ellis & Sechaba, 1992: 41). Some critics therefore suggested that Tambo was too "relaxed and unassertive" and because of this “allowed the ANC to be hijacked by Communists” (ibid). Certainly, the ANC became more linked to and familiar with international politics and alliances than it ever had before (Ellis & Sechaba, 1992: 42), a marked shift from the earlier position of the Youth League which viewed communism as a foreign ideology. The SACP functioned on the basis of democratic-centralism, a policy in which decisions were taken by a small central leadership and any debate or discussion carried out and contained within this clique. In exile, the SACP became increasingly 'secretive' (Ellis & Sechaba, 1992: 38-39). Given that this was a tradition which fitted with the operational style of the Communist Party internationally, its amplification under exile conditions was somewhat foreseeable. Additionally, the severity of the setback suffered by both the ANC and SACP following the discovery of MK battle plans and arrests of several leaders at the Rivonia Trial in 1963, led to both allies having to rethink and reassess their operations[15].

The ANC, however, was certainly subject to rifts in exile and tendencies toward an authoritarian clamp-down on dissident opinion. Perhaps one of the earliest examples of this the fairly well-known expelling of the ‘gang of eight’, a group of dissidents within the ANC who had criticised the alliance and its domination by forces from the Communist Party, and complaining at the diminishing ‘freedom of speech’ under these conditions (Ellis & Sechaba, 1992: 64). Although perhaps only small feuds, they were occurring in exile, and the reaction of the ANC leadership to expel the group did perhaps suggest a tendency had emerged that would not tolerate disagreement or questioning of decisions taken at the centre. A similar incident, although on a far greater scale, occurred following the armed campaigns of the mid-1960s and originated from within MK (Ndebele &

[15] The Rivonia Trial followed the discovery of M-Plan documents (operation Mayibuye), the battle plan of MK , by the apartheid police following a raid at Lilliesleaf Farm in Rivonia, Johannesburg. Seven leaders were both arrested and charged (Ellis & Sechaba, 1992: 38).

Nieftagodien, 2004: 586-7). Tambo received a memorandum, signed by Chris Hani, from a group of MK Commanders and Commissars, criticising the ANC on a number of points, one of which was the lack of contact with the situation on the ground in South Africa (see Ellis & Sechaba, 1992; Ndebele & Nieftagodien, 2004: 587). There were also demands from the ranks of the ANC and MK that decisions demanded greater consultation with the wider membership (Shubin, 1999: 87). The view of a majority of the ANC leadership was that such an action on the part of MK members warranted extreme punishment, looking upon it "as a violation of military discipline, even a betrayal" (Shubin, 1999: 87).

In a similar vein, a commission of enquiry, organised following the 1966 Consultative Conference of the Congress in order to "look into working relationships within the alliance", reported criticisms of the leadership for being "characterised by the imposition of decisions, harsh disciplinary measures and unwillingness to encourage discussion" (Ndebele & Nieftagodien, 2004: 586).

On the one hand, conditions of exile and illegality in which the movement operated certainly necessitated not only greater discretion in the exercise of communication and consultation, but also the need for maintaining a strong and cohesive organisation that could withstand factional rivalry, disputes and ideological differences which could threaten the very unity of the organisation itself, let alone its probability of success in the face of state security services and a militarily strong state. However, it also reflects an emerging tendency within the ANC to place a premium upon central decision-making over more democratic consultation. It also assumes, unquestionably, the right of a central group to make decisions *for*, rather than after consultation with, the wider movement. This raises the issue of the liberation movement coming perhaps to view itself as greater than the sum of its parts or as, in effect, the embodiment of the people: as a movement that stands above the rights and views of individuals, at least so long as it is pursuing a goal understood to be in the common good. Should this be the ANC's view of its position and role, then this becomes of an issue considerable significance, particularly when we come to analyse the movement's position with regard to liberal democratic freedoms and individual rights in the post-1994 democratic context.

The ANC's 1969 Conference in Morogoro, Tanzania, did deliberately envisage a 'consultative conference' as it followed the aforementioned emergence of concerns within the organisation regarding debate and centralised decision-making (Shubin, 1999: 89). The adoption of the 1969 *Strategy and Tactics* document in Morogoro, however, caused substantial debate as its wording and language clearly reflected the prominent involvement of communists in its drawing up. The Morogoro conference engendered some "far-reaching organisational change" in the ANC and Congress Alliance (Ndebele & Nieftagodien, 2004: 596), key elements of which appear to have been the dramatic reduction in size of the National Executive Council (NEC) and simultaneous introduction of the Revolutionary Council, set up specifically to direct MK and hence focus wholly on the armed struggle (Prior, 1983: 189). A further, and fairly momentous, decision was that ANC membership in exile would be opened up to non-Africans, and the Revolutionary Council itself contained white, Indian and coloured members (Ndebele & Nieftagodien, 2004: 597). This decision also undoubtedly 'boosted' the already overlapping membership

between the ANC and SACP (Prior, 1983: 192). Ndebele and Nieftagodien note that "apart from Tambo, the members [of the Revolutionary Council] were all leading lights in the Communist Party" (2004: 597)[16].

One the one hand, as was touched upon earlier in chapter three, certain voices have argued that the 1969 document in no way indicated "a shift to the left" (Ranuga, 1996: 56). Other authors, such as Shubin (1999) and Karis and Gerhart (1997) have presented similar viewpoints, although differing slightly in the extent to which they perceive the Morogoro Conference as having *transformed* the organisational and ideological nature of the ANC. For the latter, "although documents adopted at the conference testify to the intellectual predominance of their communist drafters, by 1969 the relationship between leaders of the SACP and of the ANC had become so symbiotic that 'triumph' and 'control' do not convey its complex reciprocal nature and commonness of purpose" (Karis & Gerhart, 1997: 37). Shubin, on the other hand, despite the liberation movement's support from Moscow, both morally and materially, argues that it continued to pursue a 'nationalist struggle' and remained an independent movement (1999).

The focus of *Strategy and Tactics* was very much on military strategy and insurrection. Analysis of the document's content reflects a clear revolutionary outlook but with unmistakeably Leninist-Marxist leanings. Others would, therefore, disagree with the viewpoints of those such as Ranuga (1996) and Shubin (1999). As was highlighted earlier, the introduction to the document places the South African struggle within the broader international context of a transition to socialism (ANC, 1969). There is little need to state here the totalitarian nature of the leading proponents of communism and socialism in the Eastern European bloc by whom the socialist transitions in the newly independent colonies of Africa were being encouraged. The *Strategy and Tactics* of the ANC goes on to outline a definition of revolutionary policy as "one which holds out the quickest and most fundamental transformation and *transfer of power from one class to another*" (ANC, 1969) (emphasis added). This interpretation of the struggle for change in South Africa would certainly not lend itself to liberal democratic conceptions of change. In fact, it seems, instead, to move away from the *Freedom Charter*'s outline of human rights including those of expression and association. It certainly regresses away from any future notion of an institutionalisation of political pluralism. The title of the document itself, *Strategy and Tactics*, somewhat implies the absence of any suggestion within it of the form that a future state would take.

Having said this, an intriguing statement is made within the document, that positions the eventual success of the South African liberation struggle in a context of a move toward a *further* phase which will involve an internationalist approach:

> "In the last resort it is only the success of the national democratic revolution which - destroying the existing social and economic relationship - will bring with it a correction of the historical injustices perpetrated against the indigenous majority and thus *lay the basis for a*

[16] According to Prior, Yusuf Dadoo, Jo Slovo and Reg September came to hold significant power in the Revolutionary Council (Prior, 1983: 192). Joe Matthews also held the position of secretary.

> *new – and deeper – internationalist approach.* Until then, the national sense of grievance is the most potent revolutionary force which must be harnessed. To blunt it in the interests of abstract concepts of internationalism is, in the long run, doing neither a service to revolution nor to internationalism" (ANC, 1969) (emphasis added).

This understanding of a liberated South Africa seems to echo notions of the two-stage theory of revolution. The document suggests that the ANC most definitely prioritised the removal of a racialised state and its replacement with a democratic state serving the will of the majority, but suggests that this provides a gateway to then look at the struggle in internationalist terms, which, according to *Strategy and Tactics*, is a context of emerging socialist transitions. If we concur with Glaser's understanding of the threat to democracy posed by the two-stage theory, then the future state form implied above was of tremendous cause for concern. The ANC's earlier leanings toward liberal democratic notions of political and civil rights in the 1940s and 1950s appear to be completely lost in the *Strategy and Tactics* approach. Given the document's militarised, emotive language, however, and its evoking of the need to struggle and reclaim freedom, it is difficult to decipher the movement's precise plans for the future. *Strategy and Tactics* appears, rather, to fit the bill of a rallying document for armed struggle.

The obvious participation of Communists in the formulation of *Strategy and Tactics*, for Ellis and Sechaba, is a sign of "the Party's intellectual role" (Ellis & Sechaba, 1992: 59). As they have previously highlighted in their analysis, the SACP leadership was, itself, made up of intellectuals rather than members of the working class (1992) - a clear reflection of the Communist Party belief in the masses' need for an intellectual elite to guide them and make them realise their need for class revolution. With regard to its role within the alliance, Ellis and Sechaba explain that following "decades of operating inside larger organisations, the party had evolved the technique of forming a caucus with agreed positions which it could then push through in meetings of the ANC" (1992: 60). They argue, therefore, that the character of ANC did change considerably following the Morogoro conference, citing that the new ANC strategy was "virtually identical to that of the Party [SACP], at least in the medium term" (Ellis & Sechaba, 1992: 63). Moreover, the worry remained that the SACP's 'democratic centralism' and 'Stalinist methods' would "proceed to dominate all other tendencies in the ANC" (ibid).

Some of these conclusions and allegations, however, perhaps need to be considered more carefully. The same authors do go on to note that "since by 1973, only one of the top four office holders in the ANC was a communist, it would be inaccurate to say that the party took over the top positions in the ANC as a result of the Morogoro conference" (Ellis & Sechaba, 1992: 61). However, this is followed by their conviction that "the Party's achievement was not to pack the ANC leadership with sympathisers or members but to buttress its influence by more subtle and, perhaps, more legitimate means" (ibid). With this in mind, then the SACP's influence cannot be seen as illegitimate or enforced via dictatorial means.

Reflecting back on an earlier comment made by Ellis and Sechaba regarding the 'medium

term' aims of the ANC (1992: 63), it is perhaps worth considering a slightly alternative understanding of each of the alliance partner's objectives, as enunciated by Prior (1983). Speaking of the goals of the SACP, he argues that it "identifies totally with the ANC's aim of establishing a democratic state and is willing to subordinate parts of its organization to direct ANC control to achieve this goal. However, its long term objectives go further than a national-democratic state" (Prior, 1983: 190). He then goes on to cite an extract from a 1981 edition of *The African Communist:*

> "The strategic aim of our party is to destroy the system of capitalist exploitation in South Africa, and to replace it with a socialist system.....Such a society can only be achieved if political power is placed firmly in the hands of the working class. The immediate aim of the party is to win the objectives of the national democratic revolution.....At the same time it is the duty of our party to spread its ideology of Marxism Leninism" (Dubula, 1981: 32, cited in Prior, 1983: 190).

According to this interpretation, then, the SACP is working with the ANC in its democratic objectives merely as '*the first stage'* (Prior, 1983: 191) of its two-stage plan, which combines directly with the Party's 'colonialism of a special type' thesis (ibid). The emphasis must therefore be placed upon the convergences in the SACP's and ANC's ideological approach and strategy in the *first stage only*. In other words, in their mutual '*medium- term*' goal of the achievement of non-racial democracy. What is outlined above regarding the continuation of what the SACP sees as a process, much in the way that it saw the role of the *Freedom Charter* as merely part of a process (Kunert 1991: 87), is, rather, its long-term aim[17].

This may lead us to conclude that the statements contained in the 1969 *Strategy and Tactics* which hint toward the ANC's vision of the future role of internationalism in the South African revolution are perhaps very much a matter of the particular ideological persuasions of its authors. While ANC policy continued *not* to state openly any formal coming together of the ideologies of communism and that of its own progressive nationalism, the overlapping membership of the two organisations and regular consultation between their respective leadership, undoubtedly meant that their period in exile from 1961 to 1990, represented a phase in which the influence of SACP doctrine upon ANC leadership and ranks undoubtedly shaped Africans' perceptions of their domestic struggle[18].

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[17] See Joe Slovo, *'The Theory of the South African Revolution - The Nature of the New State', in J.Slovo, South Africa: No Middle Road.* Slovo envisages several phases after the National Democratic Revolution. While the Freedom Charter doesn't conflict with its aims as such, it is not a socialist programme but is, rather, understood as one of the Communist Party's envisaged 'phases'.

[18] Following the Morogoro Conference political commissars, drawn from the SACP, were placed in MK units to train recruits. According to Ellis and Sechaba, the programme of political education and military training was " a watered-down version of the Party programme, guided by the principles of the youngsters to its own ranks of Marxism-Leninism. At the same time as the Party helped establish the system of commissars, it was on the lookout to recruit the most promising of the youngsters to its own ranks" (Ellis and Sechaba, 1992: 87).

What then can we conclude regarding the extent to which the ANC's ideological path and standing was steered and shaped by its alliance with the SACP? It appears from the analysis thus far that this exile period coincided with an unmistakable reduction in the language of democratic rights and pluralism. Additionally, between the consultative conference of 1969 and the ANC's unbanning in 1990, there were no further free conferences of the movement, reflecting simultaneously a lack of internal democracy. Writing in the early 1980s, Prior suggested that the SACP's involvement is indeed 'extensive' and that the SACP plays a significant role in determining ANC ideology and policy objectives (Prior, 1983: 183). However, comparing the Freedom Charter with the SACP's own programme, '*The Road to South African Freedom*', adopted in 1962, he argues that the former "falls short of advocating policies of radical socialism" (Prior, 1983: 191). As he outlines, the SACP's "goals are more radical than those of the ANC, which has only gone so far as to advocate a limited degree of economic redistribution in a unified political state, which hardly moves beyond the conditions for a social-democracy" (Prior, 1983: 194).

Indeed, an interesting and perhaps more unusual argument is that put forward by Suttner - a former member of the SACP underground - who argues that, through its alliance with the ANC, "the price the Communist Party paid was to lose its independence" (personal interview, 2005). In fact, he suggests that the influence of the Communist party is considerably overstated (ibid). This is a viewpoint that requires more consideration. For one, operating under conditions of illegality, the SACP also suffered organisational difficulties and setbacks (Shubin, 1999), despite its 10 years of exile experience prior to that of the ANC. However, an interesting issue is that the strength of the party as a cohesive unit was perhaps weakened somewhat in its alliance with the ANC and the overlapping membership that resulted from this (Ndlovu, 2004; Shubin, 1999: 112-119). Ndlovu argues that there were 're-alignments' also going on within the SACP. Some of its leaders were exile in London, while others, such as Moses Kotane and J.B. Marks "became almost wholly absorbed in and indistinguishable from the ANC in Dar es Salaam and Morogoro" (Ndlovu, 2004: 436). With this in mind, where Communists became ardent members of the ANC, there could have been a sense amongst some of being pulled in two different directions. Many such alliance members in this position appear to have placed their nationalist objectives over those of the party.

A number of different convictions, standpoints and ideological perspectives existed and threw up tensions *within* each of the organisations, not just between them. The consequences of this are perhaps best reflected in an observation by Ndebele and Nieftagodien who state that Ambrose Makiwane, Tennyson Makiwne[19], J.B. Marks and Robert Reshna, even though they were communists, did not believe that the ANC should be opened up to non-Africans. They thought there was no reason why they should not continue to relate with one another and cooperate as difference organisations (2004: 581).

At a joint meeting between the ANC and SACP following the Morogoro Conference,

[19] Tennyson Makiwane was also an SACP member and leading member of the ANC in exile (Ndebele and Nieftagodien, 2004)

Tambo himself was concerned that, within MK, an SACP "faction had held separate meetings on several occasions and believed that their behaviour was a threat to the ANC's integrity and stature" (Ndlovu, 2004: 453). Tambo's concern as ANC President differed from that of the communists highlighted above. For him, there must not be "separatist strategies" that may lead to "unnecessary friction and could easily fuel intractable quarrels within the ANC" (ibid). Tambo's fear was that "the inference could easily be drawn..... that the SACP was in control of the ANC" (ibid). Tambo's feeling, therefore, was that, while continuing as allies, the ANC and SACP should remain separate organisations, remembering that it was the ANC who was 'vanguard' of the struggle for liberation (ibid). The interesting issue that the ANC NEC and SACP Central Committee reports from this meeting noted was that there remained an imbalance and *tension* between the ANC members "whose primary goals were nationalistic and those who believed that liberation could be attained as a result of socialist construction" (Ndlovu, 2004: 453-454)[20]. The inference here is that the ANC, as the vanguard of the liberation struggle, expected the SACP to subordinate their own aims to those of the nationalist struggle.

It may perhaps be fair to argue, therefore, that a number of communists did put aside the class struggle in order to focus instead on the racial struggle and the national democratic revolution. Similarly, Prior argues that "the SACP is more dependent on the ANC than is the ANC on the SACP" (Prior, 1983: 194). Slovo's comments emphasising that the first stage of national democratic revolution being pursued by the ANC is fundamental in laying the foundations from which to begin to realise its own goal of a socialist state would seem to back this up.

The political traditions of the ANC in exile undoubtedly reflect a close 'overlap' in the objectives of national democratic revolution held by both the ANC and SACP, but not necessarily 'control' by the Party (Prior, 1983: 194). Rather, given that the ANC obtained material support, guidance concerning organisation-building in exile, much-needed military strength and a broader solidarity in its struggle against a racist state, then, as Prior concludes "the benefits of a coalition for the ANC are many" (ibid). He also raises the interesting point that "while liberalism served admirably to set limits to the exercise of state power, it had a limited capacity for interpreting the phenomenon of proletarianization". The years following 1960, therefore, "increased the potential for a class interpretation of South African history" (Prior, 1983: 188). Nor, as the ANC's Politico-Military Strategy Commission highlighted in 1979, could the movement "afford to shun cooperation with forces in the immediate political struggle" based upon ideological divergences that may lead to a split in the future (cited in Barrell, 1991: 86-87). The ANC's neglect of popular organisation at home during the 1960s and 1970s is a reflection of its concentration on the here and now, and concern with immediate and successful military strategy.

It would be untrue to suggest the ANC was uncritical of its organisation in exile. Indeed, when its came to issues of everyday functioning, organisation and leadership

[20] The original source of this material, drawn upon by Ndlovu (2004) is 'Notes on the discussion between a delegation from the CC of the SACP and the NEC of the ANC', late 1969 - early 1970, ANC London Papers, MCH02-1, Box 1, Mayibuye Archives, University of the Western Cape.

responsibilities, it was self-critical, seeking to ensure the movement retained it course of action despite difficult circumstances (see Ndlovu, 2004: 449). However, the priority of the ANC leadership during this period remained the unity and cohesion of the movement, as 'factionalism' and difference could easily weaken the entire liberation movement and the possibilities of the front's success (Prior, 1983: 195)

Issues of democratic debate, democratic principle and the drawing up of a concrete vision for a future democratic state form, let alone what the movement would actually *do* were it to suddenly find itself with the very real prospect of steering the wheels of state, became near to redundant in the conditions of exile. It would appear that with regard to liberal democratic ideology, the mapping out of policy and political principle were of considerably less concern. Rather, *action* and *means* were prioritised over the specificities of the ends. Having said this, it seems also true to say that the retention of the more liberal democratic persuasions that characterised the ANC up until the early 1960s, were considerably more absent in the language of its exile politics, and there are stark contrasts between the language of its 1969 *Strategy and Tactics* and that of both the 1943 *Africans' Claims* and the human rights emphasis of the *Freedom Charter*.

Shubin (1999) makes an extremely relevant comment, and one especially worth noting as we come to consider the transitions and shifts that took place in the ANC's relationship with liberal democracy from the late 1980s up to the commencement of its period in government from 1994. He remarks that "even if '*Strategy and Tactics'* was the most radical document in the ANC history, it adequately reflected views that prevailed in the ANC in exile at that stage, even if these views were later to change substantially" (Shubin, 1999: 89-90). This point is particularly worth noting. The tightly managed and internally authoritarian dictates that had been seen to emerge in exile, as well as the materialisation of ideas within the ANC that leant toward socialist conceptions of a future state *empty* of features relating to individual rights and political pluralism, would come under considerable pressure and transformation as it moved back into the national and international context of legality and democratic transition.

The ANC's lack of contact with events at home during the 1960s and 1970s had stimulated feelings that the leadership and movement in exile had become exceedingly 'introverted' (Ellis & Sechaba, 1992: 66). The 1980s, however, did see a deliberate shift toward political organisation (as opposed to armed) in order to develop an organised political base that would regain the internal focus of the struggle (Barrell, 1991: 65). Barrell observes that:

> "the ANC-SACP had pragmatically redrawn their understanding of the kind of vanguard role they could play. Whereas before 1978 their mode of behaviour implied that they had expected their potential constituency merely to follow their prompting, now they sought a more symbiotic relationship with it, recognising that it had a significant degree of autonomy as well as a creativity from which they could derive considerable benefit" (Barrell, 1991: 90).

From the late 1970s and early 1980s, the internal underground activity of the ANC's

followers began to surface and gain considerable strength while the ANC was preoccupied with issues of exile. During the movement's later period in exile, the political organisation of a growing number of civic movements and, in 1983, the formal construction of the United Democratic Front (UDF) kept alive the symbol of the ANC and the *Freedom Charter* within South Africa. But the political traditions that materialized inside the country, harnessed by the ANC underground, was of a very different type to that consolidating itself amongst the ANC leadership and ranks in exile. Within South Africa, "the tide of black politics was flowing in a different direction" (Ellis & Sechaba, 1992: 66). The base of political protest took the form of a new and energised popular democracy, led by the millions of South Africans facing the everyday brunt of state oppression and for whom the driving force of the struggle was the realisation of a direct and participatory democracy, still conflicting with liberal democratic ideas.

The divergent strands and conceptions of the type of democracy that was envisaged in South Africa, emanating from the ANC's exile experiences on the one hand, and the popular organisation of the township civics, the UDF and African trade unions on the other, reached their climax at the end of the 1980s and the ANC's eventual return to South African in 1990. The complexity of this democratic debate was only more complicated by the final release from Robben Island prison of some of the ANC's most leading figures, most notably Nelson Mandela, who would lead the movement to a new democratic dispensation. This group, who became known as "the Robben Islanders" have themselves come to hold their own conceptions and understandings of democracy and a vision of the new democratic state. The ANC's relationship with liberal democracy would finally become somewhat more concrete, and yet continue to develop and shift to new terrain as the democratic dispensation began to take shape.

Political Traditions of the UDF and the Civic Movements

The following section analyses the political traditions of the ANC-aligned civic movements, largely through the formation and work of the United Democratic Front (UDF). This discussion covers the practices and ideologies advocated by the UDF leadership, the nature of its ideologies, many of which were borrowed from the ANC, and the ways in which the front began to outline and envision a new South African polity through its understanding of democracy. The focus, therefore, is on the competing and conflicting paradigms within the liberation movement at this stage, between those of liberal democracy on the one hand, and popular democracy on the other. These simultaneous tensions and convergences were a reflection of the broad ideological character and make-up of the ANC, housing a multitude of interests and ideological convictions under a united banner of liberation.

Following the banning of the ANC and a number of other opposition political organisations, in 1961, there was a period of relative calm in internal opposition politics. As the ANC began to operate in exile, contact and communication between exile leaders and those remaining in South Africa seeking to operate underground became increasingly difficult.

By the mid to late 1970s, however, a combination of social and economic factors spurred the development of certain political activities amongst communities and in the workplace, the onset of which was marked by workers strikes in 1972-3, followed by the 1976 Soweto students' uprising. Lodge (1991) refers to five "strands of activity" that developed from the late 1970s, centring around: youth and student groups; trade unions; township civic organisations; Indian politics; and "the revival of the nationalist tradition linked with the ANC" (1991: 35). The culmination of these various activities was a marker of "the emergence of a new fully urbanised African working class" (ibid) carrying numerous and increasing grievances and demands. The characteristics of the second half of the 1970s were a sign of the newly-charged social unrest amongst South Africa's oppressed population which was met in 1978-1979 by the implementation of the state's *Total Strategy*. This strategy was a combination of repression and reform: repression to push back mounting unrest in the townships; and reform through the granting of certain concessions and relaxations hoped to appease certain groups. An example of such reform was the proposed tricameral parliament in 1983 which would include Coloured and Indian representatives with the continued exclusion of Africans[21].

By the early 1980s, conditions appeared ripe for the formation of a national body - an organisation that could begin to group the various elements within civil society into a united front that could continue an on-the-ground struggle against the state, utilising unity and strength in numbers. Young people from the townships, in 1979, formed both the Congress of South African Students (COSAS) and the Azanian Students' Organisation (AZASO) for schools pupils and university students respectively (Lodge, 1991: 36). Student protests, militancy and activism grew significantly from that point onwards producing new leaders from amongst these groups of educated youth.

With regard to workers, by 1979 black trade unions were legalised through the Industrial Relations Act, allowing the onset of increasingly organised, democratic union-based structures such that the economic recession of the early 1980s saw an upsurge in worker strikes (1991: 38). A number of black trade unions were housed within the Federation of South African Trade Unions (FOSATU), which concentrated only on mobilisation around workplace issues, leaving workers to address political issues outside of the factories. 1985, however, saw the formation of the Congress of South African Trade Unions (COSATU), an organisation affiliated to the ANC and formed in order to bring together both work-based issues and political liberation as a part of one and the same struggle. FOSATU was absorbed into COSATU from its inception and, as township politics developed nationally in its strength and tenacity, COSATU began campaigning to address the political demands of Africans (Lodge, 1991: 39).

The growth of township civic organisations working around local socio-economic issues was a further contribution to this new internal political culture. Strong activists were leading these local groups, which increased greatly in number from the early 1980s, and the trade unions, although remaining organisationally separate from the civic organisations,

[21] The *Total Strategy,* devised by the apartheid government, sought to implement a 'total' strategy to meet what it perceived as the 'total' onslaught of protest from within townships – prompted by the unrest and militancy unleashed by the 1976 uprising.

bred a generation of "experienced leaders for local civic groups" (Lodge, 1991: 39). Alongside was the surfacing of a culture of protest within Indian communities which, driven by a strong leadership, manifested itself in campaigns for a non-racial united South Africa with franchise for all. In 1984, an overwhelming number of Indians boycotted the government's proposed constitutional changes in the formation of the Tricameral Parliament.

These various developments in domestic politics were joined by the resurgence of the 'nationalist culture' of the ANC that Lodge describes (1991: 43-45). This revival manifested itself in a wealth of emerging organisations and civics proclaiming their adherence to non-racial democracy, to the values of the 1955 *Freedom Charter* and proclaiming their loyalty to the leadership of the banned ANC (Lodge, 1991: 43). 1983 finally saw the formation of a united front organisation which would provide an umbrella for South Africa's numerous civil society groups to work together against the apartheid regime and keep the work and struggle of the banned liberation movement alive. Thus was the birth of the UDF.

The background to the culmination of domestic forces is for this reason crucial to the understanding the formation of the UDF. The UDF was not, as has often been alleged (Barrell, 1991), a 'creation' of the ANC, as such , triggered by *commands* from exile to form an internal legal body as an ANC front. Mac Maharaj, a prominent Indian ANC leader in exile, depicts the relationship between the ANC and UDF through insisting that "the UDF is not a creation of the ANC" (Maharaj cited in Seekings, 2000: 47). The ANC leadership, rather, 'encouraged' the formation of the front, as opposed to actually 'instigating' it (Seekings, 2000: 47). The UDF must therefore not be seen as tantamount to a legal ANC (ibid, 2000: 298).

Having said this, what must be appreciated is that "i*deologically* the period [of the formation of the UDF] was marked by the dramatic resurgence of Charterism: the ideology of inclusive nationalism and non-racialism associated with the Freedom Charter and the ANC" (Seekings, 2000: 29) (emphasis added). Moreover, affiliates of the UDF would necessarily be required to recognise the leadership of the banned ANC and importance of the ongoing armed struggle (Lodge, 1991). While the relationship was not 'hierarchical' as alleged by the state, and, indeed, the UDF contained within it so many different interest groups and ideological strands, its formation and unity was essentially held together "by loyalties to the ANC", (Seekings, 2000: 303-304). Just less than 20 years after the banning of the ANC, the movement's political traditions remained meaningful within South Africa and fresh in the minds of the generations who remembered the ANC of the 1950s. Equally, new generations of students and young people were reading revolutionary and ANC literature – although far less accessible since the movement's banning. Furthermore, this ANC literature of the time persistently mentioned the notion of 'unity against apartheid', with the movement in exile "pushing internal activists to form a 'national democratic front'" (Mohammed cited in Seekings, 2000: 39-40).

It is for this reason that the ideology and tradition of the UDF must also be analysed as an extremely significant facet and, indeed, phase in ANC ideology and understanding of both

the democratic polity to be achieved and the values and practices held in high regard during the period of democratic struggle itself. The extent to which this very struggle was taking place at a grassroots level during the 1980s consequently renders the phase of popular protest of extreme relevance to this research. While this is in no way to suggest that ANC and UDF ideology must be directly conflated, it does emphasise that the ideological trends and visions taking place on the ground in South Africa, were very much linked to and inspired by the ideology and practice advocated and inspired by the movement in exile.

A key point that should perhaps be emphasised at this point is that "while……the UDF undoubtedly borrowed from the traditions, symbols, iconography and ideology of the ANC", it was the *way* in which this was done, the *way* in which people's grievances, beliefs and objectives were articulated, that carried a far "greater force and resonance" than during the 1950s and 1960s (Lodge, 1991: 29-30). This is partly explained by an observation made by Lodge, who suggests that, by the 1980s, the constituencies who "fuelled the anger" and who formed a part of the new front had now altered significantly from the 1950s (Lodge, 1991: 30), a point that is identifiable in the emergence of the trade unions' shop-floor leadership and formal expressions of grievances. The UDF was based upon a now "settled black urban population, comprising both the urban industrial working classes and the aspirant black middle classes" (Seekings, 2000: 303).

The UDF's objectives involved the overthrow of Black Local Authorites (BLAs), 'expulsion' or even 'assassination' of collaborators with government; street-based networks of neighbourhood organisations; and the creation of institutions of "people's power" - "directed at replacing state agencies in education, justice, and municipal administration" (Lodge, 1991: 35).

In the same way that the ANC was itself a broad church, housing a number of interest groups in pursuit of one common goal – the only clearly stated and concrete element of which was the belief in a non-racial democracy – the membership of the UDF also continued to reflect this ideological diversity. Alongside its support for the ANC as a political and liberation movement, the UDF espoused elements of a progressive nationalism, and what Lodge describes as "messianic socialism, and millennial expectations of revolutionary change" (Lodge, 1991:35). Leading advocate, and later leader, of the UDF, Popo Molefe, describes a national front as a method of successfully 'accommodating political differences' - a point which is indicative of the way in which the ANC's own ranks continued to be inhabited by an array of political persuasions, each trying to come together to seek the overthrow of the apartheid regime:

> "- there were a number of organisations which shared the common goal of ridding South Africa of apartheid. Although they differed in political outlook, they nevertheless shared their common goal. The bringing together of these organisations under the umbrella of a front with a common goal offered a way of overcoming obstacles to unity" (Molefe cited in Seekings, 2000: 45).

ANC political thinking during the 1970s and 1980s had a particularly revolutionary feel

and the activities and appeals of the UDF were certainly more radical than the earlier work of the ANC had been in the 1940s and 1950s. ANC literature and communication with its members emphasised the need for a vanguardist and revolutionary mindset. In the January 8th statement of the ANC in 1984, President Oliver Tambo outlined what were seen as the 'Four Pillars of the Revolution":

> "- first, the all-round vanguard activity of the underground structures of the ANC; second, the united mass action of the peoples; third, our armed offensive, spearheaded by Umkhonto We Sizwe; and fourth, the international drive to isolate the apartheid regime and win world-wide moral, political and material support for the struggle" (ANC, 1984).

In these terms, the ANC appeared to conceive of itself as a vanguard of the people – an assumption which perhaps failed to see the diversity within 'the masses', nor alternative organs of representation outside of this 'vanguard' movement. On the one hand, it must be emphasised that the ANC and UDF goal was one of mass action, cooperation and mutual support toward the achievement of one specific goal - that of the removal of the Apartheid system. In this goal unity was of course crucial. There is no gainsaying that a broad-based, united movement under a common banner of liberation would necessarily provide far greater strength, cohesiveness and possibilities of success than that of a disparate and factional approach. It should also be reiterated that the role of the UDF, specifically, was one of 'organisation-building' and strengthening resistance (Seekings, 2000: 314) and was not, as Seekings notes, interpreted by its leadership in 'vanguardist' terms (2000: 314).

The problem arises, however, where such an all-consuming and potentially 'vanguardist' approach suggested by the ANC is visualised *after* the attainment of the immediate goal of liberation. ANC documents, not least the 1984 statement mentioned above, continually emphasised a future South African government "whose authority derives from the will of all our people, both black and white" (ANC, 1984). The ANC vision was of a non-racial future, but the question remains as to what extent this future is of a pluralistic and liberty-protective form? The 'will of all' our people - a notion which was certainly accentuated in the mass action and notions of collective struggle imparted by the UDF – becomes dangerous when the idea of civil society or 'the people', in a democratic framework, come to be conceived of in a unitary sense. In other words, as a collective body devoid of diversity and internal difference.

The new generations of activists in the 1980s were seeking ideological guidance and an "ideological framework" for a resolution to their struggles (Seekings, 2000: 32), much of which they found in the literature of the ANC and through listening to *Radio Freedom* (Suttner, 2005, personal interview), but also in literature on revolutions elsewhere in the world, such as in Nicaragua, and through reading the works of Lenin to 'find answers' (Seekings, 2000: 32). The influence of this literature for both strategy *and* democratic vision within South Africa should not be underestimated. The understanding of the ANC's role, by both its leadership and its support base, is critical in appreciating the movement's relationship at this point with liberal democracy. While the ANC continued to speak of non-racial democracy, its discourse of *rights* appeared to slide during the period of the

1980s. Its objectives and values came to be phrased in far more hegemonic terms, terms which appear to *assume* the historic significance of the ANC and to *imply* the non-negotiable authority of the movement: "We have a purpose, a goal, an objective, *a historic mission* to accomplish for our country and for humanity. Our *historic duty* is to pursue it with relentless determination and persistence" (ANC, 1984) (emphasis added). Terms of individual choice; of rights; and of a plurality of choice over outcome appear to be absent.

The language of 'collective will' as a feature of liberation discourse is certainly worth discussing further. A key feature of UDF activity, and one mentioned by Lodge above, was that of the township civic organisations. 1985-1986 saw the emergence of what was called 'people's power'. People's power involved the destruction of BLAs and government authorities, such as policing, in the townships and their replacement with a localised form of self-government. People formed networks of street and area committees, performing functions from service delivery to popular justice (Glaser, 1998: 36). What emerged, therefore, were forms of democratic self-organisation, or direct democracy, encouraged by the ANC as a part of the overthrow of apartheid structures.

A similar trend ensued within the trade unions in South Africa following their legalisation in 1979. The tradition of councillism was, in effect, workplace self-government. The council model emerged first in the form of the workers councils in the Soviet Union in 1917. Portrayed as the antipathy of perceived 'bourgeois' and pro-capitalist institutions of democracy, such as parties, parliaments and trade unions, the council was viewed as a participatory and revolutionary model, far more representative than its liberal alternative "because it is a creation of the masses themselves" (Glaser, 1994: 145-146). A form of 'councillist unionism' was what emerged in FOSATU (Glaser, 1998: 36) and later combined with the populist orientation of COSATU who sought to combine both workplace issues with the broader democratic struggle. The trade unions of FOSATU introduced worker-controlled shop-floor organisation, moving away from a managerial approach to worker-controlled debate over issues.

It was in the mid-1980s that this councillist tradition penetrated the townships in the form of people's power[22]. While the populist ideas and approach of the UDF, "with its emphasis upon leaders, symbols, high-profile media campaigns" (Glaser, 1991a: 110) were poised in direct contrast to the workerism of the unions, through the formation of people's power, Glaser notes that the ideas of councillism as a form of democratic self-organisation and self-government came to enter Congress discourse in the mid-1980s (1998: 36). In addition, from 1985, COSATU itself, combing the ideas of Charterism and workerism, began to adopt the council model and combined it with the politics of the political struggle. It is also highly relevant to note the emphasis on the role of workers being emphasised by the ANC during this phase. Critical to remember is that there existed considerable overlaps in

[22] Glaser (1998: 36) hence defines the model of people's power and the institutional form that this took in the street and area committees as a form of 'quasi-councillism', as it was not strictly a form of representation for workers and producers as the council model had originated, but retained the same basis of representation in terms of functioning as a collectively-owned form of representation and to fulfil a particular 'project' or collective purpose.

membership between the ANC and SACP, especially given the increase in cooperative work between the two organisations following the ANC's own banning 11 years after the SACP had been forced underground[23]. In 1984, the ANC made a call to workers in South Africa proclaiming that "the working class must lead" (ANC, 1984). Oliver Tambo's' January address marking the onset of two years of insurrection and the beginning of the ANC-initiated programme of 'ungovernability', stated:

> "it is the historic responsibility of the working class to take the lead in our struggle for people's power. In our situation, the victory of the trade union struggle is unattainable except as an integral part of the victory of the political, ideological and military struggle. The struggle of the working class is, therefore, and must be, an integral part of the national liberation struggle".

The ANC's adoption of a more class-oriented outlook, alongside its traditional non-racial approach and primary objective of the removal of race discrimination had, by this point, become far more pronounced. In terms of the debate here regarding the relationship between these ideas and the principles of liberal democracy, then the significance of the councillist and quasi-councillist organs is contained in the extent to which they represent not only a type of democratic tradition marking this phase of the liberation movement's thinking, but also a conception of a future democratic institution. As Glaser highlights, "these organs were mainly conceived as instruments of insurrection presiding over liberated zones, egged on by an exiled ANC determined to up the ante of its struggle against the apartheid regime; but they were also imagined by some as prefiguring future forms of participatory government" (Glaser, 1998: 36). With regard to their being understood as such future institutionalised forms of government, then Glaser goes on to raise a number of pertinent concerns, particularly regarding issues of genuinely democratic representation and political pluralism.

Despite ideas of locally-owned institutions and participatory forms of rule, a fundamental deficiency with regard to liberal democratic concepts of pluralism, diversity, tolerance, openness and debate, is that "representatives [of the people's power organs] tended to treat their constituency as a politically homogeneous 'people' or 'community' with a general will capable of manifestation in local assemblies or committee meetings" (Glaser, 1998: 38). As was an inherent flaw in the original Soviet model, the underlying logic of the council is that the debate is not *what* ideological path is to be taken, or, to put it another way, the councils did not function as a method of *ascertaining* the popular will, but rather as a method of planning its realisation. In the case of the Soviets, the pre-decided or pre-destined 'will' was the construction of the communist society (see Glaser, 1994: 148). There certainly seem to be a lack of acceptance of pluralism within the UDF organisations, a point that is reinforced by Suttner who comments that "people.....were very intolerant of criticisms of the Freedom Charter" (2005, personal interview).

The problem inherent in the concept of people's power, as Glaser sees it, is therefore that

[23] Examples of SACP members who were also prominent ANC figures from the 1980s and early 1990s are Raymond Suttner, Jeremy Cronin, Billy Nair, Charles Nqakula (See Seekings 2000: 312-313).

the activists leading these local organs were 'ANC-aligned', such that "the organs of self-government doubled up as, in effect, local ANC (or more strictly, UDF) branches, with political rivals to the ANC subject to exclusion and occasionally violence" (Glaser, 1998: 38). If we place this against the liberal democratic idea of freedom of expression and assembly; the right to political choice and pluralism; and, indeed, to Schedler's theory (2001) of "substantive uncertainty" discussed in the opening of this paper (cited in Habib and Schultz-Herzenberg, 2005: 167), then the people's power model advocated by the UDF and ANC presents significant problems for the upholding of the aforementioned values and practices.

A further problem drawn upon by Glaser, of both the councillism of FOSATU and the townships' self-government, inevitably concerns how these "localized self-governing methods" could be applied on a 'larger spacial scale' (1998: 39), should it come to their application on a higher, perhaps national, level. The point here is certainly *not* to suggest that people's power gave residents less say or participation than before in the running of their residential areas - far from it. The problem lies, however, in the very conception of these institutions as forms of genuinely direct and participatory democracy (Glaser, 1991a: 110). In liberal democratic terms, the democratic discourse of the ANC during the 1980s exhibited some key deficiencies with regard to an understanding of a pluralistic and rights-based dispensation, as understood in liberal democratic terms.

This very issue of participatory democracy brings us to a pertinent debate within the liberation movement's discourse between competing notions of *liberal* versus *popular* democracy - discourses of which can both be found in the language of the ANC. Popular democracy is seen as a participatory, self-empowering and people-controlled form of democracy. The people's power movements of the mid 1980s were hence understood as institutions of popular democracy as the provided, as far as Congress-aligned activists were concerned, "institutions of direct democracy" and "organs of a vigorous local democracy" with high degrees of participation (Glaser, 1991a: 110-111). Ideas of collective action and unitary notions of 'the people' and people's power within ANC discourse are a reflection of these very notions of popular democracy. A clear example is the 'popular justice' aspect of the street and area committees who administered justice and punishment through locally-conceived and controlled understandings of rights and justice. With regard to the liberal democratic language of individual rights and pluralism, the problem immediately arises that these supposedly 'popular' conceptions of justice are empty of any truly democratic and impartial understanding. Partly related to this is that the particular form of popular democracy advocated by the UDF could only be owned and driven by those aligned specifically to the ANC, rendering any notion of rights or justice as determined upon political allegiance - a notion entirely at odds with liberal democratic understandings of these concepts.

Reflecting on the previous chapter, the contradictory interpretations and implications contained within the *Freedom Charter* were discussed. These highlighted the competing discourses of the liberal and rights-protective language of the document identifiable in the guarantee upon human rights and, in particular, "the right to speak, to organize, to meet together, to publish, to preach, to worship and to educate their children" (Freedom Charter,

1995); and interpretations of "democracy as popular collective self-empowerment" (Cronin, 2005). The latter can be found in clauses such as 'the people shall govern', stating that "all bodies of minority rule, advisory boards, councils and authorities shall be replaced by democratic organs of self-government" (Freedom Charter, 1955). Up until the later 1980s, the language of popular democracy was perhaps of a far stronger force within ANC discourse than that of a more liberal democratic nature. Given the height of insurrectionary activity during this period, the consummate need for popular mobilisation on the ground, and efforts at continued direction and communication from exile, this is perhaps not surprising. The January statement of the ANC in 1984 stated explicitly that

> All revolutions are about state power. Ours is no exception. The slogan, ***"Power to the People," means one thing and one thing only. It means we seek to destroy the power of apartheid tyranny and replace it with popular power with a government whose authority derives from the will of all our people, both black and white.*** The issue we have to settle together is what steps to take to attain that ultimate goal, what intermediate objectives we should set ourselves building on what we have achieved, and in preparation for the next stage in our forward march to victory" (ANC, 1984) (my emphasis added).

Having said this, Seekings, in fact, emphasises the salience of a culture of rights within the UDF, stating that "the UDF played an important role in promoting the salience of rights, and of political and economic alternatives based on rights, within popular conceptions of democracy" (Seekings, 2000: 322). The struggle against apartheid was fundamentally based upon just that - civil and political rights. The UDF can, therefore, undoubtedly take a vast amount of credit for keeping this very struggle alive. The point to be made here with regard to discourses of rights and pluralism is not to downgrade or detract from the value of participatory forms of democracy in any way. Rather, it is to suggest that the popular democratic ideas become problematic when divorced from the principles of rights protection and individual liberty and choice which underpin liberal democratic discourse. In 1985-1986 with the township insurrection, these discourses of rights were somewhat "subordinated to discourses of power" (Seekings, 2000: 322).

By the late 1980s, discussions were emerging amongst the UDF leadership as to the organisation's role once the ANC was un-banned and a democratic dispensation became a more likely prospect. It was perhaps during this period that, as Seekings highlights, issues of rights once again came to the fore (2000: 322). The discussions that took place amongst the UDF leadership at this time are a reflection of the various democratic and ideological strands present within the Congress movement by the close of this decade.

Within the UDF, there was most certainly a concern to see the protection of rights in some way. Leaders were particularly occupied by discussions as to how they would begin to make civics and communities engage with the new democratic government after such a long period of anti-government protest and defiance. How would this relationship be managed and changed? (See Seekings, 2000: 272). UDF leader, Popo Molefe, highlighted that "the challenge that faces us is how to normalise the situation without impinging upon

the right of the communities to engage the regime through mass action" (1991, cited in Seekings, 2000: 272) - a statement that reflects the concern of the UDF leadership to *protect* citizens' rights of speech, expression, organisations and association. A crucial question that should be asked however, is whether this is, in fact, a reference to civil autonomy only *within the ANC camp?*

The UDF did also acknowledge, however, the value of a separation between state and civil society, recognising that its historic role as loyal to the ANC would render issues of impartiality difficult. UDF leader, Mofolo, commented with regard to the organisation's NGC that "our members feel strongly that we must not fall into the trap of Eastern Europe, where everyone was consumed in the party. While building the ANC as the main force, we must also ensure that the organisations of civil society will be central towards the search for a true democracy" (1991, cited in Seekings, 2000: 276).

The other implication of his words however, is that which we have discussed regarding the organisations of civil society being incorporated and utilised as new structures of direct democracy. Seekings cites that "the UDF declared that it was opposed to the existing parliamentary institutions not only because most of the population was excluded, but also because parliamentary-type representation in itself represents a very limited and narrow idea of democracy" (Seekings, 2000: 296). Lodge, citing a UDF article written in 1986 writes that, "for its interpreters, 'national democracy' was not liberal democracy" (Lodge, 1991: 131):

> "Democracy means, in the first instance, the ability of the broad working classes to participate in and to control all dimensions of their lives. This, for us, is the essence of democracy, not some liberal, pluralistic debating society notion of a "thousand schools contending" (New Era, 1986 cited in Lodge, 1991:131)

The UDF's conception of a future democracy was hence one of 'direct' democracy and 'mass participation', openly disparaging of ideas of representation by elites (UDF, 'Towards a People's Democracy' cited in Seekings, 2000: 296).This is perhaps a reflection of the persistence of trends within the liberation movement that continue to view liberal democratic practices as 'bourgeois' and elitist - issues that would become only more controversial as the political party negotiations for a new democratic dispensation began to take place from 1990[24].

It is perhaps fair to say that while the ANC continued to advocate democratic ideals of freedom, justice and non-discrimination at ease with the commitments of the Freedom Charter, the movement still contained within it notions of both popular and liberal democracy, alongside its traditional strands of non-racial African nationalism. During the 1980s, however, there appeared to be no resolution to these internal debates and certainly not, as yet, any vision of how the two may be reconciled to form both a participatory and right's protective dispensation. Key liberal democratic elements missing from within the

[24] Cronin, interestingly, also defines popular democracy as "a matter of collective engagement and popular participation, and not something for elected representatives or state functionaries alone" (Cronin, 2005).

liberation movement's discourse throughout this period were a vision or commitment specifying the *democratic institutions* and *democratic guarantees* that the movement's 'national democracy' would encompass.

The debates that emerged by the end of the 1980s, therefore, reflected the competing strands and ideologies of this era - debates which perhaps didn't truly come to the fore, let alone become resolved, until the prospect of an ANC-led government suddenly appeared imminent. The following years from 1987 to 1994 became defining moments in the direction that South African democracy would take and saw the consolidation of more concretely liberal democratic understandings for the new system. Particularly appropriate and pertinent to this discussion is a question posed by Seekings, who asks how "the character of a major political organisation or movement prior to democratisation affects political life in the subsequent democratic era?" (2000: 317). This underpins the very rationale behind analysing the period of the UDF in order to understand the broader picture of the ANC's ideological journey in relation to liberal democratic ideas. This is all the more so given that the ANC absorbed much of the UDF's leadership after 1990. The question of the ideological impact of the democratic struggle during the 1980s, both on the ground and in exile, remains a fundamental and decisive issue for the remaining chapters.

Chapter 5

1985-1994: NEGOTIATION AND TRANSITION - THE BIRTH OF A LIBERAL DEMOCRATIC PARTY?

From the mid to late 1980s a number of dramatic shifts took place within both the liberation camp and on a national and international level. Moreover, the prospect of the displacement of apartheid with a new democratic dispensation became an increasingly real prospect. The first five years were a combination of hope, change and continued struggle on the part of the liberation movement. The era also saw the issuing of numerous statements, both publicly and between parties, over the prospects of a negotiated resolution to the conflict and a move away from the more radical and revolutionary language of ‘conquering state power’.

Reflecting back for a moment on the mapping of ANC thinking with regard to liberal democratic values, processes of change have taken place within the movement over a number of decades, both as a freely operating nationalist organisation *within* South Africa and during its years as an exiled movement from 1960. The early years of the ANC between 1912 and the early 1940s saw little in the way of radical shifts in ideological thinking, largely retaining a liberal, yet conservative, outlook. The formation of the ANC Youth League in 1944 brought with it a more radical nationalist language and approach, yet is also retained much of the liberal thinking and traditions of its predecessors as well as adopting a romantic nationalism that also carried with it certain aspects of conservatism (see Gerhart, 1978). The ANC’s hostility to the Communist Party - originating largely from

its interpretation of communism as a 'foreign ideology', the class focus of which masked the racial oppression characterising the South African situation - had, by the mid`1960s, turned into a formal political and military alliance based upon solidarity and unity of action in the struggle against a repressive and racially exclusive state system.

The period in question in this chapter, however, saw a number of significant shifts with regard to liberal democratic ideas taking place within the liberation camp. These shifts and the direction in which they led the ANC were stimulated by various factors, with the result that, oftentimes, it has been difficult to distinguish the main causes and factors at play. Moreover, many of these triggering events have emerged outside the control of the liberation movement itself.

In terms of the ideological approach and outlook of both the ANC and the Pretoria regime, a vast amount of quite momentous change occurred in South Africa in what was barely a 10 year period. Nonetheless, looking at the years from 1985 to 1994, it is possible to view the evolution of the ANC's seemingly growing commitment to liberal democratic values and practice as a somewhat *gradual* process. Changes in the movement's ideas and understanding of democracy certainly did not occur overnight. Rather, it was a process which can be mapped and traced through the course of both the liberation movement's interactions with other parties and in the publication and production of various documents, public statements and addresses.

One of the most important and, one could add, most groundbreaking documents of this period was the production of the ANC's *Draft Constitutional Guidelines for a Democratic South Africa* in 1988. The *Constitutional Guidelines* were the first open and official public statement by the ANC expressing a commitment to particularly *liberal democratic* thinking with regard to the future state envisaged for South Africa. As the previous chapters have shown, the years prior to this (and in particular those from the late 1940s onwards with the advent of the system of apartheid) exhibited little in the way of any concrete formulations or commitment to a future democratic state form. Rather, it appears unclear as to whether the ANC envisaged any other political grouping, other than itself, as being able to 'legitimately' represent the South African people in a post-apartheid state. The *Constitutional Guidelines* were later followed up with an ANC discussion document, *Constitutional Principles and Structures for a Democratic South Africa,* in 1991. Having said this, there are in fact a number of documents and statements either belonging to the ANC or in which the ANC was a co-author or signatory, in which the commitment to liberal democratic values of political pluralism and rights are expressed. Looking at some of these key documents in turn, it is possible to see a gradual commitment to ideas of fundamental rights and freedoms in a democratic polity.

Glaser has described that, during the second half of the 1980s, there was "a gradual liberalisation of the political language and programme of the ANC and SACP" (1997: 8). Contrasting the emergence of this with the language of the ANC exhibited in documents such as its 1969 *Strategy and Tactics,* provide particular points of contrast. Reflecting back on the section above concerning the UDF and civic movements, the January 8th Statement of the ANC in 1984 was referred to. This annual address of the ANC cited the ongoing

struggle for "power to the people", emphatically reiterating the objective to "destroy the power of apartheid tyranny and replace it with popular power with a government whose authority derives from the will of all our people" (ANC, 1984). This, the 1984 document states, is the liberation movement's "ultimate goal" (ibid).

By the time of the ANC's January 8th address in 1986, while the ANC continued to uphold its commitment to the 'dislodging' of apartheid and the "transfer of power to the people" – the problematic connotations of which have already been discussed - this time the address indicated formally that the ANC would entertain the idea of negotiations with the Pretoria regime, on the basis of certain conditions (ANC, 1986). Following the ANC's National Consultative Conference in Kabwe in 1985, speculation had begun over supposed 'secret talks' that were rumoured to have taken place between the ANC and the Botha regime. While the 1986 statement of the ANC fundamentally denied this claim, it did state that at this stage there was no change in the 'tactical' approach being taken by the ANC, emphasising that "there can be no negotiated settlement of the South African question while the Botha regime continues to imprison our leaders and refuses to acknowledge that South Africa must become an undivided, democratic and non-racial country" (ANC, 1986).

The January 8th statements of both 1986 and 1987, according to Sachs, reflected the two "critical decisions" of the 1980s, taken by the ANC National Executive (Sachs, 2005, personal interview). These were the acceptance of South Africa "as a multi-party democracy"; followed by the acceptance of an 'entrenched' bill of rights (ibid). The ANC's opening statement on January 8th 1987 - an address by President Oliver Tambo which marked the 75th anniversary of the ANC - displayed a clear and open declaration of the acceptance of guaranteed '*individual and equal rights'* (ANC, 1987a), among which were stated key political and civil rights underpinning liberal democratic commitments:

> The revolution will guarantee the individual and equal rights of all South Africans without regard to any of these categories, and include such freedoms as those of speech, assembly, association, language, religion, the press, the inviolability of family life and freedom from arbitrary arrest and detention without trial. For all this, the victorious revolution demands and must ensure thorough-going democratic practice (ANC, 1987a).

Likewise, the document goes on to state that "For its [the revolution's] own success, it imposes the obligation that *all should be free to form and join any party of their choice, without let or hindrance*" (ANC, 1987a) (emphasis added). It also states that "each person shall have the right both to vote and to be voted to any elective organ" (ANC, 1987a). There is no doubt that the guarantees laid out within the document indicate that a *democratic* form of state is visualised by the ANC leadership. Moreover, while it is not described as such here, it appears also to be structured along liberal democratic lines.

In the same year (1987), the ANC issued another statement entitled *Statement on Negotiations,* setting out the movement's position with regard to negotiations and the

conditions upon which it would agree to them. This document, produced in October, similarly placed emphasis upon individual rights while also accepting their status as *constitutionally guaranteed* rights:

> To end apartheid means, among other things, to define and treat all our people as equal citizens of our country, without regard to race, colour or ethnicity. To guarantee this, the ANC accepts that a new constitution for South Africa could include an entrenched Bill of Rights to safeguard the rights of the individual. (ANC, 1987b).

As this study has shown so far, the idea of 'rights' has, from the beginning, been a fundamental part of the ANC's programme. The degree to which the movement's language of rights has been couched in terms that marry-up to the realisation of a liberty-protective, pluralistic and tolerant democratic system, however, is our key concern. This portrayal of the future democratic state also brings to the fore the combination of political traditions contained within the ANC - traditions which are not necessarily complimentary to one another.

While the ANC appears to have placed emphasis upon notions of individual rights within a constitutional framework, it simultaneously continues to refer to a "*people's government*"; power by the "*masses of the people*'" (1987a); and "the transfer of *power to the people*" (1987b). Between the language of individual liberties and political pluralism on the one hand, and what appears as a collective notion of 'the people' on the other, it is difficult to decipher the ANC's precise position with regard to a genuine belief in the values of liberal democratic ideas at this stage. Are these inclusions of individual rights and freedoms, slotted into these statements amidst a barrage of statements insinuating the *homogeneity* of "the people's" opinion - both in the context of the struggle and in a future democratic state - to be read as genuine commitments? Or are they an attempt to appease critics, in national and international circles, who were increasingly voicing their concerns over the influences upon the ANC of its continued alliance with the Communist Party?

The ANC's exact *understanding* of '*individualism*' or the '*individual*' basis of rights, is also somewhat unclear, and from the content of the aforementioned documents there is by no means any guarantee that this understanding complied with the liberal democratic interpretation. Were the rights to freedom of expression, association, assembly, etc, expressed above, to be played out within a pluralistic and open democratic system in which the debate and exchange of ideas and views are to be encouraged? Or were they, rather, seen as being guaranteed only to the extent that they concurred with the dominant thoughts within the ANC? An especially interesting point which, in some way, brings to our attention the need for to be aware of these possibilities is the ANC's description of *itself* as "the democratic parliament of the South African people", a status which it believed had been conferred upon it by the 'the people' through their 'expression' of "allegiance to the premier instrument of liberation they have created" (ANC, 1987a). This understanding of the liberation movement itself is highly problematic for liberal democratic understandings of representation and reinforces the notion that the ANC is capable of representing and giving voice to 'the people' or 'nation' as a whole within the bounds of its own organisation.

Thinking back to chapter one of this report, a highly relevant point by Steven Friedman was noted that within the Congress tradition is a “concern to recruit all political persuasions”, a task which “becomes an attempt to compress the full range of popular opinion into one hegemonic movement” (Friedman, 1991: 11). The fact that the ANC at least referred to itself as a "parliament of the people", as opposed to the Communist Party's conception of the "dictatorship of the proletariat", is of little consolation given that the fundamental problem underlying this conception remains: That is, that the assumption that the multiplicity of interests and opinions existing within society can be represented by the ANC alone is to deny the very existence of pluralism and, therefore, of the value of liberal democracy itself. Several contradictions in the ANC's language and commitments therefore continued to dog the apparent liberal democratic breakthroughs in its publicly stated objectives and ideological standpoints.

Drawing upon the example of the ANC's desire to maintain the unity of all the various elements of the liberation camp, the 1987 January address stated that "no elements from among ourselves should seek to impose their views on others. We should rely on political work to organise and mobilise the masses of the people into united action" (ANC, 1987a). Having emphasised the importance of free choice, the very same document houses the following statement:

> "-the mass democratic movement needs to maintain and enhance its own unity around a democratically agreed programme of action with clearly set tactical and strategic objectives.....We should therefore take all necessary measures to entrench, within the ranks of the mass democratic movement, the depth of unity which our movement has worked for, for three-quarters of a century. We must combat all manifestations of factionalism, revolutionary arrogance and individualism" (ANC, 1987a).

On the one hand, as the earlier chapter concerning the exile traditions of the ANC, the challenges and vulnerability of the movement in exile led to the extreme concern of its leaders to ensure that division and internal factionalism would not infect the movement and risk derailing the revolutionary process. However, such continuing emphasis upon conformity in a move toward a process of supposed political liberalisation is undoubtedly problematic.

The 1988 Draft Constitutional Guidelines for a Democratic South Africa

A worthwhile progression from here is to analyse more closely both the formulation and broader context of the ANC's 1988 Draft *Constitutional Guidelines* mentioned above. The Draft *Constitutional Guidelines* were a product of a lengthy period of research by the ANC's Legal and Constitutional Department who formed a Constitutional Committee charged by Oliver Tambo with producing a set of draft guidelines that would be applicable to a democratic South Africa, as understood by the ANC. The ANC's Constitutional Committee, according to Styles (1989), was comprised of Jack Simons as Chairman (and also a senior SACP member); Z.N. Jobodwana as Committee Secretary; Zola Skweyiya

(Head of ANC's Legal Affairs Department) and ANC lawyer Albie Sachs (see Styles, 1989: 67). Others involved on the Constitutional Committee were Penuel Maduna, Ted Baker and Brigitte Mabandla (Jobodwana, 2006, personal interview).

The announcement of the guidelines was of course welcomed by liberals who were becoming increasingly weary of the liberation movement's ongoing cooperative relationship with the SACP, and were hence concerned to see the ANC voicing more solid commitment to ideas of pluralism and individual rights. Indeed, while in 1987 the ANC had expressed that both multi-party democracy and a bill of rights would hold an important place in South Africa, its *Statement on Negotiations* issued that very same year, reaffirmed their continued alliance with the SACP[25]. For many, the guidelines were therefore a welcome step in terms of liberal democratic commitments.

The 1988 guidelines, of course, referred to the ANC's historic commitment to universal franchise, but also stated the inclusion of a Bill of Rights containing "basic rights and freedoms, such as freedom of association, expression, thought, worship and the press"; as well an acceptance of multi-party democracy, giving each party "the legal right to exist and to take part in the political life of the country" (ANC, 1988).

Others, however, have made the point that the apparent 'commitment' in the *Constitutional Guidelines* should not be 'exaggerated' (Glaser, 1998: 40). Styles, writing in 1989, was particularly cynical as to the genuine nature of the ANC's commitment to constitutional principles and political pluralism. Placing the Constitutional Guidelines in their broader context and circumstances, he suggested that they "are an important tactical creation which the ANC will certainly employ in its efforts to isolate the South African government internally and internationally" (Styles, 1989: 67). He did correctly place the shift in ANC thinking against the backdrop of important changes: the moral and political weakening of the apartheid bloc; its growing international isolation; and the increasing need for the ANC to prove to its international allies and onlookers that it is both politically competent and democratic, but whether his understanding of the logic behind the document was accurate at the time is questionable.

Although not quite as damning in his interpretation of the document, Glaser did warn that "it is difficult to judge whether the guidelines are a coherent blueprint for a future society or a *tactical intervention* to broaden the ANC's base, widen its appeal and accelerate progress towards a negotiated settlement" (1988: 28) (emphasis added). We will return in a moment to the grounds on which these cautions were based and reasons for their legitimate consideration in light of the broader circumstances of the South African political situation at that time. First, however, we will look to the ANC's explanations for its initiation of this project by its Constitutional Committee.

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[25] The Statement on Negotiations, October 1987, stated emphatically: "we reject all efforts to dictate to us who our allies should or should not be, and how our membership should be composed. Specifically, we will not bow down to pressures intended to drive a wedge between the ANC and the South African Communist Party, a tried and tested ally in the struggle for a democratic South Africa. Neither shall we submit to attempts to divide and weaken our movement by carrying out a witch hunt against various members on the basis of their ideological beliefs." (ANC, 1987b)

The purpose of writing the guidelines was, according to Sachs, "to convert the Freedom Charter into an operational document, from a programme of ideals into a constitutional structure or foundation for South Africa" (2005, personal interview). He therefore emphasises that, even in the ANC's decision to draw up a new document stating the ANC's position on issues of a new democracy, the *Freedom Charter* remained the "key document" (Sachs, 2005, personal interview). His suggestion therefore seems to be that there was no sudden sea change in the ANC's thinking but rather it was to produce a document that was more explicit as to the ANC's vision of constitutional structures, while not repositioning itself with regard to the statements outlined in the Freedom Charter:

> We were asked by Oliver Tambo whether we could draft a constitution because South Africa's friends in the world wanted to know 'what's the ANC's position'? Everybody was asking that. There was a lot of material coming from the South African government, from the Inkatha Freedom Party, and the ANC simply had the Freedom Charter which didn't deal with the constitutional structures and the enforcement of constitutional rights (Sachs, 2005, personal interview).

The choice to formulate the *Constitutional Guidelines* was, as the ANC acknowledged, prompted by both the *political circumstances* and *ideological context* in which the ANC found itself by the mid-1980s. One such factor was the "increased international profile of the ANC from 1984-6" (Styles, 1989: 71), as well as the nature of the international political context in which a great number of African states were beginning to reach points of crisis with regard to the political and economic stability of their countries. The government's of these states were beginning to face mounting threats by emerging opposition movements as a result of what had become increasingly authoritarian, repressive and dictatorial regimes in a number of cases, and the onset of pressure from overseas for governments to both reduce the role of the state and liberalise their political systems. Given that the ANC realised that it needed to issue a more forthcoming and concrete statement with regard to democratic guarantees in a future state, the *Constitutional Guidelines* were not such a 'tactical' move empty of any real commitment to ideas of pluralism and rights as was suggested (1988; 1998). Having said this, however, it is worth delving into this issue a little deeper. Given the formal establishment of multi-party constitutional democracy in South Africa today, it is all too easy to say that the 1988 guidelines were a document mirroring the democratic commitment of the ANC. This claim, however, requires far greater consideration. The question that is critical to ask concerns the extent to which these seemingly liberal democratic claims actually reflected both the genuine commitments and vision of the ANC *at that time.*

Glaser, taking into account the "shifting international climate" saw the Constitutional Guidelines as very much a response on the part of the ANC to the waning influence of communism worldwide (1990: 27). The ANC's reliance upon the communist states, most specifically the Soviet Union was, by this stage, looking increasingly uncertain. By this time Mikhail Gorbachev had come to power in the Soviet Union and had introduced his policies of political and economic restructuring (*perestroika* and *glasnost*), and had

withdrawn from military confrontation with western states. What is more, as international pressure was mounting upon the South African regime in Pretoria to accept the need for change, The ANC was also becoming aware of its need to court the favour a number of western states who held considerable amounts of power and influence[26].

Sachs and Jobodwana, on the other hand, not unsurprisingly, attribute far less causal influence to the occurrences in the Eastern European Communist states, rather placing emphasis upon the need to demonstrate that they had a more concrete plan in place (see Sachs above). As Jobodwana states, there was a need for "something specific, something concrete. Not just slogans, programmes of action without a component as to how they were to be implemented" (personal interview, 2006).

Although the intention of the 1988 guidelines was to show that the ANC was prepared for power, a task embarked upon to convert the *Freedom Charter* into something concrete, rather than altering its content, it is still perhaps true to argue that the more explicitly liberal democratic working in the guidelines was an upshot of the changes occurring on an *international* level with regard to the Soviet Union and the Cold War, thereby having considerable impact within the ANC given its ties with Moscow and SACP. A statement by Jobodwana is telling of this circumstances in which the ANC found itself:

> "- It was at a time when the ideological base of socialism or communism was being questioned and its credibility, I think, was waning in quite a number of ways…….With the advent of things like *Perestroika*, under the leadership of Gorbachev, it was clear that he was intent on reforming the economy of the Soviet Union. Also it became clear to us that in the future we were not going to rely much on the Soviet Union" (Jobodwana, 2006, personal interview).

While Jobodwana does not interpret a crumbling of the eastern European communist regimes as having an 'impact' on the drafting of the constitutional guidelines, as such, he believes that "it *re-enforced* the ideas that were already floating there" (ibid) (emphasis added) Moreover, he suggests that even some SACP leaders, such as Joe Slovo, were becoming aware that there would no longer be such a possibility for communism as a basis for a future "political and economic dispensation in South Africa" (Jobodwana, 2006, personal interview). Drawing upon the idea in Slovo's well known piece, *Has Socialism Failed*?, published in 1990 in which Slovo articulates the need for a more democratic socialism and describing the Stalinist period as 'socialism without democracy', Jobodwana suggests that theses ideas contained in Slovo's piece were actually first circulated as a part of a discussion document as early as 1987-88 (2006, personal interview). This would mean that the document's content which came to envisage socialism as *one of a number* of ways forward and which must, therefore, be *chosen* in South Africa within a multi-party context may have had an influence upon the liberalisation of Congress thinking earlier than is perhaps assumed - as early, in fact, as the drafting of the ANC's *Constitutional Guidelines.*

[26] The ANC's close relationship with Moscow over the decades in exile had, in fact, prevented the opportunity of obtaining strategic and material support from the USA (Prior, 1983) – an ally which could have both leant the ANC significant leverage internationally, as well proving fairly lucrative in the long term.

Having said this, Jobodwana also comments that "there were stalwarts of the SACP, who were also members of SACTU, and who were still confident that the real ideology that can guide South Africa into the future was socialism and communism" (ibid). Although unclear as to whether such 'stalwarts' were also members of the ANC, given the overlapping membership between the two organisations, it is far from impossible that this was the case.

Also on an international level, but with reference to other world allies of the ANC, by 1986 the ANC held offices in more than 20 countries across the globe (Jobodwana, 2006, personal interview). Consequently, according to Jobodwana, "countries that were supporting the ANC, [such as] the Nordic countries, were asking: 'supposing the regime implodes, would you be ready to take over power? Are you ready? If you are ready, how are you ready?' " (ibid). Accordingly, the ANC was also under a certain pressure to prove that it not only had a plan of action in place, but that it was prepared with some sort of political confidence for building a new democracy.

What must also be remembered with regard to the particular shifts taking place during the late 1980s, however, is that the ANC in exile had drawn considerable inspiration from not only its Soviet allies, but also from neighbouring African states who were now struggling to implement the Socialist model and realise the developmental results they had expected:

> What confused….. people when it comes to sticking to the ideology of socialism and communism was the fact that *even our models like Mozambique were already surrendering* to the dictates of the South African regime……The policies of the economic and political dispensation were having *a resounding effect on the direction these states were taking* in furthering the aims of developing socialist models of production. They were [also] involved in their own *internal crisis situations in terms of opposition parties militarily confronting them*…. So there were already states who could not sustain any future development when it comes to implementing socialist ideas. (Jobodwana, 2006, personal interview).

A question that must be asked, therefore, concerns the extent to which the ANC genuinely *believed* in the value of these *liberal democratic* ideas now floating in the air. Or, did it, rather, adopt a far more liberal democratic and less ambiguous model of democracy than its earlier doctrine espoused, simply because of the diminishing prospects of obtaining wider support for a more socialist or Marxist-Leninist-oriented model of democracy? How committed was the ANC *at this point in time* to a multi-party democracy? – A question that is all the more valid in light of the broader circumstances in which the 1988 *Constitutional Guidelines* were formulated.

Styles (1989), interpreting the 1988 guidelines from a particularly cynical standpoint with regard to the genuity of the commitment behind the document's clauses at this time, argued that the *Constitutional Guidelines* in no way replace the *Freedom Charter*, despite the impressed response of many observers. For him, "the latter will continue to be used as a

primary mobilisational tool and lowest common denominator in the national democratic struggle" (1989: 70). However, while Styles intends this to be a criticism of the ANC, his very argument that the guidelines do not 'replace' the *Freedom Charter* in any way is, ironically, directly in line with the account given by Sachs. According to Sachs, the *Constitutional Guidelines* were not seen by the ANC as overriding the *Freedom Charter*. Rather, the guidelines were "an operational document", a conversion of a "programme of ideals" (expressed in the *Freedom Charter*) into specific statements on future "constitutional structures" (Sachs, 2005, personal interview).

Nonetheless, the first version of the draft guidelines were by no means accepted without criticism or proposed amendments by elements of the ANC leadership. The Constitutional Committee had also to consult with the ANC Sub-Committee on the Constitution, many of whom were also members of the NEC (Jobodwana, 2006). The question that concerns us is the extent to which debate or difference within the Constitutional Committee or sub-Committee centred on the adoption of certain *political* rights. According to Jobodwana, the issue that most concerned the sub-Committee was the need for greater attention to *socio-economic* rights (ibid). It is perhaps worth reflecting again on some of the quotes cited above, in particular those regarding the deteriorating influence of socialist ideals. In discussing any divisions that surfaced within the Committee or particular shifts in opinion over clauses to be included, it was noted that Joe Slovo, who was a member of the sub-Committee, had 'attacked' the first draft of the guidelines "as just a bourgeois type of document" (Jobodwana, 2006). On the one hand, Jobodwana also states that Slovo's criticism was based upon the concern of the sub-Committee in general to see greater attention paid to socio-economic rights in a future democracy. As far as they were concerned, this had been given little focus within the document.

Certainly the second half of the late 1980s exhibited a significant modification in the ANC's language with regard to liberal democratic commitments compared to the language of its earlier exile politics. However, according to members of the Constitutional Committee, the political and civil rights appear to have been, in general, unproblematic and widely accepted (Jobodwana, 2006; Sachs, 2005). Multi-party democracy, by this stage, was already something fully accepted by the ANC (Sachs, 2005; Jobodwana, 2006) and the vote, of course, "had always been central - one person one vote" (Sachs, 2005). With reference to the content of the *Constitutional Guidelines,* Sachs argues that

> Everything in the guidelines was consistent with his [Oliver Tambo's] outlook and his views and it was necessary to draft a document that would unify all those opposed to racism; would lay the foundations for a truly democratic society (Sachs, 2005, personal interview).

He similarly remarks that "there was enthusiasm for all the clauses and the principles. And there was never any substantive….alternative or conceptual alternative" (ibid). However, a document later issued by the NWC of the ANC in 1992, entitled *Negotiations: A Strategic Perspective*, outlined the balance of forces by the end of the 1980s and the factors that led to a negotiated settlement. This document adopted by the ANC states that:

> The crisis in Eastern Europe, and the resultant change in the relations between world powers brought the issue of a negotiated resolution of regional conflicts to the fore - in this context, South Africa was not going to be treated as an exception. Importantly, *these changes also exerted new pressures on the regime to fall in line with the emerging international "culture" of multi-party democracy* (ANC National Working Committee, November 1992) (emphasis added).

This would appear to undermine, to some extent, the claims made by ANC Constitutional Committee members that the inclusion of multi-partyism in ANC doctrine was never a new or contentious matter. It may well have become an accepted reality by the ANC at this stage, as a feature that now had to be adopted in the new circumstances, and thereby no longer worth debating or questioning. It would serve us well, however, to remain cautious as to the fervour and sincerity underlying its new focal position in ANC discourse.

Two particular conclusions can, nonetheless, be made at this point, and should be borne in mind during the remainder of the discussion when making further deductions regarding the ANC's relationship with liberal democratic values. Firstly, any disagreement over the content of the *Constitutional Guidelines* seems to have come from those on the political left within the alliance. This is reflected in the quote cited above concerning the persistent belief in the late 1980s amongst some SACP and trade union members that socialism and the communist route still provided the true way forward for South Africa. Secondly, the debate which dominated the formulation and re-formulation of the *Constitutional Guidelines* before their approval by all concerned, involved the inclusion (or exclusion) of particular *socio-economic,* rather than political, rights. Differences of opinion over socio-economic clauses within the guidelines appear to have dominated the debate during the late 1980s far more than that of political rights.

On the one hand, this provides a sound picture of the adoption of civil and political freedoms amongst the Congress leadership and reflects a consolidating relationship between the ANC leadership and the meaning of such liberal democratic values and principles. On the other hand, however, the quandary that comes into view is a problem that was touched upon in the earlier part of this paper. This is that the focus on issues of class struggle and nationalisation of the country's wealth - as advocated by the political left in South Africa - while ignoring critical aspects of democracy such as *political* rights and freedoms and portraying them, rather, as a form of 'bourgeois' democracy, is to suggest that such rights are not the concern of the lower and working classes within society (see Glaser, 1989). This viewpoint equally implies that socio-economic rights are in some way *superior* to those basic civil and political freedoms which underpin any truly democratic polity[27].

Furthermore, at the risk of being overly cautious in interpreting the guidelines as a genuine commitment to liberal democracy on the part of the ANC, we do need to consider more

[27] Interestingly, Jobodwana suggests that one of the key problems that surfaced around the inclusion of socio-economic rights was concerned whether in fact they would be justiciary / justiciable or not. Would they realistically be 'enforceable' rights? Or would they merely be something on paper? Could they actually be implemented or only "provided that the state has the resources at its disposal"? (2006, personal interview).

carefully the ease with which political rights were included rather than debated. Regarding the inclusion of rights such as freedom of association; freedom of expression; freedom of the press, etc, and how they came into the document, Jobodwana comments that "I think there was a lot of support for that. More especially, these were things that people were experiencing on the ground. So it is very easy to sell such things as freedom of the press.... Most civil and political rights were not a problem" (2006, personal interview). The idea that some such rights were 'sold' to party members, rather than them being embraced, based upon their intrinsic value in a tolerant and liberty-protective system, does not suggest that serious liberal democratic conviction existed throughout the ANC leadership.

One further related point is also worth noting here. This concerns the extent to which civil and political freedoms are endorsed willingly by a leadership when it faces no other serious opposition threat. In other words, it is worth bearing in mind whether many of the rights guaranteed in the *Constitutional Guidelines* are envisaged as taking place within the ANC itself? Is there to be tolerance of free speech, movement and association provided that it falls within the ambit of the ANC's programme for South Africa - both within the broad liberation movement itself and in wider society? If numerous political parties are to be accepted, as the guidelines set out, then what does the liberation movement understand as being their role? These debates raised here are worth bearing in mind as we begin to discuss the negotiations paving the way to the first democratic elections of 1994 and are particularly relevant to the final chapter covering the ANC's relationship with liberal democracy during its period in government.

By the end of the 1980s, while the ANC had certainly begun to state far more openly and unambiguously its position with regard to multi-party politics and key political rights, a position which was influenced greatly by a number of political changes and realities materialising on both a national and international level, it is fair to say that there remained elements within the liberation movement who remained strongly influenced by Marxism-Leninist ideas and who continued to not appreciate *fully* the value of *liberal democratic* rights and principles of political pluralism.

Democracy on the Horizon: The road to constitutional negotiations

Thinking back to the discussion regarding the ANC-SACP relationship in exile during the 1960s to 1980s, bonds of solidarity were forged in the organisation's common pursuit of liberation. Moreover, overlapping membership between the two organisation proliferated substantially during the years in exile, with a number of Leninist-Marxist traditions emerging within the ranks and leadership of the ANC. A question that this prompts therefore, is whether the more left wing and Marxist-Leninist language of the ANC remained visible (if at all its did) from 1988 onwards, and more specifically following the collapse of the Eastern European Communist bloc from 1989 to 1991.

A key comment made by Prior, writing several years earlier in 1983, is that in exile "pragmatic accommodation serves the interests of a strong opposition", guarding against the prospects of factionalism and internal splits that carry the potential to weaken the

liberation front (Prior, 1983: 195). However, he goes on to caution that "when this phase ends moves are likely to be taken to assert domination" (ibid). With the fall of the Communist regimes in Eastern Europe, for so long a source of support for the ANC-SACP alliance, the ANC began to realise the need for greater support from western governments, and increasing number of which were starting to back the ANC by the mid-late 1980s. Prior hence warned that "as a coalition party the ANC is increasingly faced with the dilemma of deciding whether its source of greatest support lies in communist ideology or a modified liberal pragmatism" (Prior, 1983: 195).

The emerging reality of the failure of communism and exposure of its devastating consequences, alongside an international audience now placing immense value upon political liberalisation, the role of the SACP within the Congress Alliance was suddenly uncertain. The ANC's liberal political commitments in the 1988 Constitutional Guidelines also presented certain complications to SACP-aligned members. Ellis and Sechaba present this very conundrum in describing that "Party control of the ANC in the past depended not just on packing ANC committees with Party members, but on a culture of secrecy and collectivisation reinforced by the threat of infiltration and assassination by the security police" (Ellis and Sechaba, 1992: 206). Such a closed culture and context, however, would no longer be applicable to the ANC-SACP relationship in the new situation in South Africa. Indeed, although Slovo's '*Has Socialism Failed?'* provided a thorough understanding of the imperative of opening up socialism to democratic practice and debate - a landmark commitment in Communist language - Ellis and Sechaba's question seems particularly pertinent. They ask whether "the SACP [can] assimilate this admission truly into its own behaviour, shrugging off a long tradition of democratic centralism, as this brand of tyranny is known?" (Ellis and Sechaba, 1992: 206). While the debates taking place with regard to the *Constitutional Guidelines* only a year earlier may have been focused around socio-economic, as opposed to political, issues, the shocks suffered by Communists in 1989-90 prompted a fading of their 'scepticism' about 'bourgeois' democracy, and was "replaced by the (sometimes grudging) acceptance that rights and liberties associated with liberal-democracy were (however insufficient) not mere 'window dressing' (Marais, 1998: 202). The possible ambivalence with which some ANC members had granted the inclusion of political and civil freedoms in 1988 had, by 1989, come to be considered as *unquestionable* in the new global reality and would become a permanent and far more central feature of the movement's discourse.

August 1989 saw the signing of the Harare Declaration by members of the ad-Hoc Committee of the Organisation for African Unity (OAU). The document, also signed by the ANC, laid out a statement of principles of what the Committee saw as the key conditions acceptable for negotiations; the climate and guidelines for process of negotiation; and a programme of action (OAU, 1989). According to Marais, the Harare Declaration "laid down conditions under which the organisation was prepared to negotiate a transfer of power with the apartheid regime. The declaration modified some of the ANC's previously hardline positions and was widely interpreted as opening up space for talks" (Marais, 1999: 28).

The Harare Declaration appears to have built upon the ANC's commitments in the

Constitutional Guidelines and provides a clearer and more systematic layout of the constitutional order and principles that must be adopted for any negotiation to take place. It outlines the necessity of multi-party politics; "universally recognised human rights, freedoms and civil liberties, protected under an entrenched Bill of Rights"; a legal system guaranteeing "equality of all before the law"; and "an independent and non-racial judiciary" (OAU, 1989). It then went on to propose that the relevant parties must then decide upon further principles for the new constitution and negotiate "the necessary mechanism for drawing up the new Constitution" (OAU, 1989).

While the ANC was officially unbanned and its political prisoners released, including former Robben Islander, Nelson Mandela, the National Peace Accord, which would bring a formal end to armed hostilities and commit the nation to Peace and negotiations, was only signed in September 1991. Several months earlier in April 1991 the ANC issued a discussion document entitled *Constitutional Principle and Structures for a Democratic South Africa.* This document was a far longer and more detailed publication. Moreover, it was a result of a period of conferences, workshops, discussion and meetings as well as bring "distributed……within the broader democratic movement" (ANC, 1991). The document was thus a refection of "views and responses" collated by the time of April 1991 in order to "formulate documents identifying principles and a possible structure for a new Constitution" (ibid).

The opening of the *Constitutional Principle and Structures* discussion stated that:

> While the documents reflect the broad thinking within the ANC and allied organisations, *they are not put forward as final positions or blueprints.* They are meant for *discussion* and *debate* within the ANC branches, trade union movement and all allied organisations – and indeed amongst South Africa's people. This will enable the ANC to arrive at a set of proposals based on the will of the people" (ANC, 1991) (emphasis in original).

The 1991 document hence requested the submission of suggestions and criticism – a particularly open request by the ANC that the broader populations decide, "sympathetic or unsympathetic" to the ANC (1991), what must be included within a new constitution. The output of this discussion and collation of views was then formulated by the ANC Constitutional Committee and translated into a comprehensive document. The 1991 *Principles and Structures* document or course retained the same commitments to equality and non-racialism; to a Bill of Rights, a multi-party dispensation with the previously stated civil and political liberties, and the separation of powers. It also however covered issues of a Presidential system with a limited number of terms stipulated (two five-year terms), and how members of parliament would be elected. It also put forward as most appropriate a system of proportional representation. There was also a premium placed upon the importance of procedures to ensure a free and fair election. Moreover, the freedoms to be included in the Bill of Rights were also far more detailed and elaborate. Perhaps most interesting are the questions presented in the opening of the discussion section of the document, questions which the ANC asks the reader to focus attention on, one of which

asks:

> What provisions should be included to avoid over-centralization and ensure democratic participation in government at central, regional and local levels? Also, what provisions could be included to ensure structured accountability of all officials and organs of government? (ANC, 1991).

From the vague political formulations of the Freedom Charter, to the open acceptance of liberal democratic values in the 1988 *Constitutional Guidelines* and finally the 1991 *Principles and Structures* signified a gradual yet by no means insignificant move toward an intrinsic understanding of liberal democratic principles and their applicability to a new South Africa. For Styles, as noted earlier, the 1988 guidelines and the move toward negotiations by the ANC were a mere 'propaganda ploy' (1989: 72). However, in following the 1988 document with *Principles and Structures* in 1991, the ANC proved, rather, to be considering in far more depth how the new state would be shaped.

A further point that should be given its due concerns the Constitutional Committee's decision to shift from constitutional g*uidelines* to *principles and structures* instead. Sachs describes the reasoning behind this move by stating that there was the "notion that the constitution had to emerge from a body with a mandate from the whole nation……..the principle that only a democratically chosen South African National Assembly, Constituent Assembly, could draft a constitution. So that's why we moved from drafting a constitution to doing principles" (2005, personal interview).

The encouragement of openness and widespread participation in the gathering of ideas on what a future constitution should look like, as well as reflecting a liberalisation of thought within the Congress camp, was also an off-shoot of the new legalised domestic context in which they were operating. As Jobodwana relates, the guidelines of 1988 were jut that – 'guidelines' – and the ANC was utilising them from exile in part as "a mobilising instrument", acknowledging that the document was devoid of much detail (2006, personal interview). The ANC's *external mission* "did not have [the] opportunity of consulting with all the constituencies inside the country……That type of consultation was fundamental" (ibid). Contrasted to the ANC's return to South Africa in 1990, however, Jobodwana states that "more people could join the ANC without fear. The Constitutional Committee was broadened [with] greater participation" and from this point the guidelines were improved (ibid).

In September of 1991, the National Peace Accord was also signed by some forty organisations in South Africa committed to a new peace and unity. The document, to which the ANC was of course a signatory, stipulated the conditions and principles to which all organisations must adhere to in order to bring about "multi-party democracy" as a "common goal" (1991). The document complied with liberal democratic ideas for the holding of a free and fair election, listing "certain fundamental rights" which must be 'recognized' and 'upheld' by all participants. It also listed a specific "Code of Conduct for political parties and organisations" (1991).

With the ANC's unbanning, the ANC's Constitutional Committee, according to Jobodwana began to function also as a 'research unit' (2006, personal interview). The ANC sought to prepare itself for very new territory and with the commencement of negotiations in December 1991, the Constitutional Committee also prepared documents for use at the Convention for a Democratic South Africa (CODESA).

At the Multi-Party Negotiating Forum (MPNF) that followed CODESA in April 1993, actual *technical committees* were set up to carry out the formulating of the interim constitution which would allow for the holding of democratic elections just one year later. As the technical committees were formed, largely comprised of lawyers who were there to advise the participating parties, the involvement of the ANC's Constitutional Committee that had drafted the 1988 and 1991 documents seemed to decline. Much of the discussion now took place at a "leadership level" (Jobodwana, 2006, personal interview).

In the drafting of the interim constitution, a number of lawyers advised and assisted the ANC in various 'capacities' and 'fields' (Cheadle, 2006, personal correspondence). The two lawyers advising the ANC specifically on the Bill of Rights were Halton Cheadle and Penuel Maduna - a point that is particularly interesting to note as Penuel Maduna had also been a member of the ANC's Constitutional Committee formed for the drafting of the 1988 guidelines. A number of reports were prepared by the technical committee on the Bill of Rights and submitted to the Constitutional Committee of the MPNF. According to Cheadle, an initial problem with the reports lay in "the extensive nature of the rights enumerated by the TC for inclusion in an interim constitution" (2006). As he describes, "the technical committee had engaged in an exercise of listing every single conceivable right and placing this before the Constitutional Committee" (ibid). An interesting point that Cheadle makes is that, he considered

> The proper criteria for the entrenchment of rights in the interim constitution was what was necessary to ensure a free and fair election (equality, expression, association, assembly, franchise, fair trial rights, etc); and what was necessary to satisfy the parties to the process that a majority party in the interim legislature and executive would not use their powers to adversely affect their strongly held interests (property, fair trial rights, fair labour practices, life etc) (Cheadle, 2006, personal correspondence).

A further issue of note is that he also believed that these rights *"*should be cast as *restraints* rather than *individual rights*" (ibid). (my emphasis added). This, he emphasizes, "was not because of any lack of commitment to the establishment of a bill of rights" (Cheadle, 206) but, rather, highlights an important point that was raised earlier by the ANC Constitutional Committee concerning the decision to opt for 'principles' over 'guidelines'. He states that the drafting of a full and final Bill of Rights must be

> - The job of an elected constitutional assembly and that a full house of rights would pre-empt the work of that assembly. The interim constitution was not a constitution for all time but a holding operation

> pending the drafting and passing of a final constitution by a democratically elected constitutional assembly (2006, personal correspondence).

The point here that is particularly relevant to us, is that the ANC concurred with Cheadle's perspective – a decision that led to "some reservation that the ANC had gone too far already and that it would look bad publicly to seem to be recanting on rights" (Cheadle, 2006). Following these reports, an Ad-Hoc committee on the bill of rights was established in which Cheadle and Maduna then represented the ANC as negotiators within the MPNF. What comes to the fore in corresponding with Cheadle however, is that, just as Sachs and Jobodwana highlighted the lack of debate or difference over political rights within the ANC's constitutional documents, Cheadle also states that there was 'unanimity' over the political and democratic rights to be included. As far as a free and fair election was concerned, these rights were 'fundamental' (ibid).

Through analysing the content and language of documents that appeared – both those produced by the ANC itself and those such as the *Harare declaration* and *Peace Accord* that were formulated and agreed to on a regional and national level, respectively – it is possible to trace what Cheadle refers to as "a commitment to both democracy and equality……to a trend towards a greater acceptance of a bill of rights enforceable by judicial review" (2006, personal correspondence). In 1992 and again in 1993 the ANC Constitutional Committee produced revised versions of a Bill of Rights and the revisions were made based upon comments received from ANC membership (ANC, 1992; 1993). Jobodwana also concedes that more liberal ideas relating to political rights were more 'predominant' during the MPNF than they had been in the 1980s (2006, personal interview). A point that must be emphasised here, however, relates to the context in which the negotiations took place. South Africa continued to be 'engulfed' in violence after 1990, with many people dying as a result of ongoing political violence. As such, ANC delegates made certain 'compromises' at the negotiating table (Jobodwana, 2006), compromises that may, therefore, have been made *for the sake of peace*, rather than out of the genuine will or political conviction of their participants.

The distinction that we perhaps must draw for ourselves is that while the ANC had historically campaigned for the equal rights and status of Africans in South Africa, and spoke very early on of universal suffrage upon the basis of one man, one vote, this by no means constituted a commitment to or belief in values of liberal democracy for a future South Africa. Indeed, even by the time of the 1988 guidelines and commencement of the negotiations themselves, the ANC's language of human rights remained ambiguous and unclear on some points. As the chapters so far have shown, there had equally been an ambiguity and lack of formal commitment to a future *state form* through much of the movement's history until its addressing in the documents analysed above. Cheadle hence refers to the Constitutional Committee of the MPNF as playing "an important role in slowly diffusing a rights approach within the ANC" (2006, personal correspondence).

The late 1980s and early 1990s saw significant shifts with regard to both the clarity and acceptance with which the ANC spoke of a new democratic state and the pluralism and

rights which it would guarantee. Indeed, the significance of this must not be understated, as Glaser has noted, the commitments made to pluralism and rights have emerged from "a movement whose historical allegiances and practices are far from consistently democratic" (1997: 5). The ANC's own decision to pursue negotiations as opposed to war – a decision that by no means went down well with the more militant and radical elements within the movement – was itself a reflection of the ANC's *choice* to opt for "democratic principles and process" (Cheadle, 2006) over the seizure of state power. It is in the *ensuing period* of the post-1994 democratic dispensation, however, that these apparent commitments to liberal democratic values will need to be assessed. Furthermore, a crucial aspect of this analysis relates not only to the formal commitments made on paper, but to the *way* in which the ANC's *own understanding* of pluralism and rights come to be played out in the first two decades of South Africa's democracy.

Before moving on to the democratic era, however, the issue of the ANC's own interpretation of itself as liberal democratic requires greater attention as it becomes most relevant both to the period just discussed and the discussion to follow. Both Suttner (2005) and Sachs (2005) independently argue that the ANC would certainly not regard or refer to itself as 'liberal democratic'. Indeed, Sachs suggests that Oliver Tambo would be horrified by such a definition (2006).

A number of authors writing about post-apartheid South Africa, however, refer to the ANC as a liberal democratic party[28]. Given the universal franchise and constitutional rights that early ANC leaders campaigned for (see in Chapters 2 and 3), these men were considered by many to be 'liberals' (see Welsh, 1998 in Johnson, 2003: 330). Liberalism in South Africa, however, has historically been associated with white political parties, such as the Liberal Party and Progressive Party (later to be the Democratic Party). Moreover, liberalism has also been linked in the past to capitalist exploitation (Adam, Slabbert and Moodley, 1997). Historical factors impacting upon the shaping of the struggle for liberation in South Africa have caused what Slabbert accurately describes as a 'polarisation' of South Africa during this period (1993, cited in Laurence, 1998: 46). A result of the overlapping of class and racial polarisation pre-1994, therefore, roused a situation in which "political forces [such as liberalism] which sought to promote an alternative more often than not found themselves castigated as part of the problem" (Laurence, 1998: 46). Such historic associations with liberalism in South Africa have perhaps led to an aversion for parties to associate themselves directly with the ideology. Interestingly, Laurence notes that, in 1994, none of the parties chose to describe themselves as 'liberal' (1988: 45).

A point that can be legitimately made, however, is that the ANC had openly adopted and agreed to conform to principles and values which underpin liberal democracy itself, and which reflect directly the key components of liberal democracy outlined in the theoretical introduction to this paper. Moreover, South Africa's current Constitution (1997) contains the very liberal democratic commitments to pluralism and rights discussed. The earlier notions of 'people's democracy' - continuously a feature of ANC doctrine even where commitments to fundamental human rights and one person, one vote were simultaneously advocated – became absent from ANC documents and publications in the early 1990s. The

[28] See, for example, K. Johnson (2002); McKinley (2002); and W.M. Gumede (2005)

ANC has adopted and embraced parliamentary democracy.

However, this very point brings us to a principal issue characterising the debate over forms of democracy taking place in South Africa, both during the late 1980s and, to a degree, in the present period. The point to be made is that the ANC's adoption of a parliamentary model of democracy was a controversial issue between it and its aligned members in the civic movements and political left.

As the previous chapter alluded to, a number of different political traditions began to play themselves out from the late 1980s. The space for this variety of traditions in a new democratic dispensation, and, moreover, which of them would take *precedence* over others also became a bone of contention within the Congress camp and its support base. This can be seen most starkly in the language of people's democracy which embedded in many South Africans the idea of a *participatory* and *mass-driven* democracy as the only natural development from their active role in the mass politics of the struggle (see Cronin, 2004). Many of the more liberal democratic ideas of representative democracy that came to be espoused from 1990, however, conflicted with many of the expectations on the ground and within the ANC's left-wing allies. The conflict that arose reflects the 'hybrid' of approaches that exist within the democratic movement (Marais, 1998: 204).

Here we must link back to what was said in chapter 4 with regard to the UDF's understanding of democracy as *participatory*, providing for control by the working classes over their own lives, rather than what it described as "some liberal, pluralistic debating society" (New Era, 1986 cited in Lodge, 1991:131). This very quote is key to understanding the multiplicity of traditions existent within the ANC camp. The liberal democratic and parliamentary notion of democracy which the ANC came to adopt conflicted immensely with the view of many ANC members of its bourgeois and elitist connotations. What had in fact happened in South Africa was not what the UDF had envisaged. It had initially wanted a 'national convention', understood as a type of 'bargaining forum' and later supplanted with the idea of 'People's power' and a people's democracy (Seekings, 2000: 295). What they had not expected were "negotiations between political parties" (ibid).

The merging of the various political traditions in the Liberation movement was only complicated more by the Marxist-Leninist strands within the ANC leadership themselves that also became visible. As Marais comments, "the exercise of power from below", a tradition that the emerged within South Africa during the 1980s, "contrasted with the reifying thinking employed by the ANC and SACP. The discourse there remained virulently Leninist" (1998: 200-201). The leadership was thereby accused of taking decisions for itself while expecting 'the people' to ask no questions and to follow. Again arose, therefore, the tensions between popular/participatory democracy on the one hand, and the leadership's new version of democracy on the other.

A particular matter that remains, and one that the remaining chapters will seek to qualify, is that however much the ANC *recognises* the importance of pluralism and rights and, we must add, since coming to power has *not* constitutionally traversed these rights, there have

remained elements of the movement's discourse and suggestions within the language of its leadership, since 1994, that reflect the legacy of exile; intolerance of dissenters; and a continuing collective and unitary understanding of South Africa's citizens as needing no other representative vehicle outside of the ANC itself. In a number of ways it appears to have retained the image of itself as the movement and vanguard of 'the people'. Moreover, the downfalls of the 'broad church character' of the ANC have come to the fore most prominently since the early-mid 1990s. The movement and its supporters have confronted numerous ideological divisions with regard to policy and programmes and over the (sometimes conflicting) variances within the movement over the form and type of democracy desirable for South Africa. Simultaneously the ANC continues to seek to be all things to all people in the context of a 'formally' multi-party democracy. It is to the dilemmas thrown up by the movement's own understanding of liberal democracy and its implications in post-1994 South Africa that the following chapters now turn.

PART II

Chapter 6

LIBERAL DEMOCRACY POST-1994: THE ANC IN THE MULTI-PARTY CONTEXT

The discussion thus far has followed the ANC's changing relationship with liberal democracy using a *periodisation* approach, looking at the shifts that have taken place and alterations in the ANC's understanding of democracy over time within different periods of the movement's existence and activity. The following sections, however, are broken down into facets of the liberal democratic debate as they apply to South Africa. The reason for this is, in part, that we are just over 10 years in to South Africa's young democracy. The period under analysis is therefore arguably too short to identify specific phases that would provide an applicable framework for the objectives of this study, although we can certainly trace an evolution.

The approach chosen here is to analyse this period via a particular categorisation of liberal democratic theory, as it appears most relevant to post -1994 South Africa. The intention is that this approach will provide a better understanding of the nature of the ANC's relationship with liberal democratic ideas as well as the movement's own *understanding* of such principles as both a social movement and a governing party. The chapter is thus broken down into particular categories which provide a lens through which to analyse the state of post-1994 liberal democracy: a) the relationship between state and civil society; b) the ANC's understanding of political opposition within the multi-party dispensation; and c) issues of internal party democracy. It has already been noted that, although internal democracy is not specifically a feature of liberal democratic theory, given the context of one-party-dominance in South Africa, then it becomes of tremendous consequence to the maintenance of a democratic value system.

The Relationship between State and Civil Society

Marais, in speaking of the challenges facing post-apartheid South Africa, notes that a pertinent concern characterising this phase concerns "the relationship between the state and civil society within the context of a national reconstruction effort" (Marais, 1998: 209). Indeed, for the UDF and Civic movements many of these debates began to take place in the 1990s and questions regarding what the new role of civil society would be within the democratic dispensation came to the fore. The UDF had actually formally disbanded a few years earlier in 1991[29], but the issues that confronted the movement were a pertinent reflection of the challenges to come for civic movements at large, and evidently a prime feature of these debates concerned the new focus upon the need for an autonomous civic realm. Simultaneously, however, it should be remembered that by the late 1980s, the ANC had already succeeded in extending its hegemony throughout South African society (Marais, 1998: 207). The crucial debate, therefore, became how those civic groups historically aligned to the ANC, would find their appropriate role in the new South Africa. Moreover, civil society had formerly adopted an antagonistic role with the state and one that had been characterised by confrontation and protest. Such groups now had to find a more 'constructive' relationship with the state - a dilemma that would especially come to confront COSATU over the coming years.

A prominent and highly relevant question is posed by Marais (1998). He notes that the anti-apartheid struggle had an 'adhesive effect' on the variety of civic groups and political affiliations that were contained within the ANC camp. Thinking back to the second part of chapter four, it was noted that support for the ANC and the armed struggle was what held these various organisations together. However, Marais asks not only how these heterogeneous organisations are suddenly to relate to one another, but also, with the liberation movement now in power, how are they to relate to the ANC? (1988: 207, 208). In liberal democratic theory, one of the key mechanisms in ensuring that the government remains accountable to the electorate is an autonomous civil society that is able to criticise government and keep a check on the abuse of authority. Civil society therefore has a key accountability function to play. Not only would many civic groups face challenges of adopting a non-partisan approach, as was the predicament faced by the UDF before its disbanding (Seekings, 2000: 276), but their historic relationship with the (now) ruling party threw up uncertainty as to how the all-encompassing ANC itself would deal with and treat the growth of an independent civic realm.

One of the most prominent elements of the ANC's relationship with civil society is the movement's understanding of 'the people' as a homogeneous group a tightly held notion carried over from the struggle era. This idea of a unitary understanding of the people and viewing society as a 'collective' body (Glaser, 1991; Marais, 1999; Fine, 1992) has already been discussed and needs no additional explanation here. However, the continued use of

[29] The UDF had considered adopting the role of development and reconstruction in the post-apartheid era. However, following a number of tensions and disagreements amongst the UDF leadership and between the UDF and other Charterist groups, the front finally decided in 1991 to disband (See Seekings, 2000)

this unitary notion of the people in the democratic era is necessarily problematic for the consolidation of liberal democracy and reflects a lingering deficiency in the ANC's understanding of *individual* rights and pluralism. Marais, speaking of the years of the struggle and quoting the work of Fine (1992) comments that "the idea of 'the people' was "turned into a formalism whose singular consciousness was homogenised by the movement which spoke in its name', while a 'plurality of opinions' was 'negated by the singular notion of public opinion' " (Fine, 1992: 80 quoted in Marais, 1998: 207). One of the fundamental challenges faced in the post-apartheid era, therefore, has been reconstructing the state-society relationship away from both notions of the state as something to be feared, and toward a more *constructive* relationship while still maintaining the civil autonomy that is so important to ensuring civil freedoms and allowing the diversity of society to flourish, rather than be contained. The ANC's broad-church character however, has made these challenge all the more difficult.

One of the key issues underlining this is the ANC's understanding of itself as the 'vanguard' of the democratic struggle. On the one hand, we must be careful when speaking of the ANC's commitment to liberal democratic values and institutions. As the previous chapter discussed, the number of documents crafted by the ANC itself and the formal commitments made in documents such as the Harare Declaration and the Peace Accord to liberal democratic rights and principles represented a tremendous sea change in the liberation movement's thinking during that time. The significance of its commitments should therefore not be underestimated. The South African Constitution, compiled in 1997 following the commencement of the Government of National Unity, provides for the protection and autonomy of democratic institutions and mechanisms as well as an array of individual rights enshrined in a bill of rights. Moreover, it is also crucial to emphasise the impressive role of institutions such as the Constitutional Court and Independent Electoral Commission (IEC) whose roles have been constantly respected and strengthened by the ruling party. The point that needs to be made here, however, is that there remain certain elements within the ANC's language and discourse that suggest understandings of the role of civil society and the liberation movement's own role vis-à-vis civil society that are problematic for liberal democracy.

Since its unbanning in 1990, Herbst notes that "while recognising the importance of developing a clear political programme, the ANC has.....also been unwilling to move too far from its origins as a mass movement" (ibid). Reflecting back on a document drafted by the ANC in 1991, the movements stated:

> *The ANC is not a political party, but a liberation movement. It must therefore remain the political home for all individuals interested in and committed to this future, without regard to ideological beliefs that are not in conflict with its basic policy positions and programme*. At the same time, the ANC must rapidly develop to master all the methods of political contest that operation under conditions of legality demand. It must deliberately prepare itself for the different challenges of the transition and the future, including work in an Interim Government, elections into a Constituent Assembly and so on. However*, this must not*

> *be allowed to infringe on the main character of the movement as an organisation of the people*, pursuing their aspirations, rather than an elitist cabal (Section 46, ANC Advance to National Democracy: Guidelines on strategy and tactics, 1991) (emphasis added).

By the ANC's 49th National Conference in 1994, then vice-president, Thabo Mbeki stated that

> The ANC's *crucial role as a ruling party* needs to be carried through effectively and professionally. *This role should reinforce, not undermine, the ANC's continuing role as a broad movement* with effective grass-roots structures, capable of organising and mobilising the broad mass of our people (ANC, 1994) (emphasis added).

Therefore, by the time of entering government in 1994, the ANC had begun to recognise the need for crucial adaptations in its role as a political and governing party. However, the point highlighted by both of the above statements, in 1991 and 1994, is that the ANC continued to view itself as a broad social movement able to represent the people at large, hence the statement that it is a home for 'all individuals'. The feature that enabled the ANC to provide such a home however, was its central goal of ending racial domination. What must be questioned, however, is the suitability of the ANC to provide a political home and function as a representative body for all who no longer agree with its ideological beliefs or policy as a ruling party. The conception that it can adequately represent all corners of a diverse society surely conflicts with notions of pluralism. Furthermore, coinciding with the unitary notion of 'the people' of 'the masses' is the understanding that the ANC *is* the very embodiment of the people. The scenario that enters the our discussion here is therefore that if you are against the ANC, then as the movement of the people, this implies you are also against the people themselves (See Friedman, 1992: 83).

The conundrum that has transpired for a number of civics and unions since 1990, but in particular since the ANC's position in government in 1994, is that they have "grappled for an institutional framework which would allow them to access future state resources and support without compromising their prized autonomy" (Glaser, 1998: 42-43). Civics are aware that the tremendous power and electoral dominance of the ANC in government renders them considerably reliant on the movement for access to much needed state resources. Simultaneously, however, society is no longer allied to the ANC in the same way as the struggle against apartheid has been won. Society now looks to the ANC for delivery, responsiveness and representivity as a governing party. The key question, therefore, concerns how the ANC views civil society and what it assumes the appropriate role for civil society to be.

Undoubtedly, a vast number of civic movements have been historically aligned to the ANC. A point that Friedman has made, however, is that we must not conflate particular civic movements representing a particular interest group or political alignment with civil society as a whole (1991: 10-13). Given the ANC's broad-church' character and its long-standing practices of seeking unity and organisational cohesiveness under a banner of liberation politics, then Friedman's caution is worth bearing in mind. He warns that the

“Gramscian heritage" of these civic movements, which were formed during the fight for liberation and in line with the Congress movement “may also ensure that their most talented leadership take up positions in the new state…[As a result]...this may leave them so weakened that they will not be able to act as effective “watchdogs” even if they chose this role” (Friedman. 1991: 13).

This has certainly been a feature of post-apartheid society that has manifested itself in some of South Africa’s larger and most politically influential civic organisations, such as Congress of South African Trade Unions (COSATU) and the leadership of the United Democratic Front (UDF), who lost many of their skilled and key leaders to the ANC. A prominent concern raised by those wishing to see the growth and consolidation of an autonomous civil society able to hold the government to account is that the ANC has not responded favourably to those organisations and individuals within society who have criticised or raised objections to the ANC's policy directions or programmes in government (Gumede, 2005). Rather, Gumede suggests that the given the ANC's historic relationship with civics during the struggle, it has, in fact, reacted angrily to the idea of civil society adopting a 'watchdog role' (2005: 284). In a 1997 address by President Nelson Mandela at the 50th national conference of the ANC, Mandela chastised sections of the non-governmental (NGO) sector for promoted the idea of such a role and labelling them as forces of reaction. Moreover, he seems to have sought to link these forces within civil society with bitter remnants of the UDF:

> " - sections of the non-governmental sector which seek to assert that the distinguishing feature of a genuine organisation of civil society is to be a critical "watchdog" over our movement, both inside and outside of government. Pretending to represent an independent and popular view, supposedly obviously legitimised by the fact that they are described as non-governmental organisations, these NGO's also work to corrode the influence of the movement. Strangely, some of the argument for this so-called "watchdog" role was advanced from within the ranks of the broad democratic movement, at the time when we all arrived at the decision that with the unbanning of the ANC and other democratic organisations, it was necessary to close down the UDF. .....Certain elements, which were assumed to be part of our movement, set themselves up as critics of the same movement, precisely at the moment when we would have to confront the challenge of the fundamental transformation of our country and therefore, necessarily, the determined opposition of the forces of reaction. (Mandela, ANC, 1997).

This very quote highlights the problem of rethinking and re-evaluating the role of civil society in such a way that enhances and protects democracy in a context in which the new ruling party is also the former liberation movement. We should also add to this the ongoing role and identity of the ANC as a *broad social movement*. This difficulty of the ANC's transition to a political party highlights the historically broad reach of the ANC, which now seems to encompass both state and civic realms in the new South Africa. Needless to say, this places tremendous strains on civil autonomy and balancing the state-civil society

relationship. Mathebe's observation is therefore particularly relevant here. She comments that the 'strength' of the ANC as movement against apartheid was "the fact that the organisation was able to transform itself into a national narrative"(2001: 21) (emphasis added). The tremendous reach of the ANC which became a political home to many throughout the liberation struggle, has left many groups within civil society with no other familiar territory or political association outside of the all-embracing ANC. Shubane therefore argues that "there are characteristics inherent to liberation movements which militate against the emergence of civil society" (1992: 37).

What has appeared therefore in the years post-1994 is a difficulty, or perhaps unwillingness, on the part of the ANC to come to terms with notions of autonomous groups within society that represent an opposing or alternative political home to the ANC. The tremendous moral legitimacy earned by the ANC and the way in which this has carried over into the democratic era is aptly reflected in the extract below from the ANC's *Draft Strategy and Tactics* document in 1997, itself entitled "All Power to the People":

> "The ANC is the vanguard of all these motive forces of the NDR [National Democratic Revolution], the leader of the broad movement for transformation. *Its leadership has not been decreed; but earned in the crucible of struggle and the battles for social transformation*. It should continually strengthen itself as a national political organisation; and ensure that it is in touch with the people in their day-to-day life" (ANC, 1997, Draft Strategy and Tactics) (emphasis added).

The idea of a legitimately earned 'right' by the ANC to represent and lead the 'people' of South Africa underlines the movement's understanding of its ideas of the path for South Africa's future as the *only* way that will truly represent the people. On the one hand, we must be careful to make the conceptual distinction between *a party seeking to lead a people* - a legitimate democratic function of all contenders in a multi-party dispensation - and, on the other hand, a party that already see itself as *an embodiment of the people*, in such a way that it represents that people by *proclamation*, rather than as a result of gaining consent for this role from within civil society. The latter is therefore a self-defined role irrespective of public opinion. The line of distinction with regard to this within the language of the ANC, however, remains somewhat blurred, and the movement appears to tread a very delicate line between its legitimate democratic function and a continued assumption of its preordained vanguard role as an embodiment of the people. In light of our concern to see the safeguarding of liberal democratic values and practice, then the ANC's understanding, which appears to fall largely into the latter of these two distinctions, should keep us on guard against the abuse of legitimate democratic terrain.

A frequently cited 1996 discussion document belonging to the ANC, *The State and Social Transformation*, similarly stated that "Over the decades, through its theory and practice, this movement had proved that it is the only vehicle which possesses the capacity to act as the leader of the people in their struggle to establish a truly democratic state" (ANC, 1996). The crucial point in the contemporary context is not so much the notion of the ANC as the 'vanguard' movement pre-1994 - a claim that had long been reiterated by the ANC during

its years in exile - but the continuing use of the term in the democratic era. On the one hand, as early as 1991, the ANC's *Guidelines on Strategy and Tactics* stressed that

> We should...ensure that the ANC and its allies do not behave in such a way that they are seen by the people as formations which they should fear, because of such wrong methods of work as political intolerance. (ANC, 1991)

However, it is fair to say that it was not until the ANC actually entered government and found itself on pluralistic political terrain in which space must be shared with numerous forces, not necessarily in agreement with the ANC, that the ANC's ability to adapt to a culture of tolerance and diversity was fully put to the test. The crux of the matter is that the ANC's dominance means that it has not been threatened to any significant degree by opposition or dissenting forces from within its own ranks. Perhaps it thought it would never encounter them, for as such forces have surfaced from within civil society, the movement has not taken kindly to their emergence.

The worrying suggestion is that those who disagree with the ANC's policies are therefore not only against 'the people', whom the ANC sees itself as embodying, but also as hijackers of the ANC's project of *transformation.* The notion that the ANC is the only body able to legitimately spearhead the process of transformation in South Africa has lead to (often-unwarranted) attempts to de-legitimate the opposition in the face of legitimate criticism of its policies or practice. This is an issue that will be discussed in more detail in the following section. In relation to the ANC's understanding of the role of civil society, however, it also becomes significant.

A point that must be made is that the ANC, since coming to power, has shown respect for constitutional rights and institutions of governance. In fact, since the onset of democracy in South Africa and emergence of overwhelming electoral and political dominance by the ANC, Alence has argued that this "has coincided with the institutional strengthening of political contestation and constitutional government". Moreover, he conceives that the growth of this dominance "has not been taken as licence to dismantle [these institutions]" (2004). A prominent criticism of the Mbeki presidency, from 1999, however, is that repressive and centralised tendencies have surfaced, beginning to show increasing intolerance of criticism and dissent (Gumede, 2005). The brunt of much of this intolerance has been received by civil society organisations that have been portrayed by the ANC as criticising a movement representing the heart of the 'people' of South Africa. Gumede (2005) cites ANC targeting of new social movements as a particular concern. ANC intolerance has stemmed from such movements' tendency to shine lights in places that the ANC would rather they did not and to highlight failures in government practice or delivery[30].

[30] In October 2005, for example, *The Star* newspaper published an article citing Mbeki's complaints at foreign donors for funding social movements in South Africa (Peter Fabricius, 17 October 2005). In a similar vein, the ANC government has more recently sought to divert foreign funding away from non-governmental groups toward state programmes and distribution.

Having said this, Murray and Pillay, looking at 2004 figures from *Afrobarometer*, argue that South Africans "rarely had to be careful of what they say about politics", and that freedom of association and political participation "are realised to a fair degree" (2005: 196). Equally it is important to note that, unlike in some African states, South African civil society is active, well organised and, historically, politically charged. Since the onset of democracy, the unions and civic-based organisations have not failed to stand up and make their voices heard (Brooks, 2004: 150-151; see also Khosa, 2005: 145). However, what becomes relevant to us is that as the ANC's political dominance continues to grow - which it is has done during the years from 1994 - then its angry reaction to critical voices from within civil society, let alone attempts to scapegoat them as 'reactive' forces set on hijacking the process of transformation, as suggested in the quote from Mandela above, become worrisome for liberal democracy. Marais' comment that "a constantly admired feature of the anti-apartheid era was the success of the ANC (and the UDF) at enveloping different classes, ethnicities, generations and ideologies" (Marais, 1998: 214) appears highly ironical given that it has more recently shown to be a danger to civil rights and liberties.

For those civic organisations in need of state resources, then their autonomy is put in severe jeopardy by the need to weigh up the importance of, on the one hand, acting as a government watchdog while running the risk of being cut-off from much-needed funding, and, on the other, keeping their projects in line with government dictates in order to obtain resources while putting up with non-accountability or government failure. The former choice, for some NGOs has resulted in castigation and discrediting by the ANC (see Gumede, 2005: 286-287). A question that this throws up hence involves "on whose terms" 'engagement' between state and civil society will take place? (Murray & Pillay, 2005: 196).

Looking at particular areas of civil activity, a point that does seem to be applicable is that some fundamental rights have been restricted by the ANC in seeking to protect another right. The South African constitution contains a section entitled 'limitation of rights' which states that rights "may be limited only in terms of law of general application to the extent that the limitation is reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom, taking into account all relevant-factors" (see Appendix 1). In this way, a particular right, such as freedom of speech for example, can be legitimately infringed upon of it is impacted negatively upon another, such as freedom from discrimination. An example here would be the media enquiry report of the South African Human Rights Commission (HRC), the details of which have been covered by Glaser (2000). The issue contained in these reports concerned the "handling of race and incidence of racism in the media" and carried out an investigation into two major South African newspapers (2000: 374). Glaser's analysis of the enquiry provides a reflection of the way in which the role of institutions such as the HRC in protecting enshrined individual rights can be weakened when there is state interference in areas that should remain autonomous. According to Glaser, the HRC reports "appeared to equate vigorous criticism of the black majority government with racism" (2000: 374), demonstrating "a remarkably impoverished understanding of freedom of expression" (2000: 375).

The issue of the HRC reports links back to the notion of 'bounded uncertainty' (Schmitter,

1994), discussed in chapter one, in which certain key rights and issues should remain outside of the reach and interference of politicians and the state. Glaser therefore reflects upon the reports as an "illustration of what can happen when intellectual activity is placed in the service of repressive state power" (2000: 373). The media, therefore, widely viewed as being a key part of civil society able to disseminate information to the public; allow for discussion and participation of broad sections of the population; and which should be a reflection of the diversity of South African society at large, is encroached upon by government, thereby undermining its autonomy and impartiality as well as the fundamental right of freedom of speech and of the press (see Appendix 1). The danger here, as Glaser points out, is that there is a risk of the media "being harnessed into some form of state policing role (Glaser, 2000: 375).

The concern that arises from this analysis, therefore, is that, despite formal commitments, ANC language and its continued understanding of its own role and that of civil society - seen as needing to cooperate with government in order to achieve the ANC's vision of a future South Africa - remain problematic in terms of liberal democratic conceptions. As must be pointed out, state and civil society should not be seen as two distinct and opposing fields. Rather they are interdependent (Atkinson, 1992) and there is a crucial and necessary reciprocity that must be achieved between the two. However, so long as the ANC continues to retain an idea of protecting only those civil freedoms that boost the movements own agenda, or at least pose no threat to it, then the very essence of pluralism and rights remain undermined.

ANC Understanding of the Political Opposition: Invaluable or just Unwelcome?

A key point made by Southall, and highlighted at the beginning of this paper, is that in post-apartheid South Africa, "increasingly the debate is not just about whether democracy in South Africa will survive, but about the *quality* of that democracy" (Southall 2001:1). The logic of this comment emanates largely from the emergence of a dominant party system in South Africa since 1994. In 1994, the ANC entered into the Government of National Unity (GNU) with 62.65 per cent of votes, alongside the National Party (NP) – now the defunct New National Party (NNP), with 20.39 per cent and the Inkatha Freedom Party (IFP), with 10.54 per cent (EISA 1999). In 1999, the ANC's share of the vote increased to 66.35 per cent and by the 2004 national elections marking ten year of South Africa's democracy this had increased to 69.68 per cent, with the main opposition party, the Democratic Alliance (DA), receiving only 12.37 per cent of the vote (EISA, 1994, 1999; IEC, 2004).

It must be noted that dominant-party systems are by no means uniform (Giliomee & Simkins 1999: xvii-xviii), and the rise of one party to dominance, as well as the maintenance of this dominance, may take place by either democratic or inherently undemocratic means. Giliomee and Simkins who take a particularly negative stance on ANC dominance, categorise South Africa as 'a democratic system with a dominant party playing according to some liberal democratic rules, but still well short of the alternation of power' (1999: xviii) (see Brooks, 2004: 129). Having said this, reflecting again upon

Alence's comments regarding the ANC's programme of Constitutional government, Edigheji also notes that "'the South Africa [sic] Constitution provides for a liberal regime for the formation and operation of political parties, which the government has upheld" (Edigheji 2004: 17). The issue that concerns us here, however, is the *prospects* for the nurturing of liberal democracy in the context of a dominant party system in which there remain elements of the ANC's discourse that undermine the formal constitutional commitments made by the movement.

Alongside the value of an autonomous civil society as a 'countervailing force' upon the ruling regime and hence increasing prospects for the sustainability of democracy, various theorists have equally cited the value of a strong political opposition (Giliomee and Simkins, 1999: 337). This viewpoint is vehemently argued by Giliomee and Simkins (1999). For them, in a dominant-party system 'the vital elements of democracy, namely *genuine competition* and *uncertainty in electoral outcomes*, are removed in a process that is self-sustaining' (1999, p 340) (emphasis added). The importance of uncertainty of the outcome of the game was a point noted in the theoretical framework for this paper. Moreover, it was added that while the ANC has unarguably won political power according to *democratic* rules, if the key means by which alternative and contesting political views can be represented (i.e. through a political opposition) is particularly weak, then the ANC's own observance of liberal democratic practice becomes all the more important.

It has been argued that 'one party dominance becomes problematic when a governing party sees less and less need to respond to public opinion because it is assured of re-election' (Africa, Mattes, Herzenberg & Banda 2003: 2). As I have said in a previous piece, "the existence of political opposition within a competitive party system presents alternatives to the governing party and therefore stimulates debate within society about ideas and policies and allows society to question the actions and choices of government" (Brooks, 2004: 123). A prominent feature of the post-1994 dispensation, however, is the weak and fragmented nature of the political opposition. Simultaneously, as I have argued elsewhere, the *increasing* electoral dominance and overwhelming political power of the ANC "is not matched by unquestionable voter satisfaction and contentment with the current government and its delivery. Space, in fact, exists for a political opposition that would appeal to the interests of the electorate" (Brooks, 2004: 122).

If we concur with the point made by Africa, Mattes, Herzenberg and Banda (2003), above, then the adherence of the ANC to liberal democratic rules becomes *all the more important* in a dominant part system. A considerable amount of useful research has been undertaken in the democratic era analysing the state of opposition politics in South Africa and the risks posed to democracy by the weak and considerably racialised opposition[31]. Moreover, the

[31] For further reading on the specific role and nature of opposition in South Africa see, for example, Habib, A. and R Taylor (2001) 'Political Alliances and Parliamentary Opposition in Post-Apartheid South Africa' in R Southall (ed). *Democratization. Special Issue, Opposition and Democracy in South Africa* 8 (1); Habib, A and L Nadvi. (2002) 'Party Disintegrations & Re-alignments in Post-Apartheid South Africa'. *Review of African Political Economy* 92; Schrire, R. (2001) 'The Realities of Opposition in South Africa: Legitimacy, Strategies and Consequences' in Southall, R. (op cit); Brooks, H. (2004) 'The Dominant Party System: Challenges for South Africa's Second Decade of Democracy', *Journal of African Elections,* 3 (2), Electoral Institute of Southern Africa

three democratic elections since 1994 have resulted in a decreasing number of seats being held by an increasing number of opposition parties, a feature that has only increased the ANC's majority and ability to dominate in parliament. The objective of this paper, however, is not to analyse the role of the opposition in South Africa. Rather, in order that we can understand more clearly the ANC's relationship with liberal democracy over the post-1994 period, the following discussion seeks to examine the ANC's understanding of the opposition and what it considers its *appropriate* role to be.

A point that was highlighted earlier, and is worth reiterating here, is that of the liberation movement's perception of itself is "as the only legitimate party in government" (Shubane, 1992: 41). The consequence of this, as Shubane has argued, is that "the idea of multiplicity in political representation… [is]…done away with" (ibid). As the previous section demonstrated, in looking at the language of the ANC in its various documents during the democratic period so far, the ANC has not moved far from its understanding of itself as the sole representative of the people or nation – reinforcing both the notion of the 'collective will' raised by Glaser (1997), and the denying of social and political diversity. The criticisms and labelling targeted at civil society groups by the ruling party have been equally, if not more, a feature of the ANC's interaction with the political opposition.

Alongside the ANC's continued view of representing the nation as a whole, is its ongoing perception of opposition parties - despite their constitutional right to exist - as undermining the ANC's project of transformation and equality. At the 50th National Conference of the ANC in 1997, President Mandela expressed his interpretation of opposition parties, referring to their "their effort to challenge and undermine our role as the political force chosen by the people to lead our country" (Mandela, 1997). The ANC, of course, has a prize hand to play in being able to fall back upon both its own liberation credentials, as well as the predominantly white racial make-up of a number of the opposition parties. Schrire, for example, notes that, for the ruling party and its supporters "opposition is frequently identified with the creation of obstacles to delivery and the protection of illegitimate special interests" (Schrire 2001: 147).

The fact that it remains willing to use such tactics, however, in some way undermines its stated commitment to tolerance and pluralism of the political terrain. A further point to note is that its language with regard to such commitments remains somewhat ambiguous and at some points contradictory. In fact, in the very same address, Mandela goes on to make a particularly intriguing statement:

> "-These parties see themselves as playing an opposition role to the ruling party in a multi-party democracy. Our movement, which led the struggle for the defeat of the apartheid regime and the establishment of the new constitutional and political order, respects and defends the right of these parties to play this legal opposition role without let or hindrance" (Mandela, 1997).

On the one hand, his statement asserts the willingness of the ANC to 'respect ' and 'defend' the right of parties to undertake their legal role. On the other hand, however, he

simultaneously appears to be critical and suspicious of this role. The emphasis here should perhaps be placed upon the word ‘legal’ . While the ANC may be respectful of the *legality* of the opposition's role, given Mandela's cleverly placed reference to the ANC's leading role in establishing "the new constitutional and political order", then whether the ANC in fact views this role as *legitimate* is quite another matter. Surely in any multi-party system, let alone one formally committed to liberal democratic values, then the very essence of the opposition is to oppose and provide alternatives to the party in power.

An equally fascinating statement on the 'character of the ANC' is made within the movement's 1997 *Draft Strategy and Tactics* document. This extract states that

> "while at this stage we define ourselves as a liberation movement, it is trite to counterpose this to being "a party" in the broad sense or as understood by adherents of *formal bourgeois democracy*" (1997) (emphasis added).

While stating its commitment to liberal democratic values, the ANC simultaneously refers to the form of democracy that this entails as ‘bourgeois’. While South Africa may well be a formally multi-party democracy with an array of institutional mechanisms in place to protect the liberal democratic gains of the post-1994 period, it is language such as this that raises cause for concern as to the ANC’s real commitment to liberal democratic values as well as its own interpretation and understanding of its underlying principles that raise cause for concern.

A statement by Thabo Mbeki the following year, having been elected the new President of the ANC, portrayed 'right wing' opposition as seeking to prevent the process of transformation when they criticised the ANC for abandoning its Reconstruction and Development Programme (RDP) :

> - They hope to turn the masses of our people who voted for us in 1994 against our movement by seeking to project the notion that we have betrayed the trust that the people placed in the ANC. We must, of course, expect that these opposition parties will play this role, in their interest, as part of their strategic objective to weaken and defeat our movement to bring to a halt the process of the fundamental transformation of our country (Mbeki, 1998)

Undoubtedly, there were elements of the South African right who sought to promote a reversal of the gains of 1994. Unfortunately, however, such criticisms have not been directed only against right wing elements - as reflected in Mandela's branding of *internal* critics as allies of opposition forces (see previous section). Four years into democracy, the ANC seemed to retain the notion of 'the people' as a collective unit with a common will. Suttner, while presenting himself as a strong critic of any contention that the inherent nature of national liberation movements may prove nugatory to democratic gains, does concede, "the consolidation of democracy...is not the task of the ANC as majority party alone". He asserts, rather, that "neither the ANC nor any other political party or

organisation can be equated with the nation...There are interests within the nation that require representation outside of the national liberation movement" (2004: 112-113). The ANC, however, far from assuming that there will inevitably be those who are in disagreement with aspects of its programme, categorises all those outside of its camp as being both racist and against the nation as a whole. One of the crucial points that the post-1994 era demonstrates is that continued elevation of the liberation struggle in the politics of the ruling party may have a destabilising effect on democracy (Brooks, 2004).

While the weak political opposition in South Africa has shown itself to be inept at targeting the broader population and moving away from narrow interest groups and racial appeals[32], considerable blame for the narrowing of political debate must also lie with the ruling party. On the one hand, we must take note of the ANC's commitment to a parliamentary form of democracy. Suttner, who joined parliament as an ANC member in 1994, notes that significant changes were made in order to make parliament more open and with "greater access than before" (2005, personal interview). However, a key point that has been frequently highlighted as a particular feature of the Mbeki era from 1999, is that the role of parliament has been significantly weakened in favour of the executive. The lack of values placed upon the sharing of views within parliament, reinforced by the ANC's apparent view of the illegitimacy of opposition, undermines one of the key strengths of liberal democracy found in the role of parliament and its ability to keep a check on the executive. Moreover, as Habib and Schultz-Herzenberg state, the weakening of the legislature, in turn, weakens the vote of citizens, which forms their key 'leverage', 'vis-à-vis' the state (2005: 168-169).

On the one hand, numerous observers have highlighted the predictability and inevitable results of the 1994 election. Daniel, in fact, describes it as symbolic, ‘a rite of passage’, rather than a contest between parties (2004: 13). The further South Africa has moved into the democratic era, however, and the consolidation of the ANC's political dominance, then issues of the way in which the ruling party perceives and relates to the opposition become all the more significant. The years from 1999 are therefore crucial to observing how liberal democracy is panning out in South Africa.

What appears to have emerged are conflicting interpretations of the ruling ANC and the political opposition of the role that opposition should play in the new democracy. Thus, while South Africa is formally a multi-party democracy with institutionalised political opposition, "the key debates revolve around which interests should be represented by which party and how should this opposition be expressed" (Schrire 2001: 141). South Africa’s political history of discrimination against the black majority renders this a delicate and controversial issue. A prominent concern has related to the tendency for the ANC leadership to display intolerance of criticism (both from opposition parties and from within its own ranks) and to view the opposition as enemies of the transformation project (Myburgh 2004), as the above extracts have demonstrated. As Schrire has noted, while the ANC "recognizes the philosophical justifications for an opposition, it harbours serious

[32] Butler, for example quite legitimately suggests that ‘it may be the current absence of credible opposition parties reflecting the interests of the discontented, rather than unshakeable affiliation, that secures current ANC control’ (2003: 9)

reservations about the nature of opposition …Given its unqualified commitment to 'transformation', it maintains that opposition based upon a rejection of fundamental socio-economic change is not legitimate…[and]…it does not accept the legitimacy of opposition parties that are based upon the representation of minority interests" (2001: 140)[33]. This very argument would appear to fit in with Mandela's statement, cited above, that seems to counter-pose the legality and legitimacy of the opposition.

Since 1999, these conflicting understandings can be seen most starkly in the ANC's response to the DA. The DA has become known for its fairly 'robust' and adversarial stance, creating a considerable degree of animosity between the DA and the ANC government in the 2004 election. If we concur with Myburgh's interpretation (2004) that "for Mbeki the opposition were welcome to participate in the elections, but once the will of the people had been freely expressed and the ANC returned to power, there should be unity in action, and the minority should submit to the majority", then increasing intolerance of opposition – in particular when opposition takes a critical stance against the ruling party – could well be a warning sign to look out for (see Brooks, 2004: 142).

It is this very weakness of political and parliamentary opposition in post-1994 South Africa that highlights the issue of internal party democracy as a crucial lens through which to view the ANC's relationship with liberal democracy over recent years. The key issue remains how we can ensure that government remains accountable to its citizens. What *must* be emphasised in this analysis is that in a context in which the likelihood of the ANC being displaced is so marginal, then the issue of *internal democracy* within the Tripartite Alliance and the ANC itself becomes *all the more important*.

Internal Party Democracy

The key debate surrounding Tripartite Alliance negotiations concerns the extent to which the political Left actually retains meaningful influence within this alliance. This balance of power is of concern as, given the highlighted weakness of political opposition parties, then internal pluralism and debate within the alliance and the ANC itself has come to be seen as playing an extremely crucial role in both maintaining checks on government power, and ensuring that liberal democracy is not undermined by arbitrary and centralised decision-making.

As this paper has shown, the nature of the ANC as a liberation movement is such that it has been able to extend its appeal and expand its support base to varying groups within society. The result, as Reddy describes, it that it has within its ranks supporters who are at differing points along the ideological spectrum (Reddy, 2002: 7-8). Its extensive influence, "strong organisational structures" (Reddy, 2002), and centralised leadership (Butler 2003: 8-9) have enabled the party to contain the varying viewpoints and policy stances within it in order to retain the cohesion and authority of the party (Butler, 2003; Reddy, 2002). However, this is a feature which has become more pronounced as a result of the precariously balanced relationship of the ANC with business and capital on the one hand,

[33] See Brooks, H. (2004: 141-142)

and with the Congress of South African Trade Unions (COSATU) and the South African Communist Party (SACP) in the Tripartite Alliance on the other (see Suttner 2004) (Brooks, 2004).

A key dimension of the ANC's relationship with liberal democracy in the current democratic era is, therefore, its historic alliance with labour and the political left. Much of the debate surrounding the internal relations of the Tripartite Alliance relate to the apparent sea change in the ANC's economic policy direction since entering government. The former Marxist terminology, re-distributive and socialist-oriented language of the liberation movement with regard to socio-economic rights has been displaced, post-1994, by the appeasement of big business and a dramatic shift toward a neo-liberal and market oriented economic policy. This move is clearly at odds with the ideology and programme of the ANC's allies - COSATU and the SACP. While perceived as having played a valuable role during the liberation struggle, their influence on the ANC government's policy post-1990 has given labour far less to shout about, not least given the government's move toward the global economic orthodoxy (Brooks, 146-147). There consequently exists a contentious power balance within the alliance, as Webster outlines, in which labour and the Left must consider which is the lesser of two evils: they can "cooperate and face marginalization", or oppose their ally but risk "a government coming to power that is less friendly towards labour" (Webster 2001: 271).

What has emerged, is not so much a three-way alliance, as originally envisaged by the ANC's partners, as an unequal and somewhat estranged relationship between the three in which the ANC in government, and its central leadership in particular, directs policy with a decreasing level of consultation and debate. Indeed, Raymond Suttner, a member of both the SACP and a former ANC member of parliament from 1994 to 1997, states that the question that must be asked is "whether the components of the Tripartite Alliance today relate to one-another simultaneously as allies and opponents or even enemies?" (2002: 56). The following discussion looks at the development of this tendency and the conclusions that we can draw regarding the treatment of internal difference and plurality of opinion in light of the ANC's current commitment to the liberal democratic values of debate and tolerance.

On the one hand, the focus of the internal democracy debate has come to pivot around the Mbeki Presidency, viewed in a particularly critical light concerning debate and tolerance. Mbeki's presidency has, without a doubt, differed starkly to that of his predecessor, Nelson Mandela - not least due to their immensely different character traits and personalities as well as the very different roles they have played in their respective eras of South Africa's democracy. The wealth of literature that has emerged focusing on the perceived intolerance of the Mbeki era is certainly telling of the nature of his Presidency[34].

Having said this, looking at the below extract from a report by Mandela in 1997, the tendency toward intolerance and suppression of difference within the movement is clearly

[34] See, for example, W. Gumede (2005) *Thabo Mbeki and the Battle for the Soul of the ANC;* R. Calland and P. Graham (eds) (2005) 'Democracy in the Time of Thabo Mbeki'; and S. Jacobs and R. Calland (2002) *Thabo Mbeki's World: The Ideology of the South African President.*

detectable:

> "The current phase of the NDR contains many new and complex dynamics; and the ANC should itself continue to be *a vibrant organisation within whose ranks there is constant exchange of ideas, however different such ideas may be*. Its cadre policy should encourage creativity in thought and in practice, and eschew rigid dogma. However, it should *exercise maximum discipline* among its members, and ensure that, *after ideas have been exchanged and decisions have been taken, all its structures and members pursue the same goal*" (ANC, 1997) (emphasis added).

This statement appears to articulate the old Leninist principle, discussed earlier, of democratic centralism. At the very same time as emphasising the importance of 'the exchange of ideas', Mandela states the ongoing importance, even in the democratic era, it would seem, of 'maximum discipline' and the importance of submitting and adhering to party decisions. The very idea of uniformity and maximum discipline are surely somewhat at odds with eschewing 'rigid dogma'. This mode of thinking, nonetheless, reflects the ongoing concern within liberation movement leadership to maintain the ANC's unity and conformity of its members, and the tight, disciplined organisational structures of its exile years. The problem that this tradition throws up for internal democracy is concisely outlined by Gumede, and interestingly echoes Shubane's earlier point concerning the inherently negative impact of liberation movements on broader autonomy and pluralism (1992). Gumede quite rightly argues that "the methods required by a clandestine liberation movement facing a ruthless enemy are not the stuff of which a vibrant and dynamic democracy is made. Democracy recognises that in difference and dissent lie strength" (2005: 292).

Gumede has applied his arguments most vehemently in his recent book entitled *Thabo Mbeki and the Battle for the Soul of the ANC,* focussing specifically on both his presidency and his path to leadership positions. At a frequently cited meeting of Thabo Mbeki with the SACP at the 10th Congress of the SACP in 1998, Mbeki made an overtly condemning speech about critical members in the SACP and COSATU in which he placed them in the opposition camp. Tactics used against civil society have also been used within the party and alliance (see Gumede, 2005: 299). In his speech to the SACP congress, he acknowledged "the important question of how we should handle the differences and contradictions that will necessarily and inevitably arise among ourselves as members of the Alliance and members of the mass democratic movement" (1998). However, rather than encouraging the need for open debate and the sharing of ideas, he castigates alliance partners' criticisms as illegitimate and as seeking to derail the crucial tasks of the democratic movement. As Atkinson has pointed out, "a culture of debate and argumentation is necessarily part of a rights culture" (1991: 50). Mbeki, however, argues that "the real victories we must score must be against our real enemies and not against other comrades" (1998), going to on to state that:

> "None of us should go around carrying the notion in our heads that we

> have a special responsibility to be a revolutionary watchdog over the ANC. We must understand that none among the left forces of our country is challenged to capture the soul of the ANC, to avoid it being stolen by forces of the right. This supposed left victory would mean that we, who are members and cadres of the ANC, will sit in helpless surrender as whatever force takes away our soul, leaving us as nothing but pliable instruments in the hands of whoever controls us" (Mbeki, 1998)

Thinking back to Mandela's comments about the civil society groups and their 'self-conceived' role of acting as watchdogs over government, Mbeki appears to be making the very same criticism of left-wing members of the Tripartite Alliance, this time referring to them as 'revolutionary watchdogs' - a notion more in fitting with the alliance partners' disapproval of the ANC's right economic turn. Mbeki's address to the SACP concluded with his certainty that the SACP would pay heed to his words, reiterating the need for "the cohesion of the democratic movement" (Mbeki, 1998). A point that is particularly relevant here in terms of establishing a rights-protective culture of tolerance is that made by Atkinson, who notes that "people need to become comfortable with the idea that the exercise of rights by others is not inherently threatening to their own rights" (Atkinson, 1992: 52-53) - a comment which equally applies to the ANC.

The irony in Mbeki's words regarding the project of 'capturing' the "soul of the ANC" relates precisely to the title of Gumede's book cited above. For him, it seems that Mbeki is the main contender in this battle, as he seeks to dominate the movement with like-minded comrades who will continue to fulfil his legacy and policies. Since his ascendancy to the head of the ANC, Mbeki has been accused by various sources of both deploying the more 'loyalist' party members, known to be uncritical of decisions taken at the centre by Mbeki, to more prominent positions within state organs (Southall 2001:17); as well as sending those who appear willing to voice their concerns or alternatives to more low-profile posts (Gumede, 2004: 297). Good similarly raises issues of *internal* accountability as Ministers appear to now only be accountable to the Presidency (Good, 2002: 125) - a feature which ties in with the substantial transfer of power from the legislature to the executive. Good's argument lends a considerable degree of credence to Gumede's description of the ANC NEC as now essentially a 'rubber stamp' committee (Gumede, 2005: 295).

Such actions as highlighted by Southall (2001) and Gumede (2005) have functioned as mechanisms to curb criticism from within. As a result, healthy debate within the party is stifled, and critical voices have come to be portrayed by party leadership as enemies of the movement (Southall, 2001: 17-18). In one of two, now well-known, interviews between SACP leader Jeremy Cronin and Irish academic Helena Sheehan, Cronin cited what he understood to be the 'bureaucratisation' and "ZANU-fication" of the ANC, in which the movement has displayed an increasing degree of centralisation and coercion at the expense of contact with its membership and support base (Cronin, 2002)[35]. Similar concerns over

[35] This interview with Jeremy Cronin was conducted by Dr Helena Sheehan on 24 January 2002 at the Parliament of South Africa. An earlier interview was also conducted on 17 April 2001 at the University of Cape Town. Transcripts of both interviews can be found at www.comms.dcu.ie/sheehanh/za/cronin02.htm

the Mbeki presidency have been voiced by Suttner, who observes that "the parties [within the alliance] relate to one another with little pretence of equality" (2002: 57). Rather, he suggests that the SACP and COSATU, recognising the ANC's increasingly independent and authoritarian position, "relate to the ANC/government as interest groups or petitioners" (ibid). A point of particular note here is that, following Cronin's aforementioned criticisms, he was, in fact, 'requested' to make a public apology for his comments regarding the ANC and its centralising tendencies.

As the post-democratic era has progressed, the continuing influences of the ANC's exile traditions become apparent, despite the movements commitment to liberal democratic practice. On the one hand, internal democracy of the ANC during the 1960s to 1980s was occasionally provided for. The 1969 Morogoro Conference was an example of this, facilitating a consultative forum precisely because dissent and growing internal differences had begun to swell in ANC ranks. There were no obligations on the ANC, however, at this stage to foster a plurality of interests. The issue that concerns us here is the ANC's willingness to allow for internal debate in the present context. This harks back to Southall's idea about a heroic past that legitimises the role of liberation movements and their leaders in the present. Hence 'popular election victories' in the democratic era only *reaffirm* in the minds of liberationists a preordained authority that they see as deriving from their historic role (Southall, 2003: 129 cited in Butler, 2005: 730). This notion in itself echoes the 'vanguardist' ideas of the movement's role, whose authority and legitimacy is un-contestable due to only their ability to fulfil the historic project.

Post-liberation warnings of the internally authoritarian tendencies of the ANC, whereby the central leadership, with Mbeki as ringleader, dictates party policy and direction continue to be voiced. Disagreement or discussion within the party membership is ruthlessly quashed (Gumede, 2004: 300-301). Mbeki's intolerance of accusations such as this was directly reflected in his defensive and angry response to a speech made by Archbishop Desmond Tutu in November 2003. In this address, the Archbishop spoke of his concern and disappointment at the lack of 'vigorous' and 'open' debate over pertinent national issues such as AIDS, and "unthinking, uncritical, kowtowing party line-toeing [that] is fatal to democracy" (2003)[36]. Relating to civil society, therefore, Murray and Pillay make an important and related comment that, while "the public is told of rigorous debate within the ANC...[it]..is not privy to it" (2005: 202).

A crucial point that must be touched upon here relates to the way in which the ANC's *historical role* and *moral weight* continues to exert a tremendous pull on its membership and affiliates, despite widespread emerging concerns over its internal democratic culture (or lack of) and the pattern of treatment of its internal critics. This very issue is discussed by Marais, who refers to the "force-field of 'national liberation'" in which the socialist left is held (1999: 16). He notes the way in which those within the alliance remain loyal to the ANC, despite fundamental disagreement and contradictions with their own organisation's principles and ideology. As Marais describes, Mbeki's words to the SACP at its 19th congress were "a reminder that the terms of its alliance with the ANC preclude aggressive contestation of ANC policies....bounds of permissible dissent were asserted: debate, and

[36] For Mbeki's written response, see New African, No.436, January 2005, pp. 17-21.

even disputes, are allowed, but on terms set and policed by the ANC leadership" (1998: 15). 'Inclusivity' in the alliance, therefore, "is maintained at the expense of leftist organisational autonomy, heterodox criticism and dissenting activities" (Marais, 1999: 16).

Emerging anger on the part of the alliance partners, however, and in particular COSATU, is reflected in recent protests over economic issues and their impact on workers. It is important to state, therefore, that COSATU's unswerving commitment to their alliance with the ANC is by no means set in stone. A similar example, relevant to more recent events, is the pro-Jacob Zuma protests and demonstrations that have come to the fore in the wake of the former deputy president's firing from his government post and prosecution charges. While the *form* that these protests have taken may not themselves have been particularly acceptable, they are one example of the backlash from within the Congress camp and civil society against the growing authoritarianism of Thabo Mbeki. However, as Suttner highlights, "a factor that militates against splits is the continued and considerable overlap in membership between the organisations, especially the ANC and SACP, at every level" (2002: 58). An additional and pertinent point is raised by Lodge, who argues that the left alliance partners in fact "prefer access and influence to opposition and exclusion" (2002: 115). The question that COSATU must regularly ask itself is where it would find funding should it choose to break away from the ANC?

An extremely interesting feature of the internal democracy debate is, ironically, that the SACP and left wing voices, once pinpointed as the source of the ANC's authoritarian traditions due to their influential Marxist-Leninist ideas, are now the very ones being marginalized and criticised for their desire for internal discussion and internally democratic decision-making. The political left itself has become the victim of the traditions of democratic centralism and enforcement of internal unity. The point that must be made here, therefore, is that the ideological strands that appear to pull the ANC away from real commitment to liberal democracy are not those within the Marxist-Leninist camp, but the more radical *Africanist* tradition, which appears to have resurfaced in the democratic era. The ANC's demonstration of its willingness to play the race card when faced with criticism, from both outside and within, is itself a reflection of this. Suttner highlights the ANC's belittling of the SACP in which the ruling party condemned the Party for what it perceived as 'infantile leftism' (2002: 57). The irony of this is also highlighted by Glaser, who notes that an Africanist discourse is most certainly being 'employed' by the government, while at the same time the ANC seeks to appease white business and capital (2000: 385).

The point that this discussion emphasises is that such loyalty to the movement occurs *despite* the starkly different views that the alliance partners hold on the ANC's economic policymaking. The content of much of the difference of opinion between the ANC and the Left has evolved around the ANC's economic policy choices and as well as the lack of debate and consultation over such choices. This brings us to an important argument presented in the first chapter of this paper. It was suggested that the ideas of political liberalism and economic liberalism, while undoubtedly sharing mutual origins, can and should be analysed as separate and distinct ideologies. It was also argued that, given their mutual exclusiveness, the two are by no means necessarily mutually reinforcing, and that contemporary South Africa is a case in point. The issue of internal democracy brings this

point to the fore. As the ANC has chosen an increasingly liberal economic policy mandate - arguably far more so than was ever even considered by the ANC's white National Party predecessors - it has simultaneously been seen as retracting on its commitments to political liberalism.

The central issue here that must be reiterated is that in a context in which the ANC is politically dominant - a context in which the ANC has become worryingly *synonymous* with the democratic era itself in South Africa - then the internal practices and traditions of the ANC become increasingly critical to the continuation of the movement's adherence to democratic practice. The conclusions that have been drawn within this paper demonstrate that despite elements of the ANC's historic discourse which do coincide with politically liberal ideas, as well as its more recent open commitments to liberal democratic values since the 1980s, there nonetheless remain suggestions within its language which prove problematic for genuinely liberal democratic ideas. Elements of this discourse are undoubtedly carried over from the struggle era, most notably that spent in exile, and hence represent *consistencies* in some of the ANC's older traditions and understandings of democracy. Moreover, the liberation movement's current interpretation of the various components of liberal democracy does not always tie in with the broadly accepted understandings of liberal democracy.

A point which is relevant to the post-democratic era at large, but in particular to the aspect of internal democracy, is that, despite the rhetorical 'emphasis' placed upon 'consensus' and "shared decision-making", as Murray and Pillay highlight, "if democratic decision-making means representing the plurality and diversity within South African society, the question still remains as to whether these characteristics are to be reflected within the democratic process of the dominant party, or to be reflected in the relationship between it and minority parties" (Murray & Pillay, 2005: 201). This statement echoes the issues discussed in Chapter one regarding the exercise of rights and pluralism and whether the ANC actually envisages these rights as being exercised *only within the confines of a broad ANC hegemony.* Thus, if issues of true representation, accountability, pluralism and rights are to be upheld in South Africa, then those concerned to see such consolidation will need to maintain a watchful eye on internal party democracy.

CONCLUSION

This paper set out to provide an analysis of the ANC's changing relationship with liberal democracy over the course of the movement's history, mapping the origins of liberal democratic thinking and the way in which these strands developed and altered from the ANC's inception to the present The variety of traditions housed within the ANC, from liberal notions, to African Nationalism and Marxism-Leninism have also had considerable influences on its ideology and practice, and to differing extents in the various periods of its leadership.

Strands of liberal thinking within the ANC can be found in the early leadership of the Congress during the 1920s and 1930s. This original leadership group by no means had its roots in a working class or impoverished section of the African population. Rather, the early Congress leaders were beneficiaries of missionary education who held a distinct respect for the actual f*orm* of existing democracy, reflected in the value placed upon the franchise in the Cape - a source of inspiration for many educated Africans. The key role of the Congress at this time was by no means one seeking a radical change of the existing system. Rather, the ANC sought its equal extension to the African majority through the granting of the vote. It is clear to see that liberal influences pertained within the ANC from an early stage. The very formation of the movement was based upon the notion of universal franchise and representation of the rights of Africans. As expressed in the 1919 constitution of the movement, the Congress by no means sought an overthrow of the existing parliamentary system, nor any vision of a desired alternative. In fact, in contrast to what was to emerge over the following decades, in particular from the 1950s and during the movement's period in exile through its growing alliance with the Communist Party, the ANC of the pre-1940s was bereft of any real form of radical influences.

It was, in fact, the 1940s and 1950s through the emergence of the ANC Youth league that saw the surfacing of an ideology of African Nationalism within the ANC, a nationalism that evoked ethnic connotations and a romantic vision of an African past and roots. While this ideology was not specifically liberal or anti-liberal, it was a nationalist strand within the ANC that had the potential to lend itself to more authoritarian dictates. However, what *is* crucial to state in understanding the shift that took place during this period is that while it certainly reflected something of a discursive turn in the language of the ANC, the area of change did not reflect a move away from liberal democracy as an ideal, as such. Rather, the shift induced by the Youth League formation and rise to prominence of African nationalists within the ANC was a move away from liberalism in the sense of gradualism - a method and vision so far promoted by the more conservative ANC leadership.

With the formation of the Youth League in 1944 the programme of the ANC reflected a shift towards a more assertive approach with an added degree of militancy. Although utilising a far more radicalised and nationalist language, the League, in essence, retained the inherited objectives of the older liberation leadership, continuing to campaign for the extension of the vote and a vision that remained in line with representative democracy and Africans' rights. What can also be identified, however, is a more *clearly articulated* and *explicit* understanding of the various rights being campaigned for by the ANC, as reflected in the *Africans' Claims* document of 1943.

With the removal of the Cape franchise in 1936 and the implementation of the system of apartheid from 1948, the 1950s saw the onset of a far more significant shift in the ANC's thinking with regard to liberal democratic ideas through its growing relationship with the SACP. The mutual experience of increased state repression forged a new bond between members of the SACP, now banned as a communist organisation, and the ANC who embarked upon a new willingness to embrace alternative allies in the liberation struggle.

The 1950s certainly represented a slight broadening of the ANC's ideological programme

as a number of prominent communists joined the ranks of the ANC and saw the growth of overlapping membership between the two organisations. At this stage, however, the relationship between them appears to have remained largely one of ‘pragmatic cooperation’ as opposed to any ‘ideological conversion’ (Ranuga, 1996: 52). The years from 1952 to 1967 were also characterised by the Presidency of Chief Albert Lutuli, himself a prominent leader of liberal thinking, who outlined some of the most explicit ideas of the ANC regarding the demands of Africans, which seemed to tie in with some liberal democratic ideas. A concrete ideological stance on the issue of rights, however, let alone a future democratic state form, remained absent within this period.

During the 1950s, as a result of SACP influence, the ANC also began to acknowledge the important role of the working class within the liberation struggle, although the movement maintained that its prime concern remained, first and foremost, the removal of racial oppression. A further point of note with regard to ideological influences upon the ANC at this time links to its acknowledgment from the late 1960s of the 'international' trend toward socialism, a trend which it appeared not to see as conflicting with its own programme, yet remained ambiguous as to how it viewed and positioned itself in relation to this wider trend. A point which is critical to highlight in referring to the 1960s and 1970s is the growth of the overlapping membership of the ANC and SACP following the consolidation of a formal alliance in exile. The issue of overlapping membership necessarily led to a degree of blurring of the ideological boundaries between the two organisations as a number of ANC members became influenced by ideas of Marxism-Leninism. Moreover, the SACP's central concept of the two-stage theory of revolution, combined with the overlapping membership between the two organisations, certainly encouraged concerns during this period over the negative impact of SACP ideology upon the ANC. As this paper has discussed, the two stage theory is essentially problematic for notions of liberal democracy given its suggestion that the democratic 'gains' of the first stage may be supplanted by a second stage of transition to socialism, empty of any commitment to democracy (Glaser, 1991a; 1991b). Furthermore, as Glaser has argued, the ideologies of the SACP and ANC - that of anti-colonial nationalism and orthodox communism, respectively - both "employ unitary and organic conceptions of the democratic subject" (Glaser, 1991a: 95), fundamentally contradictory to liberal democratic ideas of individual rights and pluralism (ibid).

At the same time however, this era was one in which the nature of the ANC as a broad movement, encompassing an array of political traditions and ideologies came particularly to the fore. This, however, is a feature which led the liberation movement in its later years, from the late 1980s onwards, to encounter significant difficulties in meeting the challenge of maintaining the unity and conformity of its broad movement while, simultaneously, maintaining principles of tolerance and debate crucial to a pluralistic and rights-protective polity.

The ANC’s period in exile led to increasing debate and questioning surrounding the actual influence of the SACP on ANC thinking. Having formed a formal military alliance in exile, the influence of Marxist-Leninist thinking within the ranks of the ANC undoubtedly became more pronounced between 1960 and the late 1980s. One of the most prominent

concerns of the era, and one also outlined above, was the influence of the two stage theory of the SACP, for whom the ANC was a key vehicle in realising this very vision. This centrality of the SACP's alliance with the ANC for the possibility of embarking upon the *second* stage toward socialism has hence led some to highlight the SACP's greater reliance upon the ANC than vice versa (Prior, 1983: 194).

A further prominent characteristic of the movement's period in exile was the premise it placed upon unity and centralised decision-making over more democratic consultation. This was a tradition adopted in the conditions of exile in which dissent could prove divisive and weaken the liberation movement. The lack of intra-movement consultation during this period, however, was also a reflection of both the ANC's growing belief in itself as greater than the sum of its parts, and a reinforcement of its self-conceived identity as the embodiment of the people.

A notable feature of the ANC in exile, however, and one which seems to have contributed significantly to concerns at the time that the ANC was envisioning not a future state built along liberal democratic lines, but, rather, a state in line with the SACP's vision of the two-stage theory, was that the ANC outlined no clear vision for a future state form. Rather, its alliance with the SACP and absence of a mapping out of future policy and principle, opened up the possibility of a future state representing the collective notion of 'the people' and empty of any real liberal democratic content, particularly with regard to constitutionally enshrined pluralism and rights. This notion was reinforced by the nature of the 1955 Freedom Charter as a political document. Despite the various interpretations of the Charter from both the political right and left, it was essentially a document with no clear ideological orientation – a characteristic which Prior (1983) highlighted as a key factor in explaining the document's enthusiastic acceptance by such a broad spectrum of ideological inclinations within the Congress Camp, including the SACP.

It seems fair to argue that considerations of *action* and *means* were certainly prioritised over the specificities of the ends during the ANC's years in exile. Earlier suggestions of liberal democratic thinking – reflected in documents such as the 1943 *Africans' Claims*, were considerably more absent from the ANC's doctrine in exile.

As this discussion has highlighted, the political traditions of the ANC from the 1960s up to the late 1980s inevitably had a tremendous impact on the nature of the movement that made its way back to conditions of legality within South Africa after 1990. Moreover, these traditions were starkly different to those that had surfaced inside South Africa in the townships and civics organisation with the simultaneous rise of UDF-driven people's power in the 1980s. Placed alongside the development of a highly centralised and elite-led external movement, used to operating in covert and high-security circumstances, the ANC in exile posed a stark contrast to the parallel mass-driven campaigns of the UDF advocating a popular and participatory democracy. The problem with these popular democratic notions of the UDF, however, is that they undermine some of the key principles of liberal democratic theory regarding pluralism and rights. The popular democratic understandings being advocated within South Africa during the 1980s brushed over the need for institutions in which the diversity of political opinion and interests in society

could be represented. The flaw in the institutions of people's power, as far as liberal democratic understandings are concerned, was that ideas such as justice, participation and democracy were narrowed to the confines of the ANC-aligned democratic movement and hence represented an *impartial* understanding of democracy.

Moreover, the UDF's explicitly-stated *aversion* to notions of liberal democracy as a bogus form of democracy suggest that 'pluralism' was viewed by the front as a crass substitute for real democratic control by the people. The period of the UDF and people's power inside South Africa similarly marked this period in the ANC's history in which there was considerable neglect, or even *absence*, of liberal democratic notions emphasising the importance of individual liberties and rights.

The late 1980s, however, saw a dramatic shift in the ANC's relationship with liberal democracy. Indeed, the years from 1986 to 1994 became defining moments in the formation and shaping of South Africa's democratic future. Moreover, the various forces and ideological persuasions contained within the ANC, emanating from both the movement's exile and domestic experiences, fundamentally shaped the processes of change and transition.
From 1986, a number of momentous statements emerged within addresses and documents issued by the ANC, stating distinctly *liberal democratic* notions of a future state, including the importance of a bill or rights for South Africa, enshrining the rights and liberties of the individual. Moreover, the January 8th statement of 1987 specifically stated those freedoms of speech, assembly, association and the press, fundamental to a liberal democratic order. What is more, Tambo added to this the freedom of *all* to join or form any party of their choice, free of any interference (1987a). Not only did these expressions represent land-mark changes in the political ideology of the ANC, but the address also stated the ANC's acceptance of these rights for the national democratic revolution's *own success* (1987a).

These were statements and acceptances that had never before been a feature of the liberation movement's discourse and hence represent dramatic changes in the ANC's relationship with liberal democratic values. A number of factors, both internal and external, influenced these shifting ideas of the ANC, a key one of which was linked to the dramatic shifts occurring in the international environment and sea-change of ideas in the Soviet Union, manifesting itself both globally and in South Africa in the waning influence of communism. A similarly linked issue was the democratic waves sweeping across a number of African states - many of which were now suffering the negative effects of failed socialist programmes. Such states, a number of which had served as inspirational models for the ANC in exile, were now suffering crises of political legitimacy and were, therefore, confronted with the necessity of liberalising their political systems. The 1988 *Constitutional Guidelines* therefore represented a culmination of these various shifts taking place within ANC thinking, and stimulated by the aforementioned factors.

A further crucial influence of note pertained to the need for the ANC to prove itself prepared to start building the democratic state it had so long referred to but never fully outlined. Prior to 1987, the precise *form* of democracy and democratic state envisaged by

the ANC had remained fairly ambiguous. Moreover, the suggestion made within its language and discourse - visible in the various documents cited above, often appeared to conflict with other simultaneously stated principles. On the one hand, this characteristic by no means disappeared from the various ANC statements and publications in the late 1980s, nor has it since the 1990s. The very same 1987 statement that recognised the need for the entrenchment of individual rights continued to refer to collective notions of the people and an assumed homogeneity of the people's opinion. There also remained indications throughout the drawing up of the *Constitutional Guidelines* that the ANC did not *fully* recognise the *democratic value* of pluralism and rights.

Nonetheless, the dramatic acceptance of political pluralism and individual rights by the ANC represented its first open and concrete commitments to liberal democratic principles, a point which, given the ANC's earlier traditions deriving from both African-Nationalist and Marxist Leninist schools of thought, should certainly not be understated. These commitments to a pluralistic and rights-based culture were only *further* consolidated during the negotiation and transition period in which the fundamental principles of multi-party democracy and individual political and civil rights manifested themselves in an agreed-upon Interim Constitution and Bill of Rights.

Since 1994, the implications for South African of the political orientation of the ANC voiced during the transition period have played themselves out, and the ANC's respect for the institutional mechanisms put in place to protect such democratic gains have, on the whole, been respected. The ANC has shown no sign of seeking to override the rights and freedoms underscored by the constitution. When compared to other states on the *African* continent, with the exception of extreme sceptics of democratic prospects in the context of a dominant party system, many would argue that South Africa represents a key model for liberal democratic commitments. The adherence to liberal democracy and the values agreed upon between 1990 and 1994 on the part of the ANC must be given the credit that they deserve.

Having said this, there remain certain elements within ANC discourse and practice that are problematic for the sustainability and consolidation of liberal democracy. Despite the movement's formal commitments to its most fundamental principles, the potential threat to democratic consolidation would appear to lie in the ANC's own understanding and interpretation of these principles. It has been noted that numerous debates sprung up during the early 1990s regarding the appropriate role for civil society in in the new democratic dispensation. This conundrum was made all the more complex by both civil society's historically antagonistic role with the state, and the simultaneous alignment of a broad range of civic groups with the ANC. The tendency of the liberation movement, however, has been to continue to conceive of itself, and itself alone, as able to represent the vast spectrum of ideological opinion and political diversity existing within society. Indeed, the reasons for this tendency can be easily located in the ANC's historic role as a broad social movement, a role which its post-1994 documents indicate that it is keen not to stray from. Rather, there remain indications in the movement's discourse that suggest a degree of continuity in both its understanding of civil society as a collective body and of itself as the vanguard and embodiment of the people. Furthermore, a central and related concern lies in

the movement's unwillingness to accept the *democratic value* of civil society's role in ensuring government accountability. The dangers of this continued understanding are, of course, reinforced by the ANC's overwhelming political dominance.

One party dominance has become a prominent and much-debated feature of post-1994 South Africa and has itself served to increase both concerns over the sustainability of South Africa's young democracy as well as the need to follow very closely the ANC's commitment and adherence to the values of liberal democracy. A pertinent and legitimate concern of many analysts relates to the ANC's growing intolerance of critical voices, both within and outside of its own ranks. Certainly, with regard to party politics and electoral competition, the ANC has shown no indication of seeking to suppress opposition. However, it has also demonstrated no reluctance to resort to deliberate tactics aimed at de-legitimising the opposition through continued reference to its own liberation credentials and historic role as constructors of the new democracy. It has also sought to portray the opposition as hijackers of the transformation project. A concerning point as far as liberal democratic ideas are concerned, therefore, lies in the ANC's understanding of the appropriate role for the opposition in the post-1994 polity. As the above discussion has indicated, there seems to remain discrepancies between the ANC's acceptance of political opposition as 'legal' and its acceptance as 'legitimate'.

The brunt of emerging ANC intolerance has by no means been felt only by parliamentary opposition. Rather, traditions of the ANC's years in exile, emphasising the need for unity and the suppression of dissent, have resurfaced in the democratic era within the Tripartite Alliance - a practice that, itself, harks back to Leninist notions of democratic centralism. The ANC, and the leadership of Thabo Mbeki, in particular, has been the target of severe criticism regarding the emergence of internally authoritarian practice. Furthermore, denunciations of both the SACP and COSATU have shown the very limitations of the ANC's ability to house a broad range of interests under its roof, while continuing to adhere to principles of tolerance and diversity. Under Mbeki, the ANC's alliance partners have been increasingly forced to 'tow the line', a point which has far "greater salience" in light of the parallel weakness of parliament compared to the executive, and the ANC's political dominance (Murray & Pillay, 2005: 201). Such political traditions are similarly echoed in the ANC leadership's portrayal of that internal difference as serving to play into the hands of opposition forces. The vital role of internal party democracy, while not strictly a feature of liberal democratic theory, is absolutely critical in the South African situation. In a context in which the opposition is weak and the ANC faces little threat of election defeat, then the role of internal debate and democratic accountability becomes invaluable to the consolidation of liberal democracy.

As this study has shown, the consolidation of formal multi-party democracy in South Africa, and the open commitments on the part of the ANC to the key principles of political pluralism, tolerance and individual civil and political rights are extremely valuable in realising a liberal democratic future for South Africa. Moreover, the extent to which these commitments by the ANC represent a momentous shift in ideological inclination should not be understated. Through mapping the ANC's changing relationship with liberal democracy, it becomes clear that various ideological traditions have influenced and shaped

this relationship over time. The commitments and shifts of the late 1980s to 1994, however, represent the fundamental turning point in the ANC's understanding of democracy and of the future form of the democratic state. In terms of prospects for a continual strengthening of the movement's relationship with liberal democracy, then this is, undoubtedly, critical. Further analysis of the post-1994 era, however, does show that such formal commitment's by the ANC should by no means be taken for granted. There remain indications within the discourse and language of the ANC that continue to pose threats to liberal democracy.

APPENDICES

APPENDIX .1.

The Constitution of the Republic of South Africa, 1996. Chapter 2.

BILL OF RIGHTS

An extract from the Bill of Rights, as applicable to an understanding of liberal democracy.

The below extract encompasses only those specific rights that are understood to be promoted and protected within any liberal democratic system.

Rights

7. (1) This Bill of Rights is a cornerstone of democracy in South Africa. It enshrines the rights of all people in our country and affirms the democratic values of human dignity, equality and freedom.
(2) The state must respect, protect, promote and fulfil the rights in the Bill of Rights.
(3) The rights in the Bill of Rights are subject to the limitations contained or referred to in section 36, or elsewhere in the Bill.

Application

8. (1) The Bill of Rights applies to all law, and binds the legislature, the executive, the judiciary and all organs of state.
(2) A provision of the Bill of Rights binds a natural or a juristic person if, and to the extent that, it is applicable, taking into account the nature of the right and the nature of any duty imposed by the right.
(3) When applying a provision of the Bill of Rights to a natural or juristic person in terms of subsection (2), a court-
(a) in order to give effect to a right in the Bill, must apply, of if necessary develop, the common law to the extent that legislation does not give effect to that right, and
(b) may develop rules of the common law to limit the right, provided that the

limitation is in accordance with section 36 (1).

(4) A juristic person is entitled to the rights in the Bill of Rights to the extent required by the nature of the rights and the nature of that juristic person.

Freedom of Expression

16. (1) Everyone has the right to freedom of expression, which included -

(a) freedom of the press and other media:

(b) freedom to receive or impart information or ideas:

(c) freedom of artistic creativity; and

(d) academic freedom and freedom of scientific research.

(2) The right in subsection (1) does not extend to -

(a) propaganda for war

(b) incitement of imminent violence; or

(c) advocacy of hatred that is based on race, ethnicity, gender or religion, and that constitutes incitement to cause harm.

Assembly, demonstration, picket and petition

17. Everyone has the right, peacefully and unarmed, to assemble, to demonstrate, to picket and to present petitions.

Freedom of association

18. Everyone has the right to freedom of association.

Political rights

19. (1) Every citizen is free to make political choices, which includes the right -

(a) to form a political party

(b) to participate in the activities of, or recruit members for, a political party, and

(c) to campaign for a political party or cause.

(2) Every citizen has the right to free, fair and regular elections for any legislative body established in terms of the Constitution.

(3) Every adult citizen has the right -

(a) to vote in elections for any legislative body established in terms of the Constitution, and to do so in secret; and

(b) to stand for public office and, if elected, to hold office.

Limitation of Rights

36. (1) The rights in the Bill of Rights may be limited only in terms of law of general application to the extent that the limitation is reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom, taking into account all relevant-factors, including -

(a) the nature of the right;

(b) the importance of the purpose of the limitation;

(c) the nature and extent of the limitation;

(d) the relation between the limitation and its purpose; and

(e) less restrictive means to achieve the purpose.

(2) Except as provided in subsection (1) or in any other provision of the Constitution, no law may limit any right entrenched in the Bill of Rights.

APPENDIX .2.

Freedom Charter, June 26, 1955

Freedom Charter of the Congress of the People

We, the people of South Africa, declare for all our country and the world to know:

that South Africa belongs to all who live in it, black and white, and that no Government can justly claim authority unless it is based on the will of all the people;

that our people have been robbed of their birthright to land, liberty and peace by a form of Government founded on injustice and inequality;

that our country will never be prosperous or free until all our people live in brotherhood, enjoying equal rights and opportunities;

that only a democratic state, based on the will of all the people, can secure to all their birthright without distinction of colour, race, sex or belief;

And therefore, we the people of South Africa, black and white together - equal, countrymen and brothers - adopt this Freedom Charter. And we pledge ourselves to strive together, sparing nothing of our strength and courage, until the democratic changes here set out have been won.

The People Shall Govern

Every man and woman shall have the right to vote for and to stand as a candidate for all bodies which make laws.

All people shall be entitled to take part in the administration of the country.

The rights of the people shall be the same, regardless of race, colour or sex.

All bodies of minority rule, advisory boards, councils and authorities shall be replaced by democratic organs of self-government.

All national groups shall have equal rights

There shall be equal status in the bodies of state, in the Courts and in the schools for all national groups and races.

All people shall have equal right to use their own languages, and develop their own folk culture and customs.

All national groups shall be protected by law against insults to their race and national pride.

The preaching and practice of national, race or colour discrimination and contempt shall be a punishable crime.

All apartheid laws and practices shall be set aside.

The people shall share the country's wealth

The national wealth of our country, the heritage of all South Africans, shall be restored to the people.

The mineral wealth beneath the soil, the Banks and monopoly industry shall be transferred to the ownership of the people as a whole.

All other industry and trade shall be controlled to assist the well-being of the people.

All people shall have equal rights to trade where they choose, to manufacture and to enter all trades, crafts and professions.

The land shall be shared among those who work it

Restrictions of land ownership on a racial basis shall be ended, and all the land redivided amongst those who work it, to banish famine and land hunger.

The state shall help the peasants with implements, seed, tractors and dams to save the soil and assist the tillers.

Freedom of movement shall be guaranteed to all who work on the land.

All shall have the right to occupy land wherever they choose.

People shall not be robbed of their cattle, and forced labour and farm prisons shall be abolished.

All shall be equal before the law

No one shall be imprisoned, deported or restricted without a fair trial.

No one shall be condemned by the order of any Government official.

The courts shall be representative of all the people.

Imprisonment shall be only for serious crimes against the people, and shall aim at re-education, not vengeance.

The police force and army shall be open to all on an equal basis and shall be the helpers and protectors of the people.

All laws which discriminate on grounds of race, colour or belief shall be repealed.

All shall enjoy equal human rights

The law shall guarantee to all their right to speak, to organize, to meet together, to publish, to preach, to worship and to educate their children.

The privacy of the house from police raids shall be protected by law.

All shall be free to travel without restriction from countryside to town, from province to province, and from South Africa abroad.

Pass Laws, permits and all other laws restricting these freedoms shall be abolished.

There shall be work and security

All who work shall be free to form trade unions, to elect their officers and to make wage agreements with their employers.

The state shall recognize the right and duty of all to work, and to draw full unemployment benefits.

Men and women of all races shall receive equal pay for equal work.

There shall be forty-hour working week, a national minimum wage, paid annual leave, and sick leave for all workers, and maternity leave on full pay for all working mothers.

Miners, domestic workers, farm workers and civil servants shall have the same rights as all others who work.

Child labour, compound labour, the tot system and contract labour shall be abolished.

The doors of learning and of culture shall be opened

The Government shall discover, develop and encourage national talent for the enhancement of our cultural life.

All the cultural treasures of mankind shall be open to all, by free exchange of books, ideas and contact with other lands.

The aim of education shall be to teach the youth to love their people and their culture, to honour human brotherhood, liberty and peace.

Education shall be free, compulsory, universal and equal for all children.

Higher education and technical training shall be opened to all by means of state allowances and scholarships awarded on the basis of merit.

Adult illiteracy shall be ended by a mass state education plan.

Teachers shall have all the rights of other citizens.

The colour bar in cultural life, in sport and in education shall be abolished.

There shall be housed, security and comfort

All people shall have the right to live where they choose, to be decently housed, and to bring up their families in comfort and security.

Unused housing space to be made available to the people.

Rent and prices shall be lowered, food plentiful and no one shall go hungry.

A preventive health scheme shall be run by the state. Free medical care and hospitalization shall be provided for all, with special care for mothers and young children.

Slums shall be demolished and new suburbs built where all have transport, roads, lighting, playing fields, creches and social centres.

The aged, the orphans, the disabled and the sick shall be cared for by the state.

Rest, leisure and recreation shall be the right of all.

Fenced locations and ghettoes shall be abolished, and all laws which break up families shall be repealed.

There shall be peace and friendship

South Africa shall be a fully independent state which respects the rights and sovereignty of all nations.

South Africa shall strive to maintain world peace and the settlement of all international disputes by negotiation - not war.

Peace and friendship amongst all our people shall be secured by upholding the equal rights, opportunities and status of all.

The people of the Protectorates - Basutoland, Bechuanaland and Swaziland - shall be free to decide for themselves their own future.

The right of all the peoples of Africa to independence and self-government shall be recognized, and shall be the basis of close cooperation.

Let all who love their people and their country now say, as we say here: "These freedoms we will fight for, side by side, throughout our lives, until we have won our liberty."

APPENDIX .3.

ANC Draft Constitutional Guidelines for a Democratic South Africa, 1988

As drafted by the Constitutional Committee of the ANC, 1988

The State:

a. South Africa shall be an independent, unitary, democratic and non-racial state.
b. i) Sovereignty shall belong to the people as a whole and shall be exercised through one central legislature, executive and administration.
   ii) Provision shall be made for the delegation of the powers of the central authority to subordinate administrative units for purposes of more efficient administration and democratic participation.
c. The institution of hereditary rulers and chiefs shall be transformed to serve the interests of the people as a whole in conformity with the democratic principles embodied in the constitution.
d. All organs of government including justice, security and armed forces shall be representative of the people as a whole, democratic in their structure and functioning, and dedicated to defending the principles of the constitution.

Franchise

e. In the exercise of their sovereignty, the people shall have the right to vote under a system of universal suffrage based on the principle of one person, one vote.
f. Every voter shall have the right to stand for election and be elected to all legislative bodies.

National Identity

g. It shall be state policy to promote the growth of a single national identity and loyalty binding on all South Africans. At the same time, the state shall recognise the linguistic and cultural diversity of the people and provide facilities for free linguistic and cultural development.

A Bill of Rights and Affirmative Action

h. The constitution shall include a Bill of Rights based on the Freedom Charter. Such a Bill of Rights shall guarantee the fundamental human rights of all citizens irrespective of race, colour, sex or creed, and shall provide appropriate mechanisms for their enforcement.

i. The state and all social institutions shall be under a constitutional duty to eradicate race discrimination in all its forms.

j. The state and all social institutions shall be under a constitutional duty to take active steps to eradicate, speedily, the economic and social inequalities produced by racial discrimination.

k. the advocacy or practice of racism, fascism, nazism or the incitement of ethnic or regional exclusiveness or hatred shall be outlawed.

l. Subject to clauses (i) and (k) above, the democratic state shall guarantee the basic rights and freedoms, such as freedom of association, expression, thought, worship and the press. Furthermore, the state shall have the duty to protect the right to work, and guarantee education and social security.

m. All parties which conform to the provisions of paragraphs (i) to (k) shall have the legal right to exist and to take part in the political life of the country.

Economy

n. The state shall ensure that the entire economy serves the interests and well-being of all sections of the population.

o. The state shall have the right to determine the general context in which economic life takes place and define the limit the rights and obligations attaching to the ownership and use of productive capacity.

p. The private sector of the economy shall be obliged to co-operate with the state in realising the objectives of the Freedom Charter in promoting social well-being.

q. The economy shall be a mixed one, with a public sector, a private sector, a co-operative sector and a small-scale family sector.

r. Co-operative forms of economic enterprise, village industries and small-scale family activities shall be supported by the state.

s. The state shall promote the acquisition of managerial, technical and scientific skills among all sections of the population, especially the blacks.

t. Property for a personal use and consumption shall be constitutionally protected.

Land

u. the state shall devise and implement a Land Reform Programme that will include and address the following issues:

    i) Abolition of all racial restrictions on ownership and use of land

ii) Implementation of land reforms in conformity with the principle of Affirmative Action, taking into account the status of victims of forced removals.

Workers

v. A charter protecting workers' trade union rights, especially the right to strike and collective bargaining, shall be incorporated into the constitution.

Women

w. Women shall have equal rights in all spheres of public and private life and the state shall take affirmative action to eliminate inequalities and discrimination between the sexes.

The Family

x. The family, parenthood and children's rights shall be protected.

International

y. South Africa shall be a non-aligned state committed to the principles of the Charter of the Organisation of African Unity and the Charter of the United Nations and the achievement of national liberation, world peace and disarmament.

APPENDIX 4

National Peace Accord

A selected extract *from the National Peace Accord, signed and adopted by more than forty organizations on* ***14 September, 1991***

To signify our common purpose to bring an end to political violence in our country and to set out the codes of conduct, procedures and mechanisms to achieve this goal.

We, the signatories, accordingly solemnly bind ourselves to this accord and shall ensure as far as humanly possible that all our members and supporters will comply with the provisions of this accord and will respects its underlying rights and values and we, the government signatories, undertake to pursue the objectives of this accord and seek to give effect to its provisions by way of the legislative, executive and budgeting procedures to which we have access.



Chapter 1

Principles

1.1 The establishment of a multi-party democracy in South Africa is our common goal. Democracy is impossible in a climate of violence, intimidation and fear. In order to ensure

democratic political activity all political participants must recognise and uphold certain fundamental rights described below and the corresponding responsibilities underlying those rights.

1.2 These fundamental rights include the right of every individual to:

- freedom of conscience and belief;
- freedom of speech and expression;
- freedom of association with others;
- peaceful assembly;
- freedom of movement;
- Participate freely in peaceful political activity.

1.3 The fundamental rights and responsibilities derive from established democratic principles namely:

- democratic sovereignty derives from the people, whose right it is to elect their government and hold it accountable at the polls for its conduct of their affairs;
- the citizens must therefore be informed and aware that political parties and the media must be free to impart information and opinion;
- there should be an active civil
- society with different interest groups freely participating therein;
- political parties and organisations, as well as political leaders and other citizens, have an obligation to refrain from incitement to violence and hatred.

1.4 The process of reconstruction and socio-economic development aimed at addressing the causes of violent conflict, must be conducted in a non-partisan manner, that is, without being controlled by any political organisation or being to the advantage of any political group at the expense of another.

1.5 Reconstruction and developmental projects must actively involve the affected communities. Through a process of inclusive negotiations involving recipients, experts and donors, the community must be able to conceive, implement and take responsibility for projects in a co-coordinated way as close to the grassroots as possible. In addition, reconstruction and development must facilitate the development of the economic and human resources of the communities concerned.

1.6 The initiatives referred to in 1.4 and 1.5 above, should in no way abrogate the right and duty of governments to continue their normal developmental activity, except that in doing so they should be sensitive to the spirit and contents of any agreement that may be reached in terms of 1.5 above.

1.7 The parties to this process commit themselves to facilitating the rapid removal of political, legislative and administrative obstacles to development and economic growth.

1.8 The implementation of a system to combat violence and intimidation will only succeed if the parties involved have a sincere commitment to reach this objective. Only then will all the people of South Africa be able to fulfill their potential and create a better future.

1.9 It is clear that violence and intimidation declines when it is investigated and when the background and reasons for it is (sic) exposed and given media attention. There is, therefore, need for an effective instrument to do just that. It is agreed that the Commission established by the Prevention of Public Violence and Intimidation Act, 1991, be used as an instrument to investigate and expose the background and reasons for violence, thereby reducing the incidence of violence and intimidation.

1.10 Since insufficient instruments exist to actively prevent violence and intimidation and regional and local levels, it is agreed that committees be appointed at regional and local levels to assist in this regard. Peace bodies are therefore to be established at both regional and local levels to be styled "Regional Dispute Resolution Committees" (RDRC) and "Local Dispute Resolution Committees" (LDRC) respectively. These bodies will be guided and co-coordinated at a national level by a National Peace Secretariat. At the local level the bodies will be assisted by Justices of the Peace.

1.11 The Preparatory Committee has played a crucial role in the process of bringing the major actors together to negotiate a Peace Accord. There is still much to be done to implement the Accord and establish the institutions of peace. To assist in this regard, a National Peace Committee shall be established.

1.12 There should be simple and expeditious procedures for the resolution of disputes regarding transgressions of the Code for Political Parties and Organisation by political parties and organisations who are signatories to the National Peace Accord. These disputes should wherever possible, be settled at grassroots level, through participation of the parties themselves; and by using the proven methods of mediation, arbitration and adjudication.

1.13 An effective and credible criminal judicial system requires the swift and just dispensation of justice. This in turn will promote the restoration of peace and prosperity to communities, freeing them of the ravages of violence and intimidation. Special attention should be given to unrest related cases by setting up Special Criminal Courts specifically for this purpose.

Chapter 2

Code of Conduct for political parties and organisations
The signatories to this Accord agree to the following Code of Conduct:

2.1 We recognise the essential role played by political parties and organisations as mediators in a democratic political process, permitting the expression, aggregation and reconciliation of different views and interests, and facilitating the translation of the outcome of this process into law and public policy, and respect the activities of political parties and organisations in organising their respective structures, canvassing for support, arranging and conducting public meetings, and encouraging voting.

2.2 All political parties and organisations shall actively contribute to the creation of a climate of democratic tolerance by:

- publicly and repeatedly condemning political violence and encouraging among their followers an understanding of the importance of democratic pluralism and a culture of political tolerance; and
- acting positively, also vis-à-vis all public authorities including local and traditional authorities, to support the right of all political parties and organisations to have reasonable freedom of access to their members, supporters and other persons in rural and urban areas, whether they be housed on public or private property.

2.3 No political party or organisation or any official or representative of any such party, shall:

- kill, injure, apply violence to, intimidate or threaten any other person in connection with that person's political beliefs, words, writings or actions;
- remove, disfigure, destroy, plagiarise or otherwise misrepresent any symbol or other material of any other political party or organisation;
- interfere with, obstruct or threaten any other person or group travelling to or from or intending to attend, any gathering for political purposes;
- seek to compel, by force or threat of force, any person to join any party or organisation, attend any meeting, make any contribution, resign from any
- post or office, boycott any occasion or commercial activity or withhold his or her labour or fail to perform a lawful obligation; or
- obstruct or interfere with any official or representative of any other political party or organisation's message to contact or address any group of people.

2.4 All political parties and organisations shall respect and give effect to the obligation to refrain from incitement to violence and hatred. In pursuit hereof no language calculated or likely to incite violence or hatred, including that directed against any political party or personality, nor any willfully false allegation, shall be used at any political meeting, nor shall pamphlets, posters or other written material containing such language be prepared or circulated, either in the name of any party, or anonymously.

2.5 All political parties and organisations shall:

- ensure that the appropriate authorities are properly informed of the date, place, duration and where applicable, routing of each public meeting, rally, march or other event organised by the party or organisation;
- take into account local sentiment and foreseeable consequences, as well as any other meetings already arranged on the same date in close proximity to the planned event, provided that this shall not detract from the right of any political party or organisation freely to propagate its political views; and
- immediately and at all times, establish and keep current effective lines of communication between one another at national, regional and local levels, by ensuring a reciprocal exchange of the correct names, addresses and contact numbers of key leaders at each level, and by appointing liaison personnel in each location to deal with any problems which may arise.

2.6 All political parties and organisations shall provide full assistance and co-operation to the police in the investigation of violence and the apprehension of individuals involved. The signatories to this Accord specifically undertake not to protect or harbour their members and supporters to prevent them from being subjected to the processes of justice.

Source: http://www.anc.org.za/ancdocs/history/transition/npaccord.html

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