QUESTIONING THE GROUP-BASED APPROACH TO SOCIAL EQUALITY IN THE POST-APARTHEID SOUTH AFRICA

DOI: https://dx.doi.org/10.4314/ft.v6i2.4

First Submission: August 5, 2017 Acceptance: November 12, 2017

Uti Ojah EGBAI University of Calabar, Calabar drutiegbai@gmail.com

Abstract

In this paper, I investigate whether the pursuit of group-based social equality should constitute a political goal or not. I explain that social equality refers to the mechanism for horizontal presentation of opportunities to individuals in a given society to express their abilities. It could also mean the right to vie, contest, compete or take advantage of certain opportunities or even to the freedom to pursue or obtain certain opportunities among free citizens in any society. I argue that the position of the mainstream European South African population seems to be that this should be an individual-based exercise since the sectional policy of apartheid has been disestablished. However, the majority of native South Africans appear to hold that since the post-apartheid South African society is heavily lopsided that the pursuit of social equality, especially by the natives who experience great economic disadvantage as a political goal, should be group-based in order to address comprehensively the social and economic ills of apartheid. This groupbased approach is challenged by European South Africans who argue that it introduces another form of inequality that places them at a disadvantage. I will analyze the arguments on both sides and attempt to justify the group-based approach in the light of the post-apartheid peculiar circumstances of native South Africans.

Keywords: social equality, political goal, individual, group, South African society, apartheid.

Introduction

Is it morally consistent for the government of post-apartheid South Africa to implement programs that give advantages to a group and disadvantage another? Are there some circumstances in which such lopsided group-based government policies like the Reconstruction and Development Program (RDP) and Black Economic Empowerment (BEE) are worth pursuing as political goals? The concept of social equality naturally breeds controversies in any society that is segregated or at least haunted by the memory or effects of segregation like South

Africa—a multi-racial country of over 51 million people. The tension arises spontaneously. The group that was formally repressed either would want to take vengeance or, in the best case scenario, would want a full or sometimes disproportionate reparation. Whereas the former oppressors would not want to make any concessions that would inhibit their accustomed luxury lifestyle, the group that just reclaimed its freedom would feel justified to better their lot through any means necessary. But because, as is the case in the post-apartheid South African society, the resources available are inadequate to assuage the minimum needs of the native South Africans and at the same time maintain the luxury lifestyle of the European South Africans, a moral dilemma arises as to whose interest ought to come first, and ought any group's interest come first at all?

Where the European South Africans agitate that the pursuit of social equality as a group-based political goal is immoral since it reintroduces a new form of racially segregated order; the native South Africans uphold it as perfectly moral since it seeks to address the racially instituted imbalances of the old order. Again, while the European South Africans may argue that a new desegregated order ought not to place any group interest above any other, it may well be modest to intuit that this places the European interest first since the segregated old order had placed the Europeans ahead. In counter, the native South Africans may argue that the social equality programs like the RDP and, especially, the BEE are not forms of new racial segregation but policies aimed at redressing the ills of the old segregated order. But a group-based pursuit of social equality on the surface looks less logical hence J. S. Mill in his On Liberty argues that individuality is a logical element of well being and that the society's authority to impose its whims on the individual should be limited (1859/2011, 103-140). However one looks at the two arguments, there is still a moral tension requiring deeper analysis and clarifications. This drives home Wiredu's point that without arguments and clarifications there is strictly no philosophy (1980, 47). Hence, the problem of social equality that haunts the post-apartheid South African society is a philosophical problem one that is characterized by a scenario of moral dilemma.

To address the thesis of this work, I will argue (a) that not all forms of social equality should constitute political goal in a segregated society (b) that some group-based social equality, (e.g. racial, ethnic, tribal, cultural and economic) such as equal opportunities to vie, contest or compete for something of value constitutes political goal (c) that the horizontal distribution of opportunities in critical areas of national life to be vied for on the basis of the individual also constitutes political goal, but (d) that certain group-based ideas of economic,

Equality as a Social Concept

Equality as a social concept is not the same thing as the equality which the mathematicians often recourse to in their calculations and which they designate with the sign "="; for example 2 + 2 = 4. In this regard, two different numbers are unified such that a synthesis arises to replace the previously standing two. It is also not the same as the logician's

concept of identity in which a thing is said to be the same or equal to itself example A=A. Here, the logicians deal with one entity which they seek to show is not unequal to itself or not-not identical to itself or not different from itself. The concept of social equality, however, can be likened in a way to that of one-to-one correspondence or the Hume's principle of cardinality. This is a second order predicate logic designation in which two entities if conceived set-theoretically are said to contain exactly the same number of elements when paired off. This is symbolically represented as $\{x|Fx\} = \{y|Gy\} \equiv \forall z(Fz \approx Gz)$. It is derived from Frege's Basic Law V and it asserts that the set of Fs is identical to the set of Gs if and only if F and G are materially equivalent (ZALTA. 2013) vet, except for quantitative interpretation, it, in axiological sense, bespeaks of the duality of that which is valued and the entity that values it. Notwithstanding the weakness in the later conception which has been dubbed the Caesar's problem (COOK, 2009, 38-39), we can adopt the former i.e. the quantitative interpretation strictly for explanatory purposes.

Another perhaps, simple set-theoretic illustration of equality as a social concept is: think of a set W containing 1, 2, 3, 4 as its fundamental defining characteristics and another set B containing 1, 2, 3, 4 also as its fundamental defining characteristics, W=B not merely in a mathematical sense of the sign "=" and not merely in a logical sense of it either but in a set-theoretic sense of the sign "=". In this way, W remains W while B remains B but they are at par depicting a symmetrical relation.

Social equality therefore refers to the horizontal conception of individuals or members of different races or group in any society and their treatment as such with regard to the distribution of a range of opportunities/privileges irrespective of gender, race, status and language. Our conception of the qualifying term "social" is derived directly from society and all of its structural appurtenances in the economic, political and educational domains, for example.

Some like Stefan Gosepath (2007) dealing directly with the concept of equality discountenances any suggestion of mathematical or logical identity or sameness and rather tow a more humble path of similarity of entities under comparison. Following from this, he concludes that the idea of absolute equality is self-contradictory because two non-identical entities can never be completely equal. But my essay is on the concept of social equality rather than simply on equality. The difference is that social equality does not seek to compare the degree of similarity between two non-identical entities; it rather seeks to compare the similarity of the range of opportunities available to members of a set ontologically conceived to be horizontal. The elements in this set are all

humans in a given society like South Africa made up of different races, languages, gender and status. Here I wish also to look at the consistency of the pursuit of social equality as a political goal that turns a blind eye to the differences of race, language, status and gender and focuses on the simple, more inclusive category of humanity in the distribution of opportunities to the members of the set of all humans in, say, the South African society. It is therefore suggestive that the concept of social equality, unlike mere equality as an absolute notion, might not be self-contradictory, which means it could be a practical possibility. The question then is: to what extent is the concept of social equality as a political goal defensible?

My position in this essay is to argue that it may not be possible for all forms of social equality to constitute a political goal but in some cases where this appears to be so, certain peculiar circumstances could make it worthy as a political goal. An example is such circumstances that obtain in the post-apartheid South African society. This is because the availability of opportunities to all would still have to be unjustly segregated by the possession of adequate and inadequate capabilities. In the South African society, this segregation falls by understandable circumstances along racial or group lines and favors the Europeans over the Africans. For this unfair group-based disparity orchestrated by European-controlled old apartheid order, it becomes rationally just to administer a program of "necessary restriction" over capability in relation to availability of opportunities. Our notion of "necessary restriction" is a two-edged exception rule that states: 1. It is necessary for the government to implement programs that give the Africans advantages by restricting the advantages of the Europeans and 2. It is also necessary to restrict the application of this rule in order to avert absolute instances such as specialized competencies which would harm the nation in general. Our arguments in this work shall explain the rationale behind this exception rule.

Furthermore, equality when conceived as a social concept refers not only to the distribution of available opportunities to all in terms of equity but also the recognition of the disparity that might exist which determines the impact of such in the lives of benefiting individuals. In this way the same opportunity is likely going to have different levels of impact in the lives of two individuals, one of whom is favored and the other at a point of disadvantage on the rung of the society. In this sort of scenario fair equality cannot be obtained even though the two individuals were given the same treatment which could be described as democratic equality. What this means is that the notion of democratic equality could still be unfair. John Rawls in his *A Theory of Justice*

 $_{\rm Page}64$

shows how what he calls the difference principle plays a strong role in the pursuit of social equality in any society. In his words:

The democratic interpretation...is arrived at by combining the principle of fair equality of opportunity with the difference principle. This principle removes the indeterminateness of the principle of efficiency by singling out a particular position from which the social and economic inequalities of the basic structure are to be judged. Assuming the framework of institutions required by equal liberty and fair equality of opportunity, the higher expectations of those better situated are just if and only if they work as part of a scheme which improves the expectations of the least advantaged members of society. The intuitive idea is that the social order is not to establish and secure the more attractive prospects of those better off unless doing so is to the advantage of those less fortunate. (1971/1999, 65)

Rawls in the above argues that to present the same opportunities to people who are socially unequal cannot engender fair equality and as such is an unjust treatment of the least advantaged group unless, of course, it works as part of a scheme which improves the expectations of the least advantaged members of society. This is because the better situated group already has a leg up ahead of the other group, which means mere democratic equality that demands a horizontal distribution of opportunities would continue to have a vertical impact on the benefiting individuals. The better situated group would continue to remain ahead of the least advantaged group. A good analogy of this imbalance is the Zeno's paradox concerning the fabled race between Achilles the fastest Greek runner and the tortoise a very poor athlete. Zeno argues that because there is infinite number of points between them; even if Achilles starts just a few points behind the slow tortoise, he can never meet, much less, overtake the tortoise. Hence, no matter what happens, the outcome of the race is inevitable.

This is the scenario in the post-apartheid South African society where the Europeans maintain a point of advantage over the less advantaged Africans. Rawls' position seems to establish a moral justification for social equality programs that would give a leg up to the least advantaged Africans in the post-apartheid South African society. This means that such programs would have to be enacted to allocate greater advantage to the Blacks in the distribution of opportunities as a form of necessary restriction of the modalities for the distribution of gains.

However, the application of this notion of necessary restriction which turns a blind eye on individual capability and seeks to give a leg up to the group can only apply to some special circumstances in total exclusion of competition or contest as we now have in the postapartheid South African society. Nevertheless, this exception rule does not apply absolutely. There are still exceptions to the exception rule. For example, the economics and financial ministry should not be run by a man who does not have the capability to do so simply because he comes from a disadvantaged group or the bishopry of Johannesburg does not have to be allocated to a European person simply because they are in the minority or that the last person that occupied the position was an African and vice versa. On the contrary, capacity or the requisite qualification should determine who takes the position in religious matters such as this and even in sensitive national, economic and political positions. It makes no logical and moral sense for political and economic positions sensitive to national life to be handed out to people without requisite capabilities because they belong to a minority group or a group repressed by the old apartheid order. These credibly suggest to us that certain programs of social equality cannot be implemented absolutely without some restrictions, not even in South Africa with its unique circumstances. What is recommended, however, is a special capacity-building program that gives the Africans a leg up to rapidly develop their talents. Such a program must focus on free quality education at the primary and secondary school levels, government scholarship scheme to all Africans at the University level who demonstrate financial incapacity to afford tuition, mandatory sponsorship of the training of Africans in managerial, leadership and investment skills by their employers, etc. But if some group-based social equality programs are not defensible, which ones are?

The Group vs. the Individual: A Defensible Position

Laurence Thomas (2007, 17) states that "for any social relationship, there can be good or bad models. For any struggle for social equality, there can be good or bad models". His central argument is that a morally defensible position can be weakened by bad arguments or models. To suggest, for example, that opportunities in all areas of the South African economy be allocated horizontally to all South Africans irrespective of group disparity because the prevalent order is a desegregated one is to throw up a bad model. A models that argues that opportunities be spread horizontally for all South Africans to compete or vie for on individual basis because there are technically inept people in one group as there are in another is surely a bad model which would in the long run prove indefensible. On the other hand, to advocate for opportunities to be allocated absolutely on the basis of group sentiment and unmindful of

Page **66**

requisite capacities and special national needs because a certain group had suffered repression in the hands of the other in South Africa is another bad model. The above models can be flawed when we remember that the ultimate goals of the society consist in stability and progressive development. As progressive development cannot justly be sacrificed for the notion of absolute group-based social equality, national stability cannot be sacrificed for the warped idea of individualbased social equality. The notion of absolute group-based pursuit of social equality does not only suggest a blind allocation of opportunities on the grounds of group identity but can dangerously and easily be radicalized by ethnic or racial zealots. I will not engage with the South African experiences in this regard as some scholars have discussed these scenarios in more detail (See. BEALL 2006; KLEIN 2007; MPEHLE 2011; LAING 2012; DUBOW 2017). Notwithstanding its necessity, I am of the view that when the group-based social equality is pursued as a political goal, it is imperative that actors do not lose sight of its justification so as not to carry it to excess.

To this extent, we may divide the notion of social equality into moderate and absolute. Whereas the models above depict the absolute conceptions of the notion of social equality at both the individual and group levels and which are indefensible, the moderate conception which I aim to advance in this essay is perfectly defensible. Laurence Thomas again states that:

Racism was the insistence that, exceptions to the contrary notwithstanding, blacks in general were utterly incapable of fully taking part in the moral and intellectual excellences that have been understood to advance humanity. The struggle for racial equality on the part of blacks consisted in showing that this ideology was entirely bankrupt. So the backdrop against which the struggle for racial equality took place might be called the ennobling conception of equality. (2007,17)

It is also this "ennobling conception of equality" that sparked off the South African struggle against apartheid; apartheid being the ignoble conception that Africans in South Africa generally are less intelligent than their European countrymen. Fainos Mangena reports that the former South African apartheid despot Pieter Botha once remarked that "intellectually, we are superior to the Blacks; that has been proved beyond any reasonable doubt over the years" (2014, 98). It was Rousseau in his *Discourse on the Origin of Inequality* who intuited about the despicable position of some philosophers that there is a greater difference between some men and some others (1910/2004, 9).

Evidently, it is this animalistic desire to prove one's superiority over others that inspires one to enslave one's kind and subject the victim to inhuman conditions; and then appeals to one's victim's inability to rescue himself as a proof of one's claim and a justification of one's crime against humanity. Rousseau goes on to suggest that it is blind selfishness and foolishness that inspire us to seek to destroy others supposing them to be inferior just because they lack certain accidental advantages which may have reached us by pure chance. In his words:

[L]et us beware...that man, as having no idea of goodness, must be naturally bad; that he is vicious because he does not know what virtue is; that he always refuses to do any service to those of his own species, because he believes that none is due to them; that, in virtue of that right which he justly claims to everything he wants, he foolishly looks upon himself as proprietor of the whole universe. (Rousseau 1910/2004, 19)

This apparently captures the reasoning behind the crafting and implementation of the apartheid policy in South Africa which as horrible as it cannot be undone. But we can avoid similar odd rulership of the human ego in which the native South Africans might seek revenge or reparation in excess of what is healthy for the society. Such a post-apartheid South African society in which the preservation of African interest interferes least with the European interest, to Rousseau, would be most suitable (1910/2004, 19). Rousseau is probably referring to the least possible pain not the absence of pain which in our context would have to be borne by the Whites in order to redress the injustices done to their African country-men. To this end, it can, admittedly, be argued that a little bit of discomfort to the Europeans in the course of some due reparation to the Africans can be tolerated. I shall revisit this argument later. This reparation is necessary to redress the artificial imbalance created by the apartheid regimes. Apartheid itself is a product of a system that aims to sustain forever the artificial advantages the Europeans had over the Africans in South Africa. If these advantages were natural and permanent as some claim, there would not have been any need to develop a policy for their sustenance. The struggle against apartheid by Africans was on its own a natural proof that such claims are baseless.

Generally, it shows that the struggle against apartheid was not the struggle on the part of Africans to be seen by Europeans as equally capable of being unintelligent and indolent even though this might be correct. It is however, the noble struggle to prove that Africans, all things being equal, are capable of being as intelligent and creative as their European countrymen. My defensible model therefore is: that opportunities in some (excluding vital and competence-demanding) areas of South African economy can be allocated moderately on the basis of group sentiment mindful of evident group disparity orchestrated by the despicable apartheid policy and opportunities of capacity building be allocated on group sentiment to give Africans a leg up to attain parity with their European countrymen. This model evidently takes a cue from the scientifically established fact that all humans and cultures are rational and are equally capable of rational and creative feats (MUDIMBE, 1988) and Janheinz Jahn (1961,19-20). This scientific fact dispels the ill-informed and outdated arguments of intellectuals like Levy Bruhl (1947) and Georg Hegel (1822-30/1975) that the converse is the case. What our model wants to portray is that the post-apartheid South African society owes a reasonable measure of reparation to native South Africans as a group. John Rawls' difference principle and his idea of fair equality which leads to justice as fairness (1971/1999, 73-74) reecho quite well with this position. This implies that the European South Africans have to bear whatever little pain this brings in the spirit of sportsmanship and the native South Africans have to be considerate not to demand the sort of reparation that harms the society in general because there are certain group-based social equality programs that may amount to chasing shadows.

The Group vs. the Individual

While it is tenable that the individual-based social equality in which opportunities/privileges are spread horizontally among individuals without discriminations of any sort , ,while it is imperative that a repressed and suppressed group be given a leg up in the allocation of certain opportunities in an evidently lopsided society and this should also constitute political goal; it is still hard to see how the vital and sensitive areas of the South African polity and economy can be blindly allocated on the basis of group sentiment or how all opportunities can be spread horizontally for individuals to vie for unmindful of the huge group disparity orchestrated by the apartheid policy. Without a shadow of doubt, this would amount to chasing shadows. To implement either of the latter two would derail societal progress or destabilize the society. In any case none is morally defensible.

The least that can be expected is that certain opportunities be allocated as a leg up on the basis of group sentiment while others that are vital to national life can be made available to all leaving individual distinction/excellence to determine who moves ahead much like the principle of survival of the fittest. In other words, it should not be a political goal to share all opportunities/privileges without exception as if

they were rights along group-based sentiments. We recognize that some groups may be better positioned to outclass others, hence our notion of necessary restriction which gives some advantages to the unfairly treated group. However, in areas that are vital to national life as well as general capacity building, what the state should do in this regard is to provide the less well off the requisite privileges to contest on equal platform. In the case of the South African society, the government should conceive as political goals, the provision of quality and free education up to University level to Africans who demonstrate financial incapacity to afford University education, the technical expertise for producing, managing businesses and investments so as to be able to contest for available opportunities in the South African society with their already well placed European countrymen. Corporations should be mandated to train their African employees in various executive and technical capacity building skills and give them the opportunity to demonstrate their skills whenever one arises. Investment and management courses should be financed by corporations for their African employees from time to time.

The South African society has been described as that with sustained economic and educational polarity between Europeans and Africans even years after the end of apartheid (KLEIN, 2007). Members of the African race are still far behind in almost every aspect of the society in which the European grip is firm. It would therefore seem ridiculous to suggest that the best practice is one in which opportunities/privileges are equally presented to members of each group for contest. No one should be deluded that the Africans stand any chance whatsoever and as much as this vitiates our thesis of equal opportunity/privilege for all to vie for something of value, it does not negate it. This is because; the South African situation presents a unique case which requires a unique solution. This unique case is understood when we realize that though the groups are equal with regards to the privilege to contest or compete, they do not stand on equal platforms. In other words, the platforms available to each from which they stand to compete are lopsided. But this does not negate the thesis of equal opportunity/privilege, it only vitiates it. The remedy to this readily lies in constructively elevating the platform of the Africans so that they are at parity with the Europeans on average. An important aspect that needs to be addressed urgently in this regard besides technical and capacity building is education.

Kate Wilkinson (Sept., 2013) in her article "Is SA's Education the Worst in Africa? Not According to the data" explains that South African education may not be the worst in Africa but is not among the best either. She states that the three studies conducted by the Southern

 $^{\text{Page}}70$

and Eastern Africa Consortium for Monitoring Educational Quality (SACMEQ) 1995-1998, 1998-2004, and 2005-2010 consistently show that South Africa is behind a number of the countries in the regional body. SACMEQ consists of fifteen ministries of education in which the following countries are represented, namely: Botswana, Kenya, Lesotho, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, Tanzania, Uganda, Zambia and Zimbabwe. The 2005-2010 study, according to Wilkinson, reveals that:

Data for the most recent research project was collected during the last quarter of 2007 from 61, 396 grade six students and 8, 026 grade six teachers in 2, 779 schools. During the assessment, students were required to answer multiple-choice questions on reading, mathematics and health. The data from this assessment is the most recent and comprehensive survey on educational quality in sub-Saharan Africa. South Africa's average student reading score placed it tenth out of the fifteen countries scored. Uganda, Mozambique, Lesotho, Zambia and Malawi performed worse than South Africa. Tanzania was the best performing country. South Africa's average student mathematics score placed it eighth out of the fifteen countries. Mozambique, Uganda, Lesotho, Namibia, Malawi and Zambia achieved lower rankings. (Wilkinson Sept., 2013)

This shameful statistics may refer to South Africa as a country but within South Africa, it is properly the story of the African race. Corroborating the above, Aislinn Laing writing for *The Telegraph* (Oct., 2012) reveals that the year's census survey reports a slow pace improvement in the imbalance in the social equality index of the country since the end of apartheid. She shows that the disparities between South Africa's different races in terms of education and income levels remain on a high level. In her words:

According to the census, blacks now make up nearly eight in ten of the 51.8 million-strong population. Less than one in ten is white. Only 35 per cent of black people under the age of 20 passed their final exams at high school, compared to 76 per cent of the white population. Among black Africans aged 15-64 years, 35 per cent were employed compared to 69 per cent of the white population. Overall, household incomes more than doubled in the last 10 years: the average now stands at R103,204 (£7,421), up from R48,385 in 2001. But white households earned on average about six times more a year than black households, R365,134 (£26,258) per annum, despite the

fact that black households have on average more people living in them, and despite an increase in the average black salary of 169 per cent since 2001. In a 2006 survey of incomes, white households were shown to earn 7.5 times as much as black households. Analysts estimated that at the same rate of development, it would take until 2061 for black and white families to bring home the same salaries. (Liang Oct., 2012)

Evidently, from the statistics above, one could see that access to quality education and economic power which the Europeans still wield provide unequal or lopsided platform for both races. This is why Laing quotes Jacob Zuma as saving with regard to the statistics that "these figures tell us that at the bottom of the rung is the black majority who continue to be confronted by deep poverty, unemployment and inequality, despite the progress that we have made since 1994". That the Africans in South Africa experience massive social inequality in different sectors is a fact one only needs to look around to see but it would not at the same time justify arbitrary allocation of something of value to the less well off Africans without opportunities for open contest especially in areas critical to national life. This is because if the South African society is to continue its march of social progress and if its economy is to continue to grow, merit and expertise are invaluable factors in certain key areas. To arbitrarily allocate something of value to members of a disadvantaged group on the basis of ethnic sentiment rather than merit in such areas that are not supposed to be compromised is not only unwise but strategically incorrect.

Many native South Africans and Africans elsewhere called for this sort of sentimental measure as the apartheid regime collapsed. But that is a solution of vengeance rather than a realistic and pragmatic solution. The massive disadvantage which the Africans suffer in South Africa is a product of years of systemic racial subjugation in which a policy of deliberate racial disempowerment was implemented. To alter the imbalance would certainly take a long time.

However, my thesis is that the length of time required to address the social inequality in South Africa could be reduced if the government embarks on a program of leveraging Africans through policies that would elevate their skills and abilities to the same level with those of the Europeans. For example, it can be recommended that primary and secondary education be free for all Africans and a government scholarship for all Africans eligible for University enrollment each year and in any University of their choice in the country should be put in place. This is because; the cost of tuition in South African Universities is well beyond the income of most African

families. In the economic sphere, an official government policy should require all the corporate bodies to have at least 30% of their executive positions occupied by Africans and to sponsor their internship training on investment strategies, capital and corporate managements. These would reduce the length of time required to address the social equality imbalance in South Africa. This is because more native South Africans would rapidly attain a level where they can compete, contest or vie for opportunities/privileges on equal platform with their European counterpart.

On the whole, the allocation of "all" economic, political and social opportunities on the sentiment of tribe (without exceptions), which should rather be vied for, would do the South African society no good. It may assuage certain group yearnings but at the high cost of general societal regress. Because the goals of the society encompass stability and constant progress (CHIMAKONAM 2014:2-3) any argument that opposes "c" and "d" above is indefensible.

Social Equality as a Political Goal in South Africa: The Damage of Apartheid

The government pursuit of social equality in the post apartheid South African society as a political goal is made complex by the psychological damage inflicted by the long years of apartheid policy. The dilemma created is: 1. the formerly oppressed Africans expect the government to enact and implement policies that would place them first and solve their problems so that they may catch up with the Europeans (social equality); 2. On the other hand, the Europeans want to maintain the status quo which confers on them unfair advantages above others, when these scores of advantages are inhibited by government through social equality policies like the BEE (Black Economic Empowerment) they protest and in some cases leave the country. It should be noted that this attitude is influenced by the old order during which many European South Africans viewed the Africans, to use Jahn's expressions, "as tools of technology...or an object to which one gives instructions rather than a partner" (1961,16). It is this racist mindset that makes it difficult for some European South Africans to understand the new desegregated scheme in the post-apartheid South Africa. Thus while the Africans complain that the government is not doing enough for them to achieve social equality, the Europeans complain that the government is giving Africans too much and denying them a lot.

This makes the job of the African National Congress governments in the post-Apartheid South Africa the most difficult and complex in the world. Suffices it to say that the ANC-led governments since the collapse of apartheid are the best possible governments South

Africa can expect in the next one or two generations for the following reasons: 1. The European-led main opposition party, the Democratic Alliance, would be viewed as Apartheid regime in another toga 2. It is likely going to scrap all social equality programs like the BEE which they have vocally criticized and this cannot be tolerated by the Africans 3. A Colored and Asian-led government would likely implement policies that would place their race(s) first on top of the ladder following consistent displeasure with both the European and then the African leadership— this will likely breed chaos 4. Africans are the majority race consisting of more than 80 % of the national population 5. The African race bore the full brunt of apartheid 6. The Africans are and still remain at the lowest rung of economic ladder 7. And even if these do not constitute sufficient conditions for the ANC to be regarded as the best possible option to still lead South Africa for the next generation, even if these are not water-tight arguments, they constitute without doubt the necessary grounds for this claim even from the perspective of utilitarianism, situationism and political expedience.

These complex conditions created by the above-mentioned dilemma make the pursuit of social equality for the disadvantaged communities in South Africa a difficult one simply because of the psychological scar of apartheid. It inflicted on the psyche of Europeans the disease of always thinking themselves superior and justly entitled to the advantages they have created for themselves during the apartheid without thinking that any form of recompense is proper for the formerly oppressed races. To the Asians and the coloreds; it inflicted on them the disease of thinking that they were the leftovers during the apartheid and yet again the leftovers in the post-apartheid era. According to the Economist (Feb. 4th 2012) the wife of former apartheid South African president F. W. de Klerk, Marike, once described the coloreds as "nonpersons...the leftovers". And to the Africans, it inflicted on them the disease of always seeing themselves as the ones who have suffered unbearably and who should now be the only ones 'eating' from the government treasury till such a time they would think themselves full like others.

However, the challenge is that the Europeans want to retain the status quo; the colored and the Asians want improvements while the Africans want to catch up. In a situation where three races want various things which to different extents inhibit what the Africans want, the ANC-led government cannot pursue social equality as a political goal without serious difficulty. Yet it cannot be contested that leveraging measures are necessary to balance the economic odds created during the apartheid especially between the Europeans and the Africans.

It is probably the thinking of this nature that led to the creation of certain social equality programs in the post-apartheid era by the ANCled governments. Prominent among such policies are: Reconstruction and Development Program (RDP), which was a socioeconomic program that was supposed to create businesses and job opportunities for Africans and by so doing solve the problem of racial inequality that had been orchestrated by the apartheid regime. This program however failed for reasons ranging from political pressure to technical difficulties (Mpehle, 2011). Broad Based Black Economic Empowerment or simply Black Economic Empowerment (BEE) was a government Act of 2003 aimed at providing fresh economic opportunities to disadvantaged groups like the Africans who had been mistreated in the years of apartheid. The central goal of this program remains to this day to offer greater opportunities to Africans as a disadvantaged group in the society. The lopsided economic positioning becomes an advantage for the Africans in comparison to the Europeans (Lundahl and Peterson, 2009). BEE remains an unpopular program to the Whites; and Education Reform that is aimed at providing quality education to Africans who had in the apartheid era been allowed only Bantu education. But despite all the expenditure on its education policies reducing the education gap between Europeans and Africans has remained a tall order due mainly to the depth of decay and backwardness Africans suffered during the apartheid era. Thus in some surveys, according to Wilkinson (2013), South Africa continues to rank very low in literacy and numeracy.

The questions that loom large and which have taken some of our time so far are: How are these government-leveraging programs viewed by both Europeans and Africans in the post-apartheid era? Is it moral for the government to implement programs that give advantages to a group and disadvantage another? Are there some circumstances in which such lopsided government policies like the BEE and RDP are worth pursuing as political goals?

Evidently, the pursuit of social equality by the ANC-led government in South Africa through programs like the BEE has been under severe criticism, more so by the Europeans who feel the program denies them of job opportunities and alienates them from the South African society; they feel the government is doing too much for Africans. On the other hand, most Africans also hold grudges against the government for not doing enough to assuage the pain inflicted by years of apartheid under European rule. This dilemma is made perfectly obvious by Justice Malala's BBC report "Does Race still Matter in South Africa?" And the debate that followed it. In that debate Johan van Tonder a European South African building contractor submits:

 $^{Page}75$

South Africa is all about the black people now; this government that's in power does not care about us white people. Every year our children graduate from universities but cannot find jobs because preference is given to black children, as part of the ANC's Black Economic Empowerment policy. BEE often overlooks things like experience and a person gets hired just because they are the right skin colour. As a white person I feel alienated from this government. Politicians tell us that we are the "rainbow nation" and yet discriminate against us with their pro-black policies. How is that different from apartheid? (MALALA, 2012)

However, despite the greater majority of Europeans thinking that the government is almost pampering Africans, many native South Africans think the government has disappointed them by not doing enough. The views of Nomvula Ndlovu a retired nurse resonates quite well here:

I lived through apartheid and I survived it. After democracy I was expecting to live a comfortable life with my children, I just never thought that I'd be poorer now than I was. Yes racism still exists and we are faced with it from time to time, but today's oppression is from our own black government. I live in an old shack and have applied for a house numerous times but in vain...I never imagined I would be facing such hardships at my age, especially not from a government led by people who are black like me. (MALALA, 2012)

The two opinions above point to one raw fact—post-apartheid leadership corruption! But even though many see political corruption in the post-apartheid South Africa as the main problem that needs to be solved, it does not detract from the fact that the damage done by apartheid to the non-European populations is immense and cannot be wished away. In fact, Jonathan Hyslop (2006, 773 & 789) explains that there was also corruption in the apartheid era, the legacy of which combined well with the post-apartheid corruption to affect the politics of the post-apartheid South Africa. So, the post-apartheid corruption is part of the problem but it is definitely not the whole story.

On the whole, these two views from South Africans apparently sum up the opinion divide on the programs of social/racial equality like the BEE as implemented by the ANC-led government in South Africa. This dilemma obviously beckons the two ethical questions raised earlier, to wit: Is it moral for the South African government to implement programs that give advantages to a group and disadvantage another? Are

 $^{Page}76$

there some circumstances in which such lopsided government policies like the BEE and RDP are worth pursuing as political goals?

It is easy to dismiss a policy that discriminates like the BEE as not possessing any moral backbone but when the peculiar South African circumstances are taken into reckoning, it may become apparent that not to implement such a discriminatory policy in order to lift the terrible conditions of native South Africans, to which the European supremacist regime had subjected them for decades, would in itself be regarded as immoral. Jo Beall et al., have coined the concept of "fragile stability" to describe the post-apartheid South African in which the legacies of apartheid like the economic divide, racism and massive poverty of Africans remain, and do in fact, threaten social order even though there is a non-racial government in place (BEALL, et al., 2006). So, there appears to be a need for policies like the BEE. This is because, the conditions to which apartheid policy subjected the native South Africans are far below what Odera Oruka refers to as the "human minimum" (1989). Oyekan Oluwaseyi provides a discussion on the notion of the human minimum as a bar below the human standard (2013, 26). It does seem therefore that a policy like the BEE is imperative to lift them up and possibly balance the odds in order to create a truly democratic and united, rainbow nation in which there is social equality of all races. Thus the "human minimum" is a right and not a privilege that is entrusted to one by social status. In this way we see a relationship between Oruka's right to the human minimum and Kant's popular position on the fundamental human right that proceeds from human reason and rests on the idea of human dignity. These rights are strictly unobjectionable and demand that certain basic needs of individuals, no matter the group to which they belong, are to be safeguarded by the government. In this connection, Oluwaseyi cites Oruka as saying:

The most basic of these needs are physical security, health and subsistence. This for him constitutes the *human minimum*. Below this minimum a person may still be alive, but cannot successfully carry out the functions of a moral agent or engage in creative activity. Without the human minimum, a person is either a brute or a human vegetable. But what sort of right does one have to this *human minimum*? Oruka's unequivocal response is that such a right is absolute. According to him, absolute rights are such rights as are basic and cannot be rationally compromised for the sake of any other right. On the other hand, rights are *prima facie* if, however important they may be, they can be justifiably overridden by other rights or something of a greater moral significance. Rights are moral if

they ought to be enforced by an ethics arising from the prevailing moral system, and moral rights are universal if the obligation to blame their violation or to ensure their fulfillment is a duty of every person, regardless of his or her race, country or beliefs. (2013,25-26)

What can be gleaned from the above is that the right to the human minimum which policies such as the BEE in the post-apartheid South Africa was enacted to safeguard is absolute whereas the privileges which the Europeans enjoy due to the high advantages of social inequality created in the apartheid era could be regarded as unacceptable. According to Oruka in the citation above, however important these rights may be, they can be justifiably overridden by other rights or something of a greater moral significance like the right to the human minimum which the BEE seeks to observe. It is on this score that one can maintain the moral consistency of policies such as the BEE in the post-apartheid South Africa.

Indeed, what can be argued is that other adjoining policies ought to be enacted which would ensure that the competencies of the socially privileged European South Africans are not wasted altogether in a bid to strike a balance between socially unequal groups. It might however be difficult to see how this ideal could be achieved since the South African economy has now been exposed as not too robust to accommodate these two opposed demands. But the point made by Giuseppe Cirillo on BBC debate arising from Julius Malala's article "Does Race still matter in South Africa" remains challenging. In his submission he states:

I think it is important not to waste the talents and education of non-black South Africans in order to pull the country out of the problems. At the same time develop the potential hidden inside the masses of under educated black people [sic]. It will take generations however and a strong but fair government will have to do a precarious balancing act in order to keep the peace and increase stability. I've spoken to white South Africans and they seem committed to push the country forward together with the other ethnic population but they feel their efforts are undervalued and frustrated by rules like the BEE. (MALALA, 2012)

Evidently, Giuseppe Cirillo's insistence that the talents of the Europeans should not be allowed to decay in a bid to attain social equality is worth noting but his conclusion that opposes the BEE outrightly is myopic.

The duty of the government to lift the mass of repressed Africans out of squalor is a moral one. Arguing that policies like the BEE should be scrapped because it gives advantages to Africans is being insensitive to the plight of the native South Africans who were subjected to inhumane conditions during the despicable apartheid regime. And we have read from Beall et al. (2006) earlier that the legacies of apartheid, especially the economic legacies, are still very much around and biting the African population in the post-apartheid era. What one expects really is talk about deeper economic restructuring and not the opposite as Cirillo's opinion suggests. Pardraig Carmody is one researcher that thinks that serious economic restructuring is required. He argues that the orthodox economic reform program which the non-racial government of South Africa adopted has not been able to address the problems in the country (2010, 255-256). So, it appears that what is needed to address the economic divide between the Europeans and the Africans is more farreaching programs and not the scrapping of existing ones. In her more learned submission Charlotte Furness explains:

Well, it will obviously take some time, maybe a couple of generations until the BEE becomes redundant and the proportion of different races in any profession matches their percentage in the SA society. However, as correctly pointed out, education and equitable distribution of wealth (read lower corruption) are the key. Will SA, burdened as it is by the UK system which favors a minority make the leap? (MALALA, 2012)

It is clear from the above that policies like the BEE are imperative if the mistreatments of Africans during the apartheid era are to be addressed. It does seem, then, that policies like the BEE are painful solutions which the Europeans ought to endure in the spirit of acquiescence and true reconciliation. It can therefore be inferred that the failure of any European South African to consent and accept the imperativeness of programs like the BEE in the post-apartheid South Africa could be read as a proof of insincerity toward national reconciliation. This is because; to insist that BEE should be scrapped is to approve of the continuation of the inhumane conditions of Africans to which the European apartheid policy had subjected them. The ideal situation would rather be to accept the importance of the BEE until such a time when social equity is achieved between Africans and Europeans in South Africa. Thus Stefan responding to Malala's article submits:

 $^{Page}79$

You cannot reverse the impact of a system like apartheid in 18 years! It will take at least a generation or two. The damage racism or systems like apartheid do go deep into the psyche of the victims. In your article you have a caption from a black mother who talks about 'expecting' the government to solve her problems. And another caption from a white building contractor who feels 'alienated' because of policies like the BEE —and that South Africans should 'fend for themselves' — which obviously gives advantage to white people. Both show the damage apartheid has done — where black people think success can only be achieved through hand-outs from the government. And white people want to maintain the status quo and if they don't get it they simply leave the country or feel alienated. South Africans will unfortunately have to go through this pain but eventually as black people become more confident and have role models to look up to, I am sure the rainbow nation will shine through. (MALALA, 2012, n.p)

We can see then from Stefan's informed analysis that the dilemma of the post-apartheid South African society is orchestrated by the damage caused by the apartheid policy which will take some time to redress. Apartheid, no doubt, was a very dehumanizing policy. Many countries foretold the consequences of apartheid while it lasted and condemned the policy. Even some of the countries that had good economic relations with the apartheid regime openly condemned it. For example, Iran which supplied 90% of the oil to the apartheid regime between the 60s and the 70s (CHEHABI, 2016, 687-688) openly condemned the policy even though they oiled the engine of apartheid, making it economically buoyant to perpetrate evil on its non-European population. Saul Dubow (2017, 305) in a recent essay draws attention to the period known as the "high apartheid", i.e. 1959-1973, when the policy of apartheid reached its peak. No doubt, this was also a period when the apartheid regime enjoyed good economic relations with some of the countries that condemned apartheid without taking measures to starve it of resources. Thus, as painful as it may be, programs like the BEE and the RDP are necessary for the economic leveraging of the populations decimated by the apartheid policy in South Africa.

From the foregoing, it is clear that a social equality policy like the BEE which obviously gives advantages to Africans and disadvantages the Europeans is morally consistent with the desegregated post-apartheid South African society in search of reparation, reconciliation, stability and progress.

Conclusion

On September 8-10, 1991 as it became clear that the despicable apartheid regime of South Africa would in a few years collapse under the weight of economic problems, African agitations and mounting international pressures, a group of prominent African politicians and political thinkers put together a conference entitled "The Challenges of Post-Apartheid South Africa". This conference which took place in Windhoek Namibia saw the presentations of learned papers on critical issues that would most likely characterize the economic, political and social order of the post-apartheid South African society. Of important mention was the prediction in the presentation of the Chairman of the conference, the former Nigeria Head of State Gen. Olusegun Obasanjo. His declaration in his summary resonates quite well with what turned out to be the true state of affairs as we have analyzed them in this essay, to wit:

South Africa has not reached the post-apartheid era, but it is moving in a somewhat unpredictable manner to the point where apartheid can be declared dead even if not buried. Our conference considered the challenges and the opportunities that post-apartheid South Africa will have for all its citizens, citizens of the sub-region and the continent but particularly for those citizens who have been victims of apartheid. It is also a challenge and an opportunity for the international community as a whole especially in the post cold war situation.

In economic and social terms, South Africa is weak and unwell. The situation is likely to get worse before it can get better as a result of the transition and the uncertainty of the interim situation. With the demise of apartheid and the correction of gross misstructure and the underperformance of the economy, the social malaise brought about by the policy of apartheid will remain for some time. Deliberate efforts will have to be made to deal with the social problems of the "new" South Africa. It is now being recognized by all concerned in South Africa that the problem is not that of changing the captain of the boat but changing the engine and reorganizing the crew. That reorganization may inevitably lead to a change of the captain but, all in all, fears will have to be allayed and expectations will have to be moderated. (OBASANJO, 1991,1)

Evidently, apartheid is dead but not buried. The changing of the captain, and the engine and the reorganization of the crew has not been smooth and complete and has not brought about a direct solution to the situation.

Policies like the BEE are required to assuage years of subjugation and misstructure but this also has to be moderated through necessary restrictions in order to allay the fears of the former captains and their crew. This confirms a position in this essay that it is a process that will certainly take some time and which may "get worse before it gets better" due to the "transition and the uncertainty of the interim situation".

In this essay, I have endeavored to investigate the pursuit of group-based social equality as a political goal in the post-apartheid South Africa. I have juxtaposed it with a readily acceptable individualbased social equality and I have been able to bring out the moral consistency of such group-based pursuit of social equality. This hinges on the arguments concerning the unique conditions of the post-apartheid South African society; besides that, a group-based pursuit of social equality also falls in line with Rawls' notion of difference principle and the idea of fair equality that point to the fact that the less advantaged group could be given some preferences in the distribution of opportunities in the society. Obviously, the need for such conditions of advantage in education, politics, economy and in different sectors of the post-apartheid South African society to be allowed the disadvantaged Africans is imperative. Malala (2012) in her essay has explained the backwardness of Africans which cuts across economic, social and educational systems in clear terms. This view has also been upheld in a number of other researches. My position in this essay, therefore, stems from the foregoing arguments that the tension surrounding the fostering of social equality as a political goal in the post-apartheid South Africa is due mainly to the damage caused by the apartheid mentality and this should not be expected to disappear very soon. As it took some time for apartheid to wreak havoc, so will it take some time for new policies like the BEE to redress the damage. But policies like the BEE should not be blindly implemented to cover all areas, including some vital areas critical to the national life. For this, and issues like it, I have in this essay recommended the notion of necessary restriction in the implementation of the leveraging policies.

Relevant Literature

- LAING, Aislinn. "South Africa's whites still paid six times more than blacks," [The Telegraph], October, 30, 2012. <u>Retrieved August 4</u>, 2014. Web.
- 2. BEALL, Jo., n.d.n. "Fragile Stability: State and Society in Democratic South Africa," [Journal of Southern African Studies], pp681-700, August 06, 2006. Vol 31. No 4. DOI: 10.1080/03057070500370415. Web.
- 3. CARMODY, Pádraig. "Between Globalisation and (Post) Apartheid: The Political Economy of Restructuring in South Africa," [Journal of Southern African Studies], pp255-275, August 04, 2010. Vol 28. No 2. DOI: 10.1080/03057070220140694. Online.
- 4. CHEHABI, H.E. "South Africa and Iran in the Apartheid Era," [Journal of Southern African Studies], pp687-709, 2016. Vol 42. No 4. DOI: 10.1080/03057070.2016.1201330. Paperback.
- CHIMAKONAM, Jonathan. "Interrogatory Theory: Patterns of Social Deconstruction, Reconstruction and the Conversational Order in African Philosophy". [Filosofia Theoretica: Journal of African Philosophy, Culture and Religions], pp1-25, June, 2014. Vol 3. No 1. Paperback.
- 6. COOK, Roy. [A Dictionary of Philosophical Logic], 2009. Edinburgh University Press: Edinburgh. Paperback.
- DUBOW, Saul. "New Approaches to High Apartheid and Anti-Apartheid," [South African Historical Journal], pp304-329, 2017. Vol 69. No 2. DOI: 10.1080/02582473.2017.1330896. Paperback.
- 8. GOSEPATH, Stefan. "Equality", [The Stanford Encyclopedia of Philosophy], n.p., Spring, 2011. Edward N. Zalta Ed.] Retrieved Aug. 1, 2014. Web.
- 9. HEGEL, Georg. [Lectures on the Philosophy of World History], Transl. H. B. Nisbet, 1975. Cambridge University Press: New York.
- HYSLOP, Jonathan. (2006) "Political Corruption: Before and After Apartheid," [Journal of Southern African Studies], pp773-789, August 06, 2006. Vol 31. No 4. DOI: 10.1080/03057070500370555. Online.
- 11. JAHN, Janheinz. (1961) [Muntu: An Outline of Neo-African Culture], 1961. Grove Press: New York.

 $P_{\text{age}}83$

- KLEIN, Naomi. [Democracy Born in Chains: South Africa's Constricted Freedom], 2007. Henry Holt and Company: New York.
- 13. LAURENCE, Thomas. "The Use of Bad Arguments in the Defense of Homosexuality". Presented at the Human Rights Seminar, Columbia University, March 2007. Retrieved, June, 2015. Web.
- 14. LEVY-BRUHL, Lucien. (1947). [Primitive Mentality]. Paris: University of France Press.
- 15. MANGENA, Fainos. "In Defense of Ethno-philosophy: A brief response to Kanu's Eclecticism," [Filosofia Theoretica: Journal of African Philosophy, Culture and Religions], pp.96-107, 2014. Vol 3. No 1. Paperback.
- 16. LUNDAHL, Mats., & PETERSON, Lennart. (2009) "Post-Apartheid South Africa: An Economic Success Story?" [Research Paper No. 56], 2009. The World Institute for Development Economics Research (WIDER) Helsinki: United Nations University (UNU)Wider.
- 17. MILL, John Stuart. [On Liberty], Digital edition 2011. EBook. Produced by Curtis Weyant & Martin Pettit. The Project Gutenberg. Retreived May, 2015. Web.
- 18. MPEHLE, Z. "Black Economic Empowerment in South Africa: Reality or Illusion?," [Administratio Publica], pp140–153, 2011. Vol 19. No 3. Online.
- 19. MUDIMBE, V. Y (1988). [The Invention of Africa: Gnosis, Philosophy and the Order of Knowledge], 1988. Indiana University Press: Bloomington.
- 20. OBASANJO, Olusegun. "A Conference on the Challenges of Post-Apartheid South Africa to Southern Africa in Particular and Africa in General: Chairman's Summary," [The Challenges of Post-Apartheid South Africa Conclusions and Papers Presented at a Conference of the Africa Leadership Forum]. Felix G.N. MOSHA Ed. Africa Leadership Forum: Windhoek.
- 21. ORUKA, Odera. H. "The Philosophy of Foreign Aid: A Question of the Right to a Human Minimum. Reprinted in Oruka Odera", [Practical Philosophy: In search of an Ethical Minimum], pp81-93, 1997. East African Educational Publishers: Nairobi.
- 22. OYEKAN, A. Oluwaseyi (2013). "Poverty and the Philosophy of Aid in Africa: Beyond Odera Oruka's Theory of the Right to a Human Minimum." [Thought and Practice: Journal of the Philosophical Association of Kenya], New Series, pp.19-37, December, 2013. Vol 5. No 2. Web.

- 23. RAWLS, John. [A Theory of Justice], 1999. Belknap Press: Cambridge. Paperback.
- 24. ROUSSEAU, Jean-Jacques. [Discourse on the Origin of Inequality], 2004. Dover Publications, Inc. New York.
- 25. The Economist. "Race in South Africa Still an issue Mixed-race citizens remain uneasy about black rule". Feb 4th 2012. Retrieved August 2, 2014. Web.
- 26. WILKINSON, Kate. "Is SA's Education the Worst in Africa? Not According to the data," (Sept., 4, 2013). Retrieved August 1, 2014. Web.
- 27. WIREDU, Kwasi. [Philosophy and an African Culture], 1980. Cambridge University Press: New York.
- 28. ZALTA, Edward. "Frege's Theorem and Foundations for Arithmetic," [Stanford Encyclopedia of Philosophy Edward N. ZALTA Ed], Summer, 2014.. Retrieved Aug. 1, 2014. Web.