CHALLENGES FOR A PUBLIC ETHICS IN SOUTH AFRICA

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ABSTRACT: Democracy has been recognized as the most appealing political and social model, a model that should be promoted and implemented in virtually every country. However, not even such a model is capable of dealing efficiently with realities of discrimination and social exclusion. Under this light, how can one overcome the dichotomy between theory and practice? In this article I will argue that the most effective way to overcome this dichotomy lies in the project of implementing a *public ethics*. It is an uncontested factor that this project is a challenging and difficult one, regardless of the country that hopes to apply it. On the one hand, because the notion of 'ethics' by itself generally exposes a 'multiple' understanding of its meanings, which are not necessarily conciliable between them. On the other hand, because the reference to a 'public' projects the responsibility of finding a criteria that can accommodate the multiplicity of ethical conceptualizations under a universal umbrella, which the public must recognize as legitimate and valid. For this reason I want to develop a very specific argument, namely, that a (public) ethics should be grounded in a Kantian conceptualization of individual autonomy, which simultaneously represents the conditions of possibility for the success of any democratic project. In order to defend the argument with a sharper intensity and clarity I will take a case study, namely, a country which is going through a democratization process: South Africa.

KEYWORDS: democracy, Kant, Apartheid, discrimination, multiculturalism.

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INTRODUCTION

In this article I would like to explore the conditions of possibility for the implementation of a public ethics, grounded on the Kantian conceptualization of individual autonomy in its multiple dimensions (ethical-moral and political). For this I will take a case study, namely, a country which is going through a democratization process: South Africa.

SECTION I. SETTING THE STAGE: DEFINING KANTIAN CONCEPTUALIZATION OF INDIVIDUAL AUTONOMY

It is an uncontested factor that the project of implementing a public ethics is a challenging and difficult one, regardless of the country that hopes to apply it. On the one hand, because the notion of 'ethics' by itself generally exposes a 'multiple' understanding of its meanings, i.e., a multiplicity of perspectives and arguments which are not necessarily conciliable between them. (For instance, there are people who conflict morality and ethics, supporting that convergence in a religious understanding of the human being and the world; while others ground their conceptualization in a more universalistic and secular approach). On the other hand, because the reference to a 'public' projects the responsibility of finding a criteria that can accommodate the multiplicity of ethical conceptualizations under a universal umbrella, which the public must recognize as legitimate and valid.

This project results in a very demanding task of everyone who pursues it. However, it is important to focus on the centre of my discussion given that such a subject invites to different and simultaneous debates about fundamental understandings of 'human nature', 'morality', 'ethics', 'religion', 'social responsibility' and 'political system', among so many others. For this reason I want to develop a very specific argument, namely, that a (public) ethics should be grounded in a Kantian conceptualization of individual autonomy, which simultaneously represents the conditions of possibility for the success of any democratic project. The Kantian conceptualization of individual autonomy places a moral, social and political imperative upon all societies, and specially in those that are committed to the fulfillment of 'democratic aspirations'. In order to defend the argument with a sharper intensity and clarity I will take a case study, namely, a country which is going through a democratization process: South Africa.

This section has three moments, all of which are intended to clarify the Kantian understanding of individual autonomy in its multiple dimensions. First, I will approach 'autonomy' in the moral dimension; second, I will offer a political understanding of 'autonomy' and finally I will explore the interdependence between both spheres, showing how the commitment to the Kantian principles ultimately leads to the adoption of a democratic/republican model, simultaneously having the seeds for its cultivation, maintenance and success.

AUTONOMY QUA MORAL PERSON

The Kantian critical system was supported by the concept of purity of reason. By 'pure', Kant meant independent of experience. In moral terms, that means that pure reason in its practical employment is totally unrelated to experience. Autonomy means independence from feelings, external goals, or things that necessitate action. One may wonder, then, how it is possible to be moral at all. How can practical reason be pure? How can we be autonomous if we are by definition natural beings? Kant said that as long as one considers human beings to be creatures of nature, one can never be entirely free; however, even if one is not autonomous, one's *will* can be autonomous—freedom resides in (potentially) every individual. The challenge is to act as a rational being, a member of the kingdom of ends, and to overcome one's conditioning. How is such possible?

Kant's goal was to propose a moral theory capable of simultaneously overcoming the limitations of a morality based on happiness, as well as a morality based on obedience. Instead of following the traditional approach to morality, where the concept of 'good' was either grounded on a search for happiness or related to a religious set of beliefs, Kant argued that morality had to have as foundation an imperative that would always be valid for *all* rational beings, instead of being subjected to contingency. By proposing a conception of morality grounded on rationality and having critique as its methodological tool, Kant found a way of rescuing and emphasizing the importance of the concept and practice of individual autonomy. Autonomy cannot the defined based on a concept of 'good'. Instead, the concept of autonomy, as it will be expressed in the moral law, must be the ground from which any notion of 'good' can emerge. In placing autonomy at the center of his moral theory, Kant inverted the traditional approach to morality - notions of 'good'

and 'evil' can only be established once the moral law becomes the reference, since they derive from it.

By emphasizing the interdependence between rationality and morality with this logical reversal the Kantian model was finally capable of challenging the moral conception grounded on religious (blind) obedience. The invention of autonomy in the shape of the moral law allowed Kant to put the moral subject (potentially any individual on earth) on an equal footing with traditional God(s) and all other people. By creating a shared horizon between human beings and God, Kant affirmed the importance of free agency and independence, marked by self-respect and human dignity of each and every rational being. As we will see later on, this will be at the basis of Kant's political philosophy, which erected its basic principles upon the translation of the moral law applied to a public space.

In the *First Critique,* Kant postulated the objective reality of transcendental freedom. In the *Groundwork,* Kant said that human beings could not act except under the idea of freedom. The capacity to act according to the idea of freedom is what defines a woman or a man as a rational agent, capable of being determined by her/his pure practical reason. Kant said that everyone 'knows' what the duty is: it is the 'ought' that one must obey even if against one's desires. One must act *for the sake of* duty, and not merely *in conformity to* it, because the conformity to duty will not be sufficient to guarantee the morality of an action. A pure will acts from duty, which is to say, a pure will is the embodiment of the moral law.

However, we face a crucial question at this point: is it possible to sustain the claim that everyone recognizes *the* duty and therefore has an intrinsic notion of what morality means?

THE FORMULATIONS OF THE CATEGORICAL IMPERATIVE

Kant presented three formulations of the categorical imperative. First, with the *formula of the law of nature*: "Act as if the maxim of your action were to become through your will a universal law of nature." Second, with the *formula of the end in itself*: "Act in such a way that you always treat humanity, whether in your own person or in the person of any other, never simply as a means, but always as the same time as an end." Third, with the *formula of autonomy*: "So act that your will can regard itself at the same time as making universal law through its maxim."

To understand the implications of these maxims requires some analysis. The 'test' implied in the first maxim cannot be understood as an empirical test. The "universalization" here implied points to a self-universalization, rather than a universalization *tout court*. The first formula requires a personal recognition of the validity of the universal law and it expresses a personal commitment with it. However, if we take the first formula isolated from the others, we see that there is no direct reference to any moral content or moral considerations. Basically, it is a logical formulation rather than a moral one. Once we consider the first and the second formula simultaneously, the meaning of a law's universality acquires a depth that is not fully present in either when considered alone. If, in every action, one treats one's own humanity and that of the other person not only as means but also as ends-in-themselves, this universality is not only logical, but essentially *humanist;* the recognition of universality corresponds to the recognition of humanity as a *fact* (potentially in each one of us) and as a *project* (which implies a personal commitment with the ideal that everyone has the same capacity of being human, based on their rationality).

These formulations establish that the autonomy of the will is the sole principle of the moral law. By recognizing one's autonomy in the claim of universality for one's maxim, one is simultaneously defining oneself as a rational being, as an end-in-itself, and recognizing others as equals. Through the expression of autonomy, one affirms and recognizes humanity as an end-in-itself, an end which is and must be realized in each particular act.

It is in this sense that Kant understood moral personality. To be morally autonomous means to self-legislate, which implies obeisance to one's legislation. Moral autonomy is the *proof* that freedom determines nature because when a person self-legislates, s/he is also legislating to humankind. This is the basic concept of autonomy in Kant. However, despite recognizing the consistency, legitimacy and importance of Kant's work, his requirements and standards for moral autonomy need to be revised and adjusted to our world. Experiences of wars, persecutions, violation of basic human rights, as well as radical shifts in political and social systems and the visible tension between religions during the twentieth and early twentieth first century, expose the Kantian position to criticisms hard to escape and justify. Individual autonomy can no longer mean to do what is 'right' only. Rationality cannot exclude a psychological account of the human dynamics nor can it exclude a

sociological analysis of contemporary events. A contemporary account of individuality should represent the interdependence between rationality, on the one hand, and responsibility, on the other, interdependence which is grounded on a (self) reflective and critical consciousness. To be conscious means that we are above all, women and men who take into account the particular time and context we live in. To be conscious means that we are capable to evaluate each situation critically and decide our course of action accordingly.

The tension between theory and practice is not, however, unique to Kant, quite the contrary. Societies as wholes live in a state of acute and permanent contradiction between theory and practice. Major western societies claim to promote values such as individual autonomy, freedom and democracy, however, once we look at the practical realm, these same societies openly violate their theoretical commitments. One of the ways to deal with the Kantian limitations consists in exposing these fundamental contradictions. If we want to address this dilemma we must start by accounting for contemporary circumstances and identify the mechanisms through which individuals (along with their wills and needs) are produced and regulated and how ideals (and ideologies) are created, established and promoted. This is why I will turn to South Africa as paradigm of analysis: looking into its history and development, one is able to recognize how individual autonomy can no longer be grounded exclusively on reason, because history proves that we are far from being only rational beings. However, before doing so, I want to look into Kant's alternative and complementary conceptualizations of individual autonomy that may help us to answer this question today.

AUTONOMY QUA POLITICAL BEING

Despite the fact that we confront major problems in trying to see how would it be possible to apply a Kantian morality to our particular circumstances, we can still find within the Kantian system sufficient elements that should be rescued for a contemporary account of individuality and the project of construction and implementation of a public ethics.

Kant was not a naïve person. He was well aware that there was evil in the world and that not everyone was a moral person. In the development of his critical philosophy, Kant provided alternative formulations of the meaning(s) of individual

autonomy, formulations that considered humankind not only as rational and moral beings but also as women and men, beings who lived in a real world.

Given the nature of human existence, Kant assumed that people needed an imperative and that this imperative was categorical (unconditional and necessary), insofar it acted upon and determined one to act as one *ought* to. With the categorical imperative Kant wanted to emphasize that human beings were capable of determining their own empirical dimension through the use of their rational faculties, and that this capacity ultimately represented the concrete determination of nature (as a whole) by transcendental freedom. Despite the fact that one cannot 'know' freedom *per se* (since freedom is supra-sensible) one could nevertheless have access to its effects in the world. The assumption that transcendental freedom influenced nature had another implication, namely the assumption that moral law *shall* produce the good in the world. How is this good produced? How does a duty that one takes from an individual point of view become a duty to be universally embraced by all individuals?

There are two conditions of possibility for the realization of the good. *First* is the effect of one's action(s) upon the world considered at the individual level. This opens the question of progress *ad infinitum* and the relation between each self and the improvement of the larger world. *Second* is the possibility that the accomplishment of the universal mission of the good and progress of freedom depends on nature's contribution.

In the 'Idea', Kant developed a theory of the relation between nature and freedom. His general assumptions were that (a) the purpose of human beings was to develop the use of reason through critique; (b) for this development to occur, one had to comprehend humankind within a historical and political horizon; and (c) the development of man's faculties depended on the contribution of nature, i.e., nature as a whole had to somehow provide the minimum conditions for the human development (at individual and collective levels) to happen.

Instead of endorsing the traditional conception of history, which was basically a 'record' of the past, Kant proposed a concept of history grounded on an *a priori* rule guided by the future. Traditional history offers a version of 'truth'. As Foucault well argued, following Nietzsche, the historical records or 'truths' are nothing more than the result of power relations at the level of discourse. Different interpretations of the 'same event' compete among each other, and the strongest version wins. The winner 'gains the right' of determining what 'truth' means and what 'truth' is. In Kant,

freedom and truth are very close concepts; insofar both are supported by a particular position regarding 'time'. With Kant, we shift from a history governed by the 'past' to a history governed by the 'future'. What does this mean?

Kant believed that the fact of writing history according to the idea of universal cosmopolitanism (Europe today seems getting closer to this idea) could help to promote the "hidden" purpose of nature, which is freedom. In the eight proposition of the 'Idea', Kant told us that the highest purpose of nature is a 'universal cosmopolitan existence' as 'the matrix within which all the original capacities of the human race may develop.' Assuming that nature has, in fact, freedom as its purpose, it becomes clear how nature endows us with the capacity of reason. Reason appears both as the tool that elevates humans from a natural to a super-sensible level, and the essence of human beings. At the individual level she can elevate herself by maximizing her ability to follow the moral law. In general terms, the capacity to be determined by practical reason is proof that she can determine her nature and destiny. At the level of human kind as a whole, the elevation becomes possible by endorsing a particular political model. This political model is basically the concrete translation of a futuristic conception of history.

Kant's conceptualization of history allows us to understand the relation and the influence between nature and freedom, having as its actor, not the human individual, but the human race as a whole. By endowing history with a futuristic component, i.e., by making history a matter of the future and to some extent, the space where reason is projected, Kant erupted the traditional understanding of peoples and nations. Through the rationality implied and transferred to the historical process, history was no longer seen as an agglomeration of particular and distinct stories; instead, history was seen as a *universal history of humankind*. Kant said: 'Nature gave man reason, and freedom of will based upon reason, and this in itself was a clear indication of nature's intention as regards his endowments.' From the moment we assume a teleological premise, the natural world is endowed, through man's rationality, with a rational destination—morality. But how could Kant justify this claim?

In order to sustain this argument, Kant had to prove that the realm of politics, in which the human being acts as an empirical being, mirrored moral principles. More precisely, Kant had to prove that his specific conception of history was not only a preferable approach, but also necessary — and that the empirical realm possessed the

necessary conditions for progress in terms of political and cultural institutions; therefore making politics the counterpart (and space for actualization) of morality. I will propose a reading of Kant in which political autonomy appears as reinforcement of moral autonomy. Politics is the tool, or the set of tools, that allows one to pursue a moral ideal and to fulfill a moral demand. Politics is the medium through which one is enabled to gradually moralize nature, through moral institutions and a moralized politics.

FROM MORALS TO POLITICS

Both moral and political dimensions assume and have freedom as their purpose and autonomy as their principle; however, morality and politics have different ways of expressing this autonomy, since they understand human beings from different perspectives. Morality pertains to our inner dimension; politics, to our external dimension. Morality implies a teleological conception of history and progress; politics deals with the present. From a purely pragmatic point of view, a political community can exist only through its members' rationality. Morality is suspended; it cannot be taken as a requirement. Under this light, how do we conciliate individuality, humankind, and humanity?

For Kant, the foundation of a political theory must be as rational, pure, and formal as morality. The strength of a political model derives not only from the intrinsic coercive external role of the principles of reason (upon which the model is edified), but also from the fact that these principles establish the link between each particular community and *humanity* in general. The political dimension Kant attributed to the concept of humanity supports the claim that the political world appears as the *type* of a moral world, insofar the realm of legality and each particular law that guarantee one's external freedom should *can never contradict internal freedom, i.e, practical reason*. This does not mean that the moral attitude is the condition of possibility of achieving a good political constitution. As Kant told us, a successful political community can be constructed and maintained either by a people of angels, a people of demons, or a people of men. However, if one wants to grant a possibility for progress of the human species and if one wants to retain the validity of the concept of Humanity, one must endorse and promote a certain political model that meets the basic and necessary requirements of being 'in accord' to reason. At this

point, I want to support the claim that the political world is the *type* of the moral world by making a parallel reading between the formulations of the categorical imperative and the requirements for political freedom. Through this reading I will expose simultaneously the analytical difference between moral and legal autonomy and their interdependence.

INTERSECTION BETWEEN MORALITY AND POLITICS: CREATING THE PATH FOR A DEMOCRATIC REPUBLICAN POLITICAL MODEL

Kant described autonomy as the exercise of a *lawful freedom*, in several realms (moral, epistemological and/or political). As a legal being, one is regarded not in her/his moral disposition; instead, on is viewed within a framework of law through which external freedom can be conceived. This means that despite the fact freedom is not an object of knowledge, one cannot at least create the conditions under which human actions would be *according to* reason. It is exactly the principle of reason, which assures the continuity between the private and the public spheres in Kant. The assurance of this continuity allowed Kant to maintain the postulate of progress of humankind through an autonomous use of reason, which is politically expressed in the principle of Kantian principle of publicity (translating the principle of universality applied to politics): "Act in such a way that you can wish your maxim to become a universal law (irrespective of what the end in view may be)."

Under this light, internal and external freedom converge in their requirements—to be an autonomous moral being or a legal person, one must give the law to oneself and recognize the respect for the law as the source of determination of the will. We can establish a further parallel reading between morality and politics. *First,* both political and moral communities are based upon the rationality of its members. As such, all men are 'equal'. *Second,* this equality 'of fact' based on man's faculty of reason rests upon a postulated equality 'in principle' based upon the capacity that all human beings have to become autonomous individuals, morally considered. Each individual who participates in the public sphere has an equal possibility, right and duty to contribute to the progress of the species and humanity. While the morality of external and public action can never be assured, the publicity and the repercussions of one's actions (under the light brought by the transcendental principle of public right) assures that at least one's action is in accordance to reason.

Action is the category that connects the inner and exterior dimensions of humanity. While we cannot guarantee that a political community has morality as its ground, *if we accept the teleological premise we must conclude that morality is only possible if we see the political world as open to its noumenal design*. However, this also means that actions must not only agree with the legal law, but also express a moral conviction, based in the universality of its principles. Under this light, we must believe that legal institutions are rationally grounded, not contradicting fundamental moral principles. According to this reasoning, Kant proposed a particular political model to which I now turn.

KANT'S POLITICAL PLAN

Within the Kantian project of a universal cosmopolitan history, Kant argued that the only possible form of government that could rationally be adopted, and which revealed itself as the ultimate goal of culture and *the ultimate goal of humanity* was a *perfect civil constitution,* the only political model that would be able to manage the inherent conflicts between a human being's moral and a physical destiny. The primary assumption that supported the establishment of a Republic was that it was possible to establish a state in which each person was committed to the state's laws and which ultimately could express the individual and collective commitment with the moral project as a whole. Kant's (perfect) constitution outlined the limits and constraints of freedom, defining what was and was not in conformity with the law. However, it also gave the condition of possibility for (moral) freedom. A political community in this sense had to: *first,* mirror the *principle of freedom*, i.e., recognition and respect for the other as an end-in-herself, as a rational person who belongs to a rational community (or kingdom of ends), therefore, a principle of refusal of the instrumentalization of the other; *second*, it had to affirm the *principle of legal equality*, by providing the conditions for the promotion of the others' freedom and by not compromising or limiting its conditions of possibility; *third*, the *principle of (in)dependence,* insofar all individuals are subjected to a common legislation (to which they gave their consent).

We can already see that Kant has many elements that should be retained for a contemporary understanding of individuality, understood both in moral and political terms. First, it established how each individual must always be considered an end in himself, eliminating the possibility of reducing oneself or others to mere means—

politically speaking, this means that slavery and tyranny are immediately ruled out as possible social and/or political schemes. Second, the formulation of the categorical imperative as an end in itself provides the criterion of determination of political freedom. The test of universalization of one's maxims established the distinction between those acts that are permissible (i.e., the acts you can think together with the autonomy of the will) and the un-permissible (those acts that you cannot think together with the autonomy of the will without violating and contradicting it). By doing so, it showed how legal laws and political institutions could never be grounded on principles, which would ultimately contradict practical reason. By underlying individual action and responsibility as the motive and motor of history of civil societies, states and humanity, Kant's notion of political and moral autonomy expressed *a belief in progress of mankind through culture and awareness of moral ends*.

What do we make of Kant's conception of character and progress, and the key role he attributes to politics, culture and education in the process of moralization of the world, when we look into our current state of affairs?

Western societies have been adopting liberalism and democracy as a civilization and political model for the past sixty years. This model translates the theoretical commitment with full respect for human rights, enhancement of individual freedom, and human dignity, necessity of sustaining the transparency of the public sphere where citizens can participate and be fairly represented, as well as the commitment to establish justice, peace and security in the world. However, we confront undeniable contradictions in the international arena at the practical level. These practical contradictions raise many questions regarding the validity and legitimacy of some policies and political and cultural discourses *per se*. They also raise questions regarding our expectations and belief in progress of humankind in a moral sense. What Kant saw as possible path for human development and emancipation could be seen today as development and reinforcement of conflicts at a world scale. In the early twentieth-first century, the Kantian claim that nature's purpose is of harmonizing itself with moral goals appears as visible des-harmony.

If we want to retain the conception of progress today we can no longer ignore that the formality of a system is not sufficient to guarantee its success in practice. Given that our political models live in permanent contradiction between values and actions, we must start by identifying what freedom (in the realm of practices and

discourses) *is not*. This depends on introducing the sociological and empirical aspect as a crucial matrix of analysis. Looking at South Africa's past and present will help us in this task, insofar it allows one to identify some of the sources of the democratic contradictions. However, as I will argue in the last section, a sociological analysis is not, by itself, sufficient to guarantee the success of a theory. This success depends first and foremost on the willingness to re-evaluate the role the individual plays within different (although connected) regimes of discourses and practices, i.e., in the formulation and engagement with an ethical discourse supported by a full commitment to democratic practices.

MAXIMS REVISED – THE ROLE OF THE THIRD CRITIQUE

The *Third Critique* emphasized how autonomy depended not only on the singular subject, but also on the society where the singular subject could act. (§41) In order to expose the interdependence between each individual's rational constitution and the necessary social and political systems where the concept of individual autonomy could be actualized, Kant introduced the concept of *sensus communis.*

Sensus communis is the condition of possibility of all judgments (determinant and reflective) insofar it is the *subjective condition* of cognition. Through the concept of *sensus communis* Kant argued that individual autonomy is *in principle accessible to all* human beings, due to their rational constitution. Reason creates a link between individuals, a link that defines humankind and each individual as a social political being. Furthermore, in the reflective use of reason the three maxims (as described on §40) of *unprejudiced thought, enlarged thought* and *consecutive thought* converge. Each maxim corresponds to a perspective of 'autonomy' and a specific use of reason. The first maxim relates to the *First Critique* and theoretical knowledge, which was developed in 'What is Enlightenment?' as condition of possibility for human emancipation. It is essentially negative, in the sense that defines freedom as exit from restraint. Reason is affirmed as critique from a determinant and constitutive point of view. By thinking for oneself (i.e., by exercising one's critical awareness) one *refuses* prejudices and superstition. The third maxim refers to the *Second Critique* and the goal of (logical) consistency of thought, which according to Kant was the most difficult thing to achieve. By consistency of thought (or being truthful to oneself, as Kant described in the *Anthropology*) Kant still referred to a determinant use of reason.

To be truthful to oneself means that one is committed with the task of controlling and overcoming one's empirical inclinations (and the 'bad' nature), by following pure and *a priori* principles and reflecting them through one's practice. The moralization of the world ultimately depended upon individuals who strive to reach and to maintain this truthfulness and consistency between one's thoughts, discourses and action. The second maxim relates to the *Third Critique.* In judgment, reason is explored in its reflective quality, rather than determinant. The principle of universal communicability (based on *sensus communis*) implied in judgment, allows the articulation between nature and freedom, politics and morality. By putting oneself in the place of others, one affirms the equality in principle of human beings as potential autonomous individuals. This capacity of projecting oneself (through the commitment with the maxims) into a public space (political sphere) grants the possibility for progress of the species.

Initially, Kant defined autonomy in a pure schematic way in the sense of arguing that prior to knowledge and morality two things are required, namely, rational faculties and society. With the first, Kant underlined the fact that one could only conceive autonomy as expression of reason, either in its objective or subjective use. With the second, Kant claimed that autonomy could only be conceived in a social and political framework of *universal communicability*. However, what assures the consistency of the Kantian argument and grants the possibility for the unity of the Kantian system is the fact that Kant introduced autonomy as *purpose* of the human being.

The concept of purpose has guided the entire Kantian system—in the 'Idea' Kant argued that nature had a purpose, namely the moral development of the human species. In the *First Critique* Kant argued that transcendental freedom had 'objective reality' because in freedom was the ultimate purpose of nature. In the *Second Critique*, Kant presented freedom both as positive fact, i.e., as autonomy, and as a negative request, i.e., as independence from nature. Freedom as autonomy meant the capacity of self-legislation. The fact that every women and men only act according to purposes proves that they have a will and that they are capable of determining their will according to the moral law and not only by empirical inclinations or interests. The recognition of the moral law brings the recognition that each individual's ultimate purpose is freedom. When Kant defined freedom negatively, i.e., as independence from nature, he was still reinforcing the same principle of purpose of man. It is

interesting to note that the purpose of man is to recognize one's purpose (i.e., of rational destination) and to determine one's will accordingly.

The concept of purpose is crucial for our task of (re)defining the conditions of possibility for the future of individuality in a democratic context. Accepting the claim that autonomy is the ultimate purpose of each individual implies that all actions and judgments expressed in a public sphere must take into consideration a morality grounded on rational standards. By morality I don't want to suggest that we must accept the Kantian conception of moral law and the formulations of the categorical imperative as absolute values, because we must be capable of accommodating the possibility for 'exception'. The process of decision-making cannot be blind to its own circumstances. While for Kant this would be a heteronomous use of reason, we cannot afford, in the early twentieth-first century, to be blind to the political and social dilemmas and dramas we confront on a daily basis.

Second, by defining autonomy as each individual's purpose, I want to argue that we have, at the reach of our (symbolic) hands, the tools to evaluate the legitimacy of political, social and cultural discourses. This will equally allows us to judge the legitimacy of practices and ultimately to find the means to transform these discourses and practices according to the principle of individuality within a democratic context.[1] By having the principle and goal of individuality in mind we will be able to raise and

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[1] Let me give you an example. Many, not to say all, western democracies hold the value of individual autonomy at its core. We are constantly bombarded with discourses on 'freedom and equality', 'right of self-expression', among others. But what 'freedom' and 'equality' are we talking about? What right of self-expression is this? Is 'representation' in contemporary democratic societies 'fair'? By taking the concept of individuality as criterion for evaluation of legitimacy of discourses and practices I want to bring a new light upon the social and political reality. By having individuality as one's theoretical guide and practical goal, one has the tool to formulate questions in a different manner and to look at one's life under a different perspective. One can look at one's way of living – how, when, for whom one's work, under which conditions, which rights and duties does one socially and politically have and how does one exercise them. One can look at the messages on the media and ask what and/or who is behind the appearances of 'free time' (as Adorno did in deconstructing the ideologies of the consumerist society). One can finally ask: what does one have in one's power to feel accomplished as a person? What does it mean to be autonomous and free? Can autonomy be equated with material or economic independence? Just raising these questions stimulates the critical potential in each individual, potential which can be converted in actual autonomy. Critique will allow each individual to recognize one's talents, one's purpose and one's source of happiness, which is not so much a matter of empirical satisfaction; instead, I believe that it will be revealed as a moral satisfaction, close to the Kantian idea of being truthful to oneself and striving to be consistent as a person. To follow a critical path of life also brings a new perspective between the relationship between the individual and the community and how the politics of the future should be conceived – the concern and care of the self, the search for consistency, is not only a matter of privacy - one must always take into account the 'other'. One cannot be blind to one's environment or to the world. One cannot avoid the confrontation with social and political contradictions. Changes in practice can only happen if they are supported by theory. Therefore, the challenge of conceiving individuality today starts with the critical attitude - of identifying, exposing, deconstructing and analyzing the structure and dynamics of our state of affairs.

face questions differently: Do our social and political institutions enhance or undermine the possibilities for the development of individual autonomy? Do public discourses reinforce the exercise of autonomy or not? Once the analytical task (of deconstruction) was achieved, one can identify the tools one has available in order to formulate and create an alternative, more critical way of life, and ultimately, an alternative path for democracy: South Africa offers us that alternative path. To this we now turn.

SECTION II. SOUTH AFRICA AND THE TRANSITION TO DEMOCRACY

DECONSTRUCTING APARTHEID

Apartheid was a consequence of the electoral victory of the National Party in 1948, codifying racism as never before: the system was based on racial hierarchy; one's rights and responsibilities were defined by one's race, as established by law. The aim of apartheid was the total separation of blacks and whites, reaching the ultimate level of absurdity when it denied blacks citizenship in the country of their heritage and birth. Simultaneously, the state engaged in a dark, illegal side, namely, systematic political repression against the liberation forces.[2] Under the cumulative pressure of such regime, contemporary civil society went through two distinct phases: on the one hand, civil society and its demographic reality cannot be simply understood in terms of race, given that it transcends this matter when looking at the kind of civil relations with the state. This phase corresponded to a progressive liberalization of the political system. The second phase corresponded to an increase of new opportunities and challenges for anti-apartheid black actors, culminating in a democratization phase of transition.

Generally, until the 'liberalization' moment of the 1980's, civil society's configuration was defined by organizations and institutions, which were either pro-apartheid or pro-business. Anything that was critical of the state and the socioeconomic process was, by definition, actively suppressed or marginalized, in order not to enter the 'formal' political process. However, during the 1970's one identifies a sharp discontinuity in this history of repression: progressively, anti-apartheid non-governmental organizations (like the unions and a multiplicity or

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[2] 'Apartheid is often defined as a system of laws, but in fact it was a conglomeration of legal and illegal means of separating blacks and whites and subjecting the former to subjugation and repression while providing vast subsidies to the small white minority." (Gibson 2004, 32)

organizations generally associated with the Black Consciousness Movement) gained visibility, a small and delicate one for sure, due to the constant harassment from the state, but nevertheless a visibility that already exposed the key elements that would help to trigger the change during the 1980's.

TRIGGER ELEMENTS FOR CHANGE IN THE 1980'S

During the 1980's there was a radical change in terms of visibility and active role of anti-apartheid movements, which were re-configuring the dynamics of South African civil society. This change was made viable by two trigger elements: *first,* the *political opportunity structure, i.e.,* the liberalization of the political system promoted by President P. W. Botha's. His presidency, which was surely defined by some authoritarianism, was ironically marked by profound reforms *vis-à-vis* the apartheid, aiming at a disenfranchisement of communities and a creation of a space that would allow the emergence of a *real* civil society. This emergence would entail a higher visibility of the black population, as well as providing the minimum conditions for activism and representation.

This reform enabled in fact the re-emergence of an anti-apartheid civil society. During Botha's presidency, a multiplicity of reforms occurred, including at the institutional level where many black unions were recognized as existing and therefore legalized, This state provided equally the rationale for mobilizing this section by proposing a reform *Anti-apartheid* that attempted to co-opt some, and marginalize other elements of the black community. Obviously, not everything was positive, for instance, the elements within the anti-apartheid sphere were constantly repressed by the state. Nevertheless, the anti-apartheid civil society retained its legitimacy. W F. W. de Klerk took over the leadership anti-apartheid civil society gained more terrain, when de Klerk reintroduced and even extended, the state's liberalization initiative. The ultimate result was that by the 1990s the anti-apartheid camp had become the dominant element in civil society.

There was however, a *second* trigger element for this change, namely, the *resource mobilization,* translated in an actual increase of resources to nonprofit actors in South Africa, coming from foreign and domestic sources. This increasing

availability of resources, reinforced the growth of anti-apartheid civil society in South Africa.[3]

One cannot forget, however, that this 'liberalization' was by no means 'democratic'. Hence, liberalization needs to be understood in relative terms: it occurred in a transitional society, where the anti-apartheid civil society was still maintained at a *distance* from the apartheid state. Even regarding the resource mobilization which allowed other NGO's to emerge as well as community based organizations, the state *per se* was very hostile and severe *vis-à-vis* their operations. This climate of hostility was to change only in 1994, when South Africa entered the democratization phase of its political transition.

1994 – POLITICAL TRANSITION AND THE PROJECT OF DEMOCRACY

South Africa went through a transition period starting from 1994 up to today from the apartheid era to a 'democratic' political model, which marked the beginning of a new era in which all South Africans started to take their place as full members of society. From 1994 to 1999 was in fact a period of negotiation between the old and the new political 'elites', which was reflected in the implementation of many social, political and economic measures. Until today, South Africa experiences a profound change in several spheres, change which has a direct impact in terms of civil society, individual and collective identities connected with ethnicity, religion, language and gender, social, political and cultural mobilization, among others. Change is the word that better describes South Africa's reality: it embodies the challenge of dealing, accepting and reframing its historical past, as well as the challenge of projecting a new South Africa, where fundamental human rights, moral/ethical and political principles should not only be theoretically endorsed but also, and more importantly, implemented in the regime of practices. One question emerges as an imperative:

What do we make today of South Africa's transition and change, i.e., is South Africa a 'democratic society' in the sense of fulfilling the democratic standards of already established democracies in the world?

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[3] These elements have been theorized and explained in a scientific and systematic manner, both converging in their interest for identifying the crucial elements that led to the emergence of contemporary society. For instance, the political opportunity structure theory also explains how this event created the space for the rise of social movements and social struggle. See: (Tarrow 1994). The resource mobilization theories, on the other hand, explain the rise of social formations from different groups. See: (Tilly 1978, McCarthy and Zald 1987).

This is a multilayered question, insofar it embodies a vast landscape of challenges, practical and theoretical. *On the one hand,* one needs to address the problem of the definition of 'democracy' *per se*. If one accepts the definition that 'democracy' stands for the ability of all members of society/ citizens to participate in the public sphere, making their own voice heard and represented, other questions emerge: who is representing whom and in what set of conditions? What do we mean by 'representation'? Can we reduce 'representation' to a matter of political activity such as the right to vote, or does 'representation' stand for a permanent dynamics between the vertical and horizontal dimensions which shape the social body?

On the other hand, to try to answer this question, one equally needs to address the dynamics of social and cultural mobilization under the light of the apartheid era. In the process of transition, what new cleavages emerged and what new grievances and 'collective identities' resulted from this? What is the actual situation of this new state? In short, did this transition to 'democracy' improve the 'state of the people' ?[4]

Given that there are so many arguments that could be developed, I will focus in two: *first,* I will look into the role played by the Constitution in reflecting the Kantian principles of equality, freedom and individual autonomy, specially in its embodiment for the respect of fundamental human rights. *Second,* I will look at the role of the truth and reconciliation commission during this period, with a special attention to the dynamics of formation of collective memories and identities in this process.

CONSTITUTION AND THE PROMISE OF A NEW SOUTH AFRICA

> "We, the people of South Africa,
> Recognize the injustices of our past;
> Honour those who suffered for justice and freedom in our land;
> Respect those who have worked to build and develop our country; and
> Believe that South Africa belongs to all who live in it, united in our diversity.
> We therefore, through our freely elected representatives, adopt this Constitution as the supreme law of the Republic so as to -
> Heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights;

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[4] The authors of *The State of the People* argue that this transition *did in fact improve the state of the people.* Despite the fact that inequality remains enormous, that unemployment remains a threat to social stability as well as crime, and that there is an abyss in the distribution of wealth, there is nevertheless an increase in involvement in civil society and political activity (not reducing the latter to electoral behavior). (Klandermans *et alli* 2001).

> Lay the foundations for a democratic and open society in which government is based on the will of the people and every citizen is equally protected by law;
> Improve the quality of life of all citizens and free the potential of each person; and
> Build a united and democratic South Africa able to take its rightful place as a sovereign state in the family of nations.
>
> May God protect our people."

The Constitution of South Africa is internationally recognized as being one of the most progressive constitutions in the world. The preamble quoted above reflects the Kantian principles in several dimensions: it expresses a conscious judgment regarding the past; it underlines the respect for the people, as a unity and as an individual, in its diversity; it commits itself to defend and protect fundamental human rights, justice and ethical/moral values generally implicit in the concept of democracy; it commits itself with the project of creating and sustaining a new South Africa, which will practice the principles it theoretically endorses. Furthermore, the Bill of Rights develops these principles in the form of defense of equality, human dignity, life, freedom and security of the person, respect of privacy, freedom of religion and expression, freedom of association, recognition of political rights, right to property, right to a set of basic human necessities, such as housing, food, health care, education, right to have access to information, among others.

Many countries take these rights for granted. In South Africa this is not the case and that is why such precise definition of rights simultaneously puts an enormous burden to the government, institutions, communities and individuals, specially given that without a full effort and commitment to actualize such rights the project of democracy or at least its credibility is at stake. For this reason, one is also led to ask: how did one arrive to such brilliant constitution, i.e., what was the price to pay for that and what are the implications in terms of South Africa's future?

Some authors argue that it is important to take into account the years of negotiation between old and new political elites that are behind the Constitution itself. Lawrence Hamilton, for instance, argues that the Constitution, and in particular the provision of 'right to property' as expressed in the Bill of Rights, perpetuates the political and social dynamic practiced during the apartheid era in the new regime, making it difficult for South Africa to meet the standards and goals of the Constitution as a project of a new South Africa, based in equality of duties and rights and freedom

of exercising these rights. This however, is not a linear argument, and therefore needs to be explained.

First, it is an uncontested factor that the Apartheid regime left South Africa in 1994 with a series of problems from multiple orders which called for great caution in terms of policies and strategic decision-making in the turning point of regime. On the one hand, there was the social factor to take into account, namely, the general discontentment of the population that during several years resulted on great masses of insurgence and mobilization against the apartheid regime, socially and politically considered. On the other hand, there was the financial-economic heritage that was catastrophic and which called for a sharp, clear and strict plan of recovery. Under this light, the Mandela government from 1994 to 1999 had a major challenge at hand, namely, to promote a vision of *structural transformation* while assuring at the same time a climate of *social and economic stability*. This challenge was by no means an easy one.[5] Given the heritage of public debt it was a priority of the new regime to have a cautious although effective plan in terms of public policies which targeted the growth, development and sustainability (therefore, credibility) of a country that entered a new period in history. Hamilton argues that confronted with the reality of 1994 the government chose the best possible approach to deal with its heritage of debt, namely, by endorsing an austere program of fiscal policy. Why? *First*, South Africa wanted to avoid the borrowing of money from external sources, insofar this would put it in a position of gaining power and independence relative to national capital, therefore, having a more efficient control on the process of transformation of the economy. *Second*, by doing so, and not being at the mercy of international financial institutions, South Africa would place itself in an attractive position targeting foreign investments. There are two problems with this choice though. On the one hand, this measure was supported by the belief that the association between debt reduction and independence from national creditors would lead to greater political and economic autonomy. However, as Hamilton shows, this logic is flawed (2007, 4). On the other hand, while austerity became attractive to foreign investors, it *limited* the state's sovereignty by the interests of the creditors. The repercussions of this is that it compromised the *credibility* in South Africa, insofar it exposed the fact that

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[5] See Lawrence Hamilton's article "The nation's debt and the Birth of the New South Africa", South Africa, 2007. 'The new regime inherits from the Apartheid regime a series of problems that are the consequence of two related legacies of Apartheid: irresponsible borrowing and an over-dependence on national capital. The new political elite were intent on reversing both of these trends.' (2007, 13).

representative institutions and constitutional checks are not sufficient conditions to assure credibility of a government, who progressively became at the mercy of the general market tendencies and sentiments, as well as the creditors' approval.[6] This choice of austerity reflected itself on another domain, namely, during the process of negotiation and democratic bargaining that led to the agreement between the old and the new elite regarding the actual constitution, specially in what concerns the right to have private property. In fact, in order for the new elite to have the necessary support of the old one, it had to compromise at some level. As Hamilton says: 'For obvious reasons, the fact that the right to private property is listed within the Bill of Rights was enough to satisfy the owners of capital.' (2007, 15) What does Hamilton mean by this? In order for the rights expressed by the constitution to become real it is necessary to have a set of minimum conditions which allow individuals to actualize these same rights they 'possess' in theory, turning them visible in the realm of practices. However we confront the eternal gap between theory and practice. For instance, in order for a citizen to exercise her/his right to property, s/he first needs to be able to acquire property. How can a general citizen reach the conditions to do so? By putting the property right in the Bill of Rights the compromise between old and new elite undermined the possibility for redistributive measures. This lead us to the inevitable question: how can South Africa today meet the standards and realize the goals of the constitution? What tools does one have available to contour the fact that economic interests are to a large extent a priority of the government which compromises the Kantian ideals of equality and freedom in its multiple spheres, public and private? To this question we now turn.

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[6] A different but complementary example of this trend is that given the general bankruptcy of South Africa, which made it difficult to secure loans generally attributed until 1995, South African municipalities were pushed to invest in attracting private capital investment through privatisation. Example of Johannesburg's Igoli 2002, which strategy consisted in a three fold strategy by the council: 'First, there will be 'core functions' that include health, environmental care (...), museums, libraries and community facilities (...). These will continue to be performed by council staff. Second, a range of functions will be 'corporatised' namely electricity and water provision, road maintenance, parks, cemeteries, the civic theatre, the zoo and the bus service. (...) In some cases the new corporations might involve private-public partnerships. Finally, a range of council undertakings will be sold off to private enterprise.' ((Klandermans *et alli* 2001, 35−36). These developments in local government reflected general trends at national level. In 1996 the Growth, Employment and Redistribution (GEAR) Programme, a statement about economic objectives, was created, shifting from the 'growth through redistribution' orientation to an approach to poverty alleviation.' (2001,38) GEAR favour growth concerns and it was continued by the adoption of a more fiscally conservative set of policies.(2001, 39)

DEALING WITH THE PAST – THE ROLE OF THE TRUTH AND RECONCILIATION COMISSION

> "Structural transformation does not necessarily change feelings, nor do feelings necessarily remain stable in the absence of structural change." (2001, 47)

How can one overcome the wrongs of the past, how can one inspire a climate of trust and belief that the future will be better, across a multiplicity of communities and an entire country; how can one address the economic, social, political, cultural atrocities that have been committed by one's fellow human beings and neighbours; finally, and most important, how can one cultivate basic human principles, which are are the root of any public ethics, such as the respect for the intrinsic dignity of the human being, as a full individual and member of society who has rights and duties, who deserve respect by her/his fellow creatures, and who respects the other as her/his equal? After answering these questions one will be in a better position in order to define the conditions under which a healthy, productive and ethically driven environment can be created, therefore allowing people to live a dignified, responsible and ethical life.

In order to understand the complexity of South African experience, it is crucial to recognize the importance of 'collective memories'. As Irwin-Zarecka says, a collective memory is a 'set of ideas, images, feelings about the past', ideas which are socially constructed to meet social, psychological and political needs of the moment in question (Gibson *apud* Irwin-Zarecka 1994,4). As such, a collective memory represents the way in which the society sees, projects and understands itself, specially when related to its past. The Truth and Reconciliation Commission appeared as a tool that would facilitate and promote the reconstruction of South Africa's collective memory.[7] Members of this Commission believed that the acknowledgment, recognition and public exposure of the past, in its layers of repression, resistance, discrimination and so on, could contribute to a sharper awareness of human nature and 'truth', therefore, facilitating the understanding and a future process of reconciliation.[8] This process of reconciliation, in its turn, would open the path for a

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[7] TRC was enacted by the new parliament in 1995 as the Promotion of National Unity and Reconciliation Act (no. 34, 1995) after being the Postamble/Endnote to the Interim Constitution of 1993. IT consisted in separate committees on human rights violations, amnesty, and reparations and rehabilitation. It was expected to last 2 years, but it lasted 6.

[8] For the sake of this paper I cannot engage in the precise definition of 'collective memory' - there is a vast literature on the subject. However, it is relevant to notice how the TRC defined apartheid. The

sustainable and legitimate practice of democracy, supported by a strong and democratic public ethics.

Why is reconciliation important for our subject matter? In a country that attempted to consolidate its democratic transition, such an hypothesis of reconciliation could directly contribute to that goal and task, insofar it underlined and reinforced a 'political culture' that was still being constructed. Reconciliation was therefore seen as the means that could enhance the consolidation of democracy in South Africa, for several reasons. *First,* South Africa is a multiracial and multi-ethnic country. Under this light, reconciliation appears as the project of promoting a willingness among the people of different races to trust each other and to reject stereotypes, therefore of being open to learn and to respect positions different from one's own. *Second,* by promoting this sense of respect for the other, one is simultaneously cultivating a sense of *political tolerance*. This tolerance reflects a *third* point, crucial to any democracy, which is the endorsement and support for the principles of human rights, including the respect and application of the rule of law and the commitment to a legal universalism. *Finally,* all the above requires a general acceptance and recognition of the authority/government as a *legitimate* source of power. All these principles, mentioned by Gibson in his *Overcoming Apartheid,* shows one that the Kantian maxims mentioned in the previous section can really guide us throughout the process of designing a public ethics in an healthy democratic environment. In this sense, the importance of reconciliation goes beyond a matter of interracial relationship: it encourages a climate of political tolerance and peaceful co-existence among South Africans. This requires a common effort from all South Africans to build, develop and protect a political culture that respects fundamental human rights of *all* people, a political culture that promotes a culture of human rights, which therefore implies the education and cultivation of a sense of moral and political responsibility, in individual and collective levels. This also means that the new-born South African democracy should commit itself strongly with universal principles, or to put it differently,

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TRC defined apartheid as 'a crime against humanity and therefore those struggling to maintain that regime were engaged in an evil undertaking.' 'Apartheid was criminal because of both the actions of specific individuals (including legal and illegal actions) and the actions of state institutions.' Apartheid was therefore a criminal enterprise insofar it attempted to establish a state that did not treated citizens equally, that denied full rights of political participation for the majority of South Africans, and that was grounded in an ideology of racial superiority. This of course shocks directly with the Kantian principles of humanity and the maxim of treating each human being as an end-in-itself. The public recognition of committed crimes opened the path for a reconciliation process in South Africa.

cosmopolitan ones: rule of law should be universally recognized as valid, legitimate and with authority, therefore respected, cultivated and valued.

Such task is by no means an easy one. In order to develop and implement a sustainable and effective public ethics in South Africa it is important to redress the *institutions* which function as the backbone of South Africa's new democracy.[9] However, simultaneously to the care and attention to the institutional domain, it is imperative to look at the real and concrete problems that are spread throughout the South African landscape, problems that if not resolved and addressed with maximum priority could in the medium/long term put in risk the credibility of this new democracy, and even its future. To this delicate matter we now turn.

SECTION III. INITIATIVES FOR A NEW SOUTH AFRICA

In this section I will look at some examples of political and social initiatives that reflect the Kantian principles of equality, freedom and individual autonomy, contributing to the construction and sustainability of South Africa's new democracy. For this, I will focus in the example of the Black Economic Empowerment, initiative which has a direct impact in multiple spheres of the social body, from political governance, social representation, business and universities.

BLACK ECONOMIC EMPOWERMENT

Apartheid's restrictive measures *vis-à-vis* South Africans had great implications in the development (or not) of the economy, leading to a legacy of debt, poverty, lack of skills and lack of resources among the vast majority of the population. Given that the majority of South Africans could not participate in any meaningful way in the economy, the creation of wealth was confined to a racial minority, which, by strategic reason, imposed underdevelopment of black communities, therefore destroying the assets of millions of people as well as the access to certain skills that would lead to the possibility of self-employment among

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[9] The success of a democracy depends upon the communication and harmony between formal institutions, on the one hand, and cultural values, on the other. Given the multiracial system of South Africa and the new political wave it is crucial to underline the legitimacy of those institutions that exist and act as guarantee that human rights are respected. Therefore, reconciliation requires that all South Africans recognize the legitimacy of these political institutions and their way of conduct as well.

the black population. This legacy remains today, insofar the economic structure of the country still excludes the majority of South Africans of participating in it.

Since 1994 South Africa went through a profound restructuring, including in the economic level. For one, it was created the Reconstruction and Development Programme (1994), whose principles were equally embodied in the Constitution of 1996. Also, the government has developed strategies to transform the South African economy by 2014. It is a fact that between 1994 and 2004 there was a permanent growth: on the one hand, a macroeconomic stabilization was achieved; on the other hand, the economy was progressively integrated into global markets. Despite this amazing achieving, as a matter of fact South Africa remains below its full potential. This has reasons which extrapolate the 'economic' sphere.

One of the problems that one still confronts today is the constant necessity of addressing the social, cultural and political dimensions with the aim of reaching stability. Stability has more probabilities of success when societies adopt a *politics* and an *ethics of equality* - in terms of gender, race or ethnicity. As long as South Africa will remain characterized by inequality, in practical terms, it will jeopardize the possibilities for a greater success in terms of a fair, stable and democratic society.

Another problem concerns the South African participation in the global markets. Although it is a remarkable achievement, it has a down side to it: in a society which is already marked by inequality, the introduction of globalization adds extra pressure on the existing inequalities, ultimately marginalizing those on the periphery. As such, South Africa has a moral imperative to fulfill: to bring to life the Constitutional principles of equality in all spheres of society, directly associated with the deracialization of the economy.[10]

STRATEGIES TO OVERCOME APARTHEID'S LEGACY

During the apartheid blacks were denied access to skills, jobs, education, therefore undermining any possibility for self-employment or entrepreneurship. The black was mainly used as a source of 'cheap labour'.[11] This *structured exclusion* of

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[10] "In South Africa... inequality and uneven development have extremely strong racial characteristics, which represent a *threat to our young democracy.*" See *South Africa's Economic Transformation: A strategy for Broad-Based Black Economic Empowerment,* 4, my italics.
[11]"The structured exclusion of black people from economic power began in the late 1800s with the first dispossession of land and continued throughout the 20th century with the first Mines and Works Act, 1911, the Land Act of 1913, and the raft of Apartheid laws enacted after 1948". In *BEE,* 6, 2.2.2.

black people from the economic power led to a systematic dis-empowerment, lack of resources, lack of property rights, culminating in the impossibility of participating in any way whatsoever in the economic growth of the country. Such radical measures could only lead to a final result: *economic crisis* starting in the 1970s, accompanied by a *structural crisis* with high levels of unemployment, highly unequal distribution of income, low levels of growth and investment.

After 1994 there has been a real effort to address the un-justices of the past, however, the participation of black people in the economy remains too limited. This was the purpose of creating the Black Economic Empowerment, namely, to "...directly contribute to the economic transformation of South Africa and (to) bring about significant increases in the numbers of black people that manage, own and control the country's economy, as well as significant decreased in income inequalities."[12] As such, the BEE "...includes elements on human resource development, employment equity, enterprise development, preferential procurement, as well as investment, ownership and control of enterprises and economic assets."[13]

The BEE is then a tool that brings the moral imperative into practice, by cultivating a sense of inclusiveness of people, by contributing to the transparency of the economy, by integrating the 'marginalized' and making them part of the economic structure.

From a logical point of view it seems quite obvious that no economy can reach its full potential unless it incorporates and includes its population, in an active, productive manner. For South African economy to grow it must adopt an inclusive perspective and bet in new strategies of business, a renewed energy to create more businesses and bet in diversification, according to the individual and/or group who will be responsible for the enterprise. It is important as well that in such a transition period the public and private sector must act in concert, in the sense of formulating and implementing different programmes at different levels in different sectors of the economy. [14] In practical terms this means that BEE promotes the creation of "black enterprises", i.e., owned by 50.1% of black people who manage and control the enterprise. They also promote "black empowered enterprise" where at least 25.1% is

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[12] *BEE*, 12, 3.2.2.

[13] *BEE*, 12, 3.2.3

[14] The BEE has a series of tools at its disposition in terms of evaluation of projects, taking into account the direct employment through ownership and control of enterprises and assets; human resource development and employment equity; indirect empowerment by preferential procurement and enterprise development. See BEE, 21, scorecard reference.

owned by black persons; "black woman-owned enterprise", where at least 25.1% representation of black women is done; among other variations. However, many questions arise regarding the feasibility of this project, what it involves and what are also the implications of it. How can one give the conditions of possibility for individual and collective empowerment through the path of economic engagement to poor people? This is still a very important question, specially when one looks at the rural areas of South Africa.

The dramatic reality of poverty in South Africa results from a combination of factors: the lack of land, the low agricultural development amongst rural people, which also means a low cash capacity for the majority of black families. Briefly, to start a business one needs to have already some minimum conditions, financially speaking, in order to be given the possibility of consideration. Another question remains: How can one promote women's owned enterprises, when in rural areas, for instance, black women are denied access to affordable financial services, and when most of these women cannot even open a bank account? How can we take the BEE project further, when millions of black people don't have access to any form of credit? Unless we redress the structural crisis in its totality, the economic attempts will nevertheless remain below the expectations and potential. To this we now turn.

CRITICS AND COMMENTS LOOKING AT THE GAP BETWEEN THEORETICAL REFORMS AND PRACTICAL RESULTS

> "Individuals constitute the building blocs of a political system, and it is difficult to imagine how a society could be reconciled without individual members of that society also being reconciled." (Gibson 2004, 38)

With the change of power in 1994, the former apartheid state became the state of all people. However, did people experience it as such in their lives? Many reforms have been taken shape and implemented in practice since 1994, reforms that aimed at constructing and consolidating a democratic South Africa, committed to respect and embody throughout its institutions fundamental human rights, to promote competitive economy, to assure health care and cover for basic necessities - housing, water, electricity, transports - to create strategies for raising employment, and simultaneously to assure safety in the country and invest in education. Despite the fact that in the

economic sphere little seems to have changed - distribution of wealth still seems to be racially defined, given that black and coloured populations are still subject to insufficient education and high levels of unemployment; a fundamental change is occurring: it is no longer *race* the dominant category in determining people's lives, *education* is. However, one remains in a ambiguous condition: on the one hand, substantial inequality continues to exist; on the other hand, distribution of wealth is starting to happen based on education and location, rather than race.[15] This ambiguity is the result of a multiplicity of combined factors. Apartheid imposed racial identity upon South Africans. South Africans could be Black, Coloured, Asian or White. With the end of Apartheid *deracialisation* made room for a series of categories as potential sources of identification, such as class, gender, ethnic or religious community, neighbourhood, generation, among others.[16] This brought a change in the social landscape of South Africa bringing with it new challenges that put into question the success of 'democratization' for its several problems and challenges that the government needs to address: growth of population, education and its relationship to unemployment, social and political activism and the rise of crime rate.[17]

South Africa confronts today a widening social inequality as well as increasing rates of school-leaver unemployment. How can a democracy sustain itself if there are such abyssal differences in terms of income, employment, education, between the several layers of the population, added by the radical difference between periphery and centre? How can South Africa expect to reach its economic goals by 2014 without addressing in an urgent manner the structural crisis that affects the totality of the social body?

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[15] The heterogeneity of South Africa, both in social and cultural levels, makes that any grievance defined along these lines can pose an actual political threat. As long as grievances are randomly distributed in a society they are politically neutral. if, however, members of a group feel that their *group* is treated unjustly, group-based grievances develop and such grievances *become* politically relevant because aggrieved groups may - and often do - mobilize and demand change." (Gibson 2004, 47)

[16] In fact, since 1994 one observes an an increasing diversity in patterns of identification, since people's self-descriptions become more personalized and less dependent on traditional categories. (Klandermans *et alli* 2001, 100).

[17] For instance, there is a fertility decline in SA, which will produce an older population. Second, while the number of people arriving at the labour market increases, young people confront the increasingly difficulty to get employment after their schooling. Third, while during the 1980's the generation-conflicts were expressed by political activism and organized youth movements, one decade later one sees a replacement of activism by crime, and therefore, the strength and social impulse that originated a transition to democracy results today in a growing political disengagement. Fourth, there was an increase in constitution of work unions, although it resulted in a more fragmented work force, therefore, more difficult to organize and mobilize. Fifth, 'rapid urbanization led to an expansion of informal settlements'. (Klandermans *et alli* 2001, 21−22).

Let us look at the differences in education, employment, income and living standard, since 1994. Although the level of education increased from 1994 to 2000, specially among Coloureds and the blacks (more than whites and asians), the gap remained considerable. It goes without saying that unequal distribution of education and unemployment in a society implies that human resources are not used effectively, i.e., invested in development, therefore, creating an obstacle to the potential development of the country. If we look at unemployment very little seems to have changed, but one observes how unemployment is much larger in periphery than in the centre. Looking at facts, one concludes that since 1994 the gap seems to have widened, in terms of education, income and living standard, regardless of the racial category someone belonged to: inequality in South Africa remains enormous. Unemployment continues to be a threat to the social stability, as well as crime. This gap between blacks/coloureds and whites (who are the least affected in this domain) presents a real danger and real threat to South Africa's commitment to promote and assure *stability* in the country. Under this light, it is important to invest in a *politics of action* and openness, starting by investing in a more equal distribution of wealth, within and between social categories.

SECTION IV. BUILDING AN ETHICAL SOUTH AFRICA

Ethics starts with example. Example of how the government implements good policies, policies that will benefice the people, from rural areas to urban ones, in several spheres: land, production, empowerment, education, sanitary conditions, housing and living income, health care, transports and services. It is urgent to eliminate poverty, to decrease crime and to address the general despair among the population. A population who does no longer trust the government, represents a threat to stability and order. Therefore, it is necessary to address the problems by order, in a coordinated and innovative way, for the benefice of the new South African democracy.

David Moore defends a very interesting argument in his article "The second age of the Third World" (Moore 2004). What I want to retain from it is two fundamental things: *first*, if South Africa is committed (as it seems to be) to attract foreign investments and compete in the global market, it must address the crucial question of 'accumulation'. To fully develop the economy and to expand in a

productive and effective way the capitalist trend, it is necessary first and foremost to assure that a number of preconditions are conquered. *Second*, these set of conditions should be conquered collectively. As Moore says (2004, 101): "We can do primitive accumulation the modern way". The inevitable question emerges: How can the government address the poverty issue? A plain answer would be to defend the implementation of the 'public goods', which are key to prosperity and well-being: we are talking about providing health, housing, good environment, education and a balanced distribution of wealth.Where should the government start?

"...The World Bank 2003 Deininger Report on *Lands for Growth and Poverty Reductio,* prescribes 'private property' as the 'answer' to the 'land question' in what they still identify as the Third World (Moore 2004, 98)". Briefly, property rights should be *universalized*. The World Bank also encourages small proprietors in rural areas, places where primitive accumulation is still waiting to happen. Such is the case of rural Africa, where "...over 90% of the land has no state-recognized (or formal) tenure, be it 'customary' or capitalist, as well as in the 'second-stage' peri-urban areas in Africa and Asia wherein between 40% and 50% of residents have only informal land rights (Moore 2004, 100)".

Private property appears to a large extent as the condition *sine qua non* for a minimum of individual freedom, given that by owing some land one assures one's security, one is given a tool to develop one's projects (for instance, in the exploitation of the land) and this creates some stability for the individual, her/his family and the community. It also provides incentive for the community as a whole, insofar by acting in concert it is now encouraged to improve the area in a common effort, to reach each individual's and collective goals and interests. Nevertheless, private property is only one of the conditions, a condition that could be difficult to fulfill in *universal* terms.

A complementary condition, equally necessary and urgent is to invest in education. However, one cannot subside only universities with a theoretical political discourse of 'non-exclusion' of any part of the population to have access to that. The government must strongly invest in all levels of education, from kindergarten, primary schools, to high schools, technical schools and universities. Unless there is a balanced investment in all levels of education, the government will, as a matter of fact, limit South African students from entering the system, therefore creating an "excluded" population.

APPROACHING THE NECESSITY OF MORAL RENEWAL

From the above observations one can already see how the success of the new South African democracy depends on a strong and public commitment with ethics. This does not mean or imply that ethics by itself is capable to solve the problems of public goods, human rights, and so on. Nor is ethics role to do so. However, a public ethics can be a valuable tool to understand and conceptualize the tensions and conflicts that may come up across the social body. A public ethics is valuable also because it can bring a fresh and human perspective on the problem, therefore it has the power and the necessary 'neutrality' that allows it to contribute and act in concert with the political sphere to solve the problem in question. This means that it is crucial to have a state involvement in addressing the several problems and defining the stages to overcome them, in order to reach its full potential as a new democratic country, capitalist developed and possessing the sufficient and necessary conditions to compete in a significant manner with the global market.

Under this light, what kind of public ethics should we promote?

South Africa is maturing as a country, as a democracy, as a civil society in all its dimensions and plurality. The first thing to recognize is that South Africa is constituted by a multiplicity of cultures, sub-cultures and identities that must be taken into account, that must feel respected in the common values that the state ought to promote, in order to reinforce the implementation and practice of a public ethics.

Democracy has been projected as the privileged political model, capable of assuring a respect for human rights, as well as promoting stability, peace and ability to change and transform itself (at institutional level, for instance) according to the challenges it is confronted with. Given the apartheid past South Africa confronts a more complex process that other countries that took democracy as their path. South Africa has a double challenge: on the one hand, to sustain democratic institutions; on the other, to respond to different interests and address the inequalities of society. For South Africa to sustain its credibility it must invest in many steps of social and political transformation, steps and initiatives which will build people's trust in the government. In a different article related to the sustainability of the European project I argued that it was necessary to develop a *politics of action.* South Africa should invest in a politics of action as well: *first,* it is a politics based on true dialogue, i.e., on the ability to compromise as well as the capacity to *effectively respond* (i.e., in the

practical realm) to the most pressing problems of the nation, such as poverty, crime and AIDS. *Second,* it is a politics which is capable of taking the initiative to promote partnerships with other countries. These partnerships will help, on the one hand, to *project* a cohesive diplomacy of South Africa; on the other hand, they will reflect a cohesive progressive politics of South Africa *vis-à-vis* a globalized world.

The future of South Africa democracy depends on endorsing, defending and applying the principles it promotes in theory, principles that are defined in the constitution and which are by definition from an ethical and human order. However, a true commitment to fundamental human rights and to democracy can only happen when the county has the necessary infrastructures and present the domestic willingness to adopt certain reforms. For instance, one is well aware that 'political rights' need certain conditions to be exercised, otherwise they remain a theoretical right but one that actually compromises the possibility for self-empowerment of the individual. Which conditions are these? From observation of the national landscape one concludes that a lack of education leads to a lack of skills, which ultimately leads to an impossibility of the individual finding a qualified job. This dynamics is at the root of unemployment and therefore poverty, which culminates in crime.

A primary way of addressing the structural crisis would be to create the necessary infrastructures across the country that would guarantee the minimum conditions for participation and representation of the people in the general social and political landscape. For instance, given that a large part of the population is prisoner of rural areas where the climate is harsher and where there is an obvious lack of conditions for development, it could be interesting to invest in the *decentralization* of sources and the encouragement of local initiatives, such as lending or symbolic selling of land to the population, accompanied by the creation of certain infrastructures that would create the conditions of possibility to guarantee the means of subsistence for the individual and her/his family. This could ultimately lead to a creation of rural business, capable of producing jobs. Assuming that this would be viable, the state could have an attitude of supervision and direction of the agricultural exploitation, by regions, guaranteeing to the producers that part of the produced goods could be distributed in other areas. An initiative like this would have two great implications: first, the reinforcement of a sense of autonomy and recognition of the individual and the community, second, it would contribute to the indices of productivity and expansion of the market, therefore beneficing the general economy.

Hypothetically speaking, it would also be interesting to invest in the empowerment of women as proprietors. Women play a crucial role *per se:* they are responsible for the education of their children (the next generation). By feeling empowered women can also cultivate a moral and public ethics with the children, as well as teaching them, by example and personal experience, the importance of education and the dynamics and advantages of work.

Another initiative that I believe that could be fruitful in contemporary South Africa is to invest in the reinsertion of the population, i.e., in the education of the population even if they are adults. By promoting education the state would give tools to the individual to find a job, therefore fighting unemployment and poverty.

Finally, it would be important to *decentralize business and services across the country*, such as banks, schools, social services, health care, among others. The togetherness of these measures will ultimately culminate in the promotion of public debate, a energetic and active civil society, which would also appear as source of diffusion of knowledge and share(ness) of experience(s). In this context, the role of the academia must be to accept and follow the moral duty to increase transparency and promote civic engagement throughout the nation, regions and ultimately, the globalized world.

CHALLENGES OF THE NEW DEMOCRACY – REDEFINITION OF IDENTITIES AND EMERGENCE OF NEW PATTERNS OF IDENTIFICATION

The initiatives proposed above can be a valuable tool for the government's evaluation of its own performance and duties *vis-à-vis* the people. However, in planning any social, political or cultural measure it is important to have into account the transformation which occurred in South Africa in terms of identities and identification process of the self. The transition to democracy brought a new political system to South Africa and reframed the rights and duties of the people. This transition did not affect the political sphere only; on the contrary, it affected the totality of the social body and its intrinsic dynamics. While Apartheid regime *imposed* racial identity (and identification of the self and the community) upon South Africans - between Blacks, Coloureds, Asians and Whites - the transition to democracy opened a new space for a series of categories to emerge, as potential sources of identification and construction of the self *qua* individual and member of a community. In this transition one observes a fascinating phenomena: on the one hand, there is still a

national identification, which remains as main reference. On the other hand, there was an increasing diversity of subgroups that emerged as source of identification; subgroups such as class, gender, ethnic or religious community, neighbourhood, generation, among others. What is interesting to notice is that after 1994 people's self-descriptions become more personalized and less dependent on traditional categories such as race, class or gender. This also opened the space for the individual to identify her/himself with more than one social group. Briefly, 1994 brought not only a redefinition of the political sphere, but also a redefinition of individual and collective identities. One question emerges: How can one conciliate individual and particular experiences of different cultures and backgrounds within the South African commitment to uphold universal principles and respect fundamental human rights? If one looks at the multiculturalism debate and use these lenses to approach the South African case, one can see how the combination of a strong national identity with strong subgroup identities appears as an advantage that can enhance a peaceful environment, contributing to stable social and political relations.

What does this shift represent in terms of the individual and collectivity? This shift, marked by the choice the individual has of reframing and redefining her/himself exposes two established myths, namely, the myth of culture as totality and the myth of identity. The transition to democracy, associated with long process of publicly recognizing the harms done in the past, which brought the possibility of reconciliation between races, groups and individuals, finished by putting in question the claim of 'cultures' as if they were totalities and well defined systems, according to which each individual (belonging to that culture) was condemned to accept, respect and take it as reference for her/his own personal identity. The difficult openness of discourse acknowledging the wrongs of the past created a path for questioning 'traditions', 'impositions' and 'established norms' as well as the general 'patterns of identification'. Transition to democracy brought not only political and social rights (and duties) to the individuals, but also the possibility of empowerment in the sense of redefining oneself, by using the new tools available. It empowered individuals to redefine their own cultures, to participate in its re-construction, to integrate the dynamic, fluid and conflictual experiences in the process; briefly, to redefine one's 'space' and zone of identification. This empowerment brought another thing: the recognition that the mutability of cultures and personal identities requires an horizon of equality and mutual respect between different cultures and different individuals. In

this context, South Africa faces a double challenge: *first,* it should recognize the permanent mutability of identities, the constant process of self-redefinition and self (re)constitution, by integrating memories into actual experience and vice-versa. Identities are multi-layered; they reflect the intersection between public and private spheres, between political, cultural, social and religious. Initially, identities are given, projected and formed by others upon the self; however, identities have also the power of being *transformed* by the self. *Second*, South Africa must recognize that this mutability is accompanied by a change in the claims as well as the forms the discussion take. This means that the new South African democracy has the duty to guarantee sufficient conditions for the subject to be(come) an individual, i.e., by making sure that cultures *qua* institutions cannot impose themselves upon their members. Any kind of association should be voluntary, expression of a critical commitment with a project.

RECONFIGURATION OF COLLECTIVE IDENTITIES AND CIVIL SOCIETY

What are some of the implications of this shift of paradigm in terms of self and collective identification, specially connected to the dynamics of civil society and its relation to political participation and social and political engagement?

The transformations occurred in terms of personal and collective identification became progressively translated in the configuration and dynamics of today's South African civil society and public sphere. First, because 'race' is no longer the referential category: one observed a shift to class, ethnicity, gender or region, categories which appear as 'voice' representing inequalities in these spheres. Second, the change of configuration of civil society brought a new kind of participation and engagement. For instance, while some organizations lost significance, like political parties, others gained, like unions and women's organizations.[18] Third, participation in civil society reinforces participation in protest politics more than in electoral politics. This means that grassroots organizations 'have become an alternative route for people to influence government' instead of being a prolongation of political parties. This indicates that social movements are becoming more and more the

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[18] For example, women with a strong gender identity are more likely to participate in women's organizations; lower class with a strong class identity were more likely to participate in labour unions; etc.

intermediaries between citizens and the states, replacing to a large extent the role of the political parties (Klandermans *et alli* 2001, 238).

Civil society organizations play a crucial role to sustain a mature liberal democracy. Therefore, it is important that the government promotes these organizations. However, we face a problem once we look to those who are likely to participate. According to recent data, people from the middle class are likely to participate in grassroots organizations, while those from the lowest and highest category participate less. Also, people who were unemployed participate less as well, for obvious reasons: they are not involved in trade unions or educational organizations, for instance. Finally, the level of education is crucial in terms of participation: people with higher levels of educations are more likely to be involved in civil society.

The government remains under pressure to satisfy the minimum demands of the population. Given that several years have passed, it would be unrealistic to expect a total redistribution of wealth among the population. Nevertheless, people start wondering if and when will the government deliver its promises and satisfy their needs: Public services like water, electricity, public transportation and roads are a matter of every citizen. This is the greatest challenge today (Klandermans *et alli* 2001):

> 'In a democracy that is still in a process of consolidation, a decline in confidence in government capacity to satisfy people's needs - especially if the decline is linked to poor government performance - can have a dramatic impact on democratic values. In such circumstances it may become very difficult to sustain democratic institutions.'

To conclude, it is important to develop a politics of action, a politics of the future that will integrate all South Africans as productive members of society. Change do not occur radically. It requires thinking, timing, strategy and good planning. However, it is crucial today to enact certain measures and to meet the minimum requirements of the population who is crying for help. A healthy democracy must embrace all its members and make them feel valorized, make them feel that their voices count and that they are represented. Recognition of mutability of identities, innovative measures to address the social problems and critical awareness of the demands of the population together with an effort to meet their needs will lead to a gradual change from a transitional ethics to a generalized and universal public ethics.

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