Hamilton, Lawrence. "Introduction." *Are South Africans Free?*. London: Bloomsbury Academic, 2014. 1–16. Also available from Bloomsbury. *Bloomsbury Collections*. Web. 26 Apr. 2023. <<http://dx.doi.org/10.5040/9781472593054.ch-001>>.

Downloaded from Bloomsbury Collections, www.bloomsburycollections.com, 26 April 2023, 00:17 UTC.

Copyright © Lawrence Hamilton 2014. You may share this work for non-commercial purposes only, provided you give attribution to the copyright holder and the publisher, and provide a link to the Creative Commons licence.

Introduction

On 27 April 2014 South Africa will celebrate 20 years of freedom and democracy. There is much to celebrate: successfully consigning the tyrannous and abhorrent regime of apartheid into the dustbin of history; the country's relatively peaceful transition to democracy; a 'founding father' on par with the best in the person of Nelson Mandela; civil, political and social rights for all safeguarded within a lauded, liberal constitution; four peaceful, free and fair democratic elections (five if the elections in 2014 follow suit); many years of moderately healthy economic growth; a relatively free media and an actively critical civil society; and the lifting of large swathes of the population out of conditions of extreme poverty.

There is also, however, a great deal that dampens the mood of celebration, at least for those willing to lift their rose-tinted spectacles and stare hard into South Africa's recent history. Here follows a list of a few glaring examples. First, there is the authoritarian and centralizing creep of Thabo Mbeki's rule, and his associated denial regarding the proven link between HIV and AIDS, and the devastating effect of the stalled rollout of antiretroviral drugs on the lives of millions of South Africans. Second, consider the crisis of legitimacy within the African National Congress (ANC) governing party brought about by as-yet unresolved and highly disreputable allegations and counter-allegations between two opposing camps, one headed by Mbeki and the other by Jacob Zuma. Third, South Africa's poverty, inequality, unemployment, education and general quality of life statistics are appalling for a middle-income country. Fourth, then there are the corruption scandals at the highest level of public office, such as the ongoing and repeatedly delayed commission of inquiry into the alleged massive arms deal corruption; 'Inkandlagate', the exorbitant use of public monies on the 'security upgrading' of president Zuma's private residence; and 'Guptagate', the 'cleared' use of the country's most secure military airport to land a jet filled with guests attending a private wedding hosted by a family (the Guptas) with very close personal and business connections to Zuma's family. Fifth, the country is paralysed by weekly, often violent street protests over corruption in general and the very poor delivery of local public services in particular. Sixth, South

Africa has one of the highest rates in the world of sexual violence against women and children outside of a war zone. Seventh, the country has recently experienced two downgrades in sovereign debt, which results in higher interest payments by government (and thus all citizens) in order to service public debt and a severe dip in economic growth, with little prospect of turning this around in the medium-term future. Finally and most infamously in August 2012 police massacred 34 striking miners at Lonmin's platinum mine in Marikana in the mineral-rich North West Province, an event that shocked the world and every South African, especially given its overtones of the infamous 1960 apartheid massacre at Sharpeville. In other words, South Africa cannot claim to have entered democratic adulthood very auspiciously.

I can be forgiven, therefore, for the impudence of asking whether South Africans are free, given these events a full two decades after South Africa's remarkably peaceful demolition of apartheid. South Africans now live in a true republic as opposed to a republic by name alone, a republic that reduced the majority of its population to non-citizens, strangers in their own land, without formal political power and generally impoverished. In 1994 South Africans were granted equal rights to elect their political representatives, to be treated equally before the law and to move, associate, love and worship as they see fit, and in 1996 a new constitution provided firm ground for these rights to be upheld. Marshalling empirical evidence and theoretical innovation, in this book I argue that political liberation and these formal rights are insufficient for real freedom and, amongst other things, the inauspicious events listed above are the consequence of a deep political and economic malaise that can be explained best by reference to the various forms of representation that were instantiated during South Africa's transition to democracy. In order to see that South Africans are not yet free, it is necessary first to ask what we may mean by freedom or liberty, and assess the institutional framework for representative democracy that was chosen before, during and after formal political liberation alongside current social, economic and political conditions.

This requires the elaboration of a more realistic and substantive account of freedom than is the norm in everyday political language and theory. I call this 'freedom as power through representation' or 'freedom as power'. I summarize an argument here that freedom is power under modern conditions within complex polities and economies in the sense that freedom is identified *with* and *as power*, in that it is a combination of my ability to determine what I will do and my power to do it, that is bring it about. In particular, I argue that my freedom is relative to my power to: (a) get what I want, to act or be as I would choose

in the absence of either internal or external obstacles or both; (b) determine the government of my political association; (c) develop and exercise my powers and capacities self-reflectively within and against existing norms, expectations and power relations; and (d) determine my social and economic environment via meaningful control over my economic and political representatives. In other words, power is integral to freedom across most of the domains that are significant for individual existence within complex, modern polities.¹ Here I argue more specifically that South Africans lack freedom across all of these dimensions, and that the main causes for this lie in the nature of institutions and economic and political representation that still predominate in South Africa. Moreover, as I argue below and in Chapter 2, it follows that, although some South Africans are freer than others, all South Africans lack freedom as power and thus that South Africans are not yet free. To be even more exact, especially given that I defend a conception of freedom that admits of degrees of freedom, I argue that, although South Africans are freer than they were under apartheid they are a lot less free than they might otherwise have been had they instantiated institutions that enabled freedom as power across all of these four dimensions.

If we view the current conditions in South Africa through these conceptual glasses, we get a very different answer than the one normally given by those who view South Africa through the spectacles of contemporary conceptions of formal freedom and procedural definitions of democratic rights. The attainment of political freedom, and the formal institutionalization of representative democracy, has not produced real freedom as power. The necessary, difficult and courageous steps towards instantiating freedom as power in South Africa have yet to be made. It follows, therefore, that the question that forms the title of this book is vital and important: if we do not ask it, and ask it correctly, we are likely to fail to find the motivation to achieve the goals for which so many fought and laid down their lives in overcoming colonialism and apartheid. If its asking involves impudence and generates discomfort, especially for those currently in positions of power, all the better, for that too is the point of the book's main argument – South African citizen's will only successfully attain and maintain real freedom if they constantly call their political and economic representatives to account.

I argue, in short, that freedom is power through representation across various domains and that, given that South Africa has failed to instantiate the relevant forms of representation, South Africans continue to lack freedom to a

¹ For a full theoretical defence of freedom as power, see L. Hamilton, *Freedom Is Power: Liberty Through Political Representation* (Cambridge: Cambridge University Press, 2014).

debilitating degree. The focus, ultimately, is on the following facts: that existing, skewed forms of economic and political representation reproduce the power and interests of elites rather than generate economic opportunity and political power for all; that South Africa's electoral system implements the idea of proportional representation so literally that it undermines rather than instantiates meaningful representation and thus removes any meaningful political agency from ordinary citizens; and that existing macroeconomic policy fails to address the dire conditions of poverty, inequality, unemployment, inadequate education and thus the provision of freedom as power for all South Africans.

Thus, by means of an account of freedom as power and an empirical analysis of existing economic and political conditions, representation and misrepresentation in South Africa, I submit in this book a means of understanding freedom and its lack in South Africa. In order to avoid confusion, however, it is probably a good idea to explicate at the outset here one particular component of the argument. Those who know anything about South Africa's bloody and divided history will be aware of the famous ANC liberation struggle slogan '*Amandla Awethu!*' (or 'Power to the People'), which is still an important party political slogan of the ruling ANC party. '*Amandla Awethu*' is an isiZulu and isiXhosa phrase adopted by the ANC and its allies as a rallying cry in the resistance against apartheid in South Africa and fight for freedom. The phrase is still associated with struggles for freedom, both by ANC leaders linking the liberation struggle to current challenges and by popular poor people's movements in protest against ANC government policies and poor delivery of basic services such as water, sanitation, housing and so on. What is sadly ironic about the continued use of this slogan by the ANC is that not only has power not been 'given to the people' in that many of them still remain with little or no real power (and thus freedom), but the continued use of a liberation slogan of this kind two decades after political liberation, under conditions of consolidated representative democracy, is a clear sign of the desire of the ANC to claim exclusive representation of 'the people'. It is ironic since it is this trend within the ruling party, enabled by the macro-political structure, in particular the electoral system, that is one of the main determinants of South Africa's *lack* of freedom – the more the ANC attempts to identify itself with the state and the people, the more South Africa slides towards tyranny and the less freedom prevails.

As I shall argue in the second half of the book, given that freedom under modern conditions amounts not so much to the people ruling themselves, but to the representatives of all groups in society having meaningful access to the determination of political and economic policy, any one group of representatives

that claims to represent 'the people' is claiming exclusive power and freedom over these processes of policy determination. This is now the case in South Africa, and it is the result of a situation in which the majority party confuses its role as a representative of the majority and its role as representative of the state as a whole (or 'the people'). As a party it *can* claim legitimately to represent a majority of the citizenry (i.e. those who support the ANC), although whether in fact it furthers the interests of the large number of poor and unemployed who support it is debatable. However, as a ruling party in the legislature (and as the executive) it represents the state and the people as a whole. Any confusion of the two, that is, any confusion of the party as a political party competing for power and those members of the party that at any one time represent South Africans, as the sharpest thinkers down the ages have maintained, is a recipe for tyranny or despotic government – hardly good grounds for freedom. So, as I argue in the book's concluding chapter, for power really to be returned to the people and thus for freedom to prevail in South Africa, a number of changes have to be affected: sovereignty returned to parliament; real redistribution of wealth and power amongst the various groups that make up 'the people'; real and meaningful competition to represent these groups; a complete reorganization of South Africa's electoral system that would enable this competition; the introduction of partisan institutions of political participation and legislation for the exclusive representation of the socially and economically least powerful; a decennial constitutional plebiscite; macroeconomic policy directed towards meeting people's needs and overcoming domination (and thus empowering) of all South Africans; competent, courageous, responsible and persuasive leaders; and a restructuring of the ruling alliance.

Representation is a tricky art in representative democracies and the identification of the representatives with the represented spells the end of representation and thus the end of democratic politics and the possibility for freedom. Another way of putting this, as I argue in Chapter 3, is that representation in all senses, in art, theatre, law, economics, politics and so on, depends upon the maintenance of a 'gap' between the object being represented and the representation itself. In politics, this means rigorous individual and institutional means to create and maintain a 'gap' between the citizens, groups thereof, the people or the state on the one side and the representatives on the other. The smaller this 'gap', the lesser the freedom obtained. South Africa is not yet free because, despite large formal and highly lauded transformational processes such as the Constitution of 1996 and the Truth and Reconciliation Commission, the cosy relation between capital and state remains as firm as

ever. (Though, as elaborated upon in Chapter 3, the irony is that this is not the case in the requisite *formal* sense – the representatives of capital in general are not deemed to enjoy a veto point in South Africa's formal institutions of representative democracy – and so South Africa is still deemed a risky place in which to invest.)

The form of crony capitalism that characterized the apartheid era has, if anything, been strengthened. In other words, the lack of 'gap' between certain powerful groups of citizens and their formal political representatives that existed under apartheid has not changed. Some of the faces may have changed, but the country is still run by a small economic and political elite that, more often than not, overlaps; that is, the power relations that exist between a set of informal economic representatives and the country's formal political representatives are the major determining factor in South Africa's lack of freedom. Many of the new entrants to the economic elite are high-ranking ANC members, thanks to the policies of Black Economic Empowerment (BEE) and even Broad-Based Black Economic Empowerment (BBBEE)²; and those that are not (normally from the old 'white' economic elite or an emerging 'black' economic elite) have direct and powerful links to the new political representatives either as a consequence of being involved themselves in the transition to democratic rule or as a result of being willingly co-opted by political power since the end of apartheid.

A quick note on racial terminology before proceeding: the apartheid era categorizations of 'black', 'indian', 'coloured' and 'white' are still in use today, which explains why in some instances I have no choice but to use them; but when I do I keep them in scare quotes for, as will become clear, I think this fact is very unfortunate.³

The lack of 'gap' introduced above and discussed in detail in Chapter 3 is being tragically played out beyond all reasonable doubt by, and as a consequence of, the August 2012 massacre by police of miners at Lonmin's platinum mine in Marikana and the fact that at least one high-ranking Lonmin board member, Cyril Ramaphosa, once union leader, turned very wealthy businessman, with impeccable ANC struggle credentials and with direct links to the highest seats of political power, allegedly exacerbated an already-tense situation by suggesting that the cause of the initial unrest was nothing less than criminal and therefore

² A. Butler, 'Black Economic Empowerment since 1994: Diverse Hopes and Differentially Fulfilled Aspirations', in I. Shapiro and K. Tebeau (eds), *After Apartheid: Reinventing South Africa?* (Charlottesville: University of Virginia Press, 2011), pp. 52–71.

³ For more on why, see 'Theorising Race: Imaging Possibilities', *Theoria: A Journal of Social and Political Theory*, 136 (September 2013), guest edited by K. Erwin and G. Maré, including their introduction and four cutting edge papers.

required a firm, ‘concomitant’ response.⁴ Despite differences of opinion and speculation, the press rendered this as the fall of a great hero, but, if the main argument of this book is correct, Ramaphosa’s situation is the symptom of a broader institutional malaise: the forms of representation and power that exist within contemporary South Africa generate not freedom but tyranny and tyranny breeds this kind of tragic folly. The major difference between Ramaphosa and other ANC cadres is that he was one of the main architects of these very institutions, in particular the constitution, the centrepiece in a legal, political and economic structure that, as I argue, will not produce freedom unless it is radically reformed. I qualify these claims with ‘allegedly’ because, as I write these lines, the commission into the massacre is still ongoing and Ramaphosa, now Deputy President of the ANC, is now in a position that may ensure that he emerges more or less untainted or at least unscathed.

The other reason I feel justified in asking whether South Africans are free is because, as this book’s first epigraph enunciates, one of Africa’s greatest and most experienced freedom fighters, Nelson Mandela, was quick to warn his fellow, recently liberated citizens that real freedom was not equivalent to liberation from alien rule. The overthrow of colonialism and apartheid was only the first step on the long road to freedom. In other words, he warned against the complacency of simply assuming that freedom would follow directly and simply from political liberation. Just a little over 20 years after Mandela articulated his warning, literally on the day I write these lines, South Africa and the world mourn the death of Mandela, ‘The Father of the Nation’, as he is so often called. You might say that he is, for most South Africans, the original virtuous ‘Lawgiver’, to use a term with ancient roots but made famous by, amongst others, Niccolò Machiavelli and Jean-Jacques Rousseau.⁵ Mandela was the guiding light of a peaceful transition to a new, democratic polity with the judgement and humility to step away from power once the nascent state had begun to find its feet. Mandela’s caution that the attainment of political

⁴ D. Smith, ‘Lonmin emails Paint ANC elder as a Born-again Robber Baron’, *The Guardian*, 24 October 2012, Available from: www.guardian.co.uk/world/2012/oct/24/lonmin-emails-anc-elder-baron [Accessed 25 October 2012]; R. Munusamy, ‘Cyril Ramaphosa: Betrayal Does Not Get More Painful Than This’, *The Guardian*, 25 October 2012, Available from: www.guardian.co.uk/world/2012/oct/25/cyril-ramaphosa-marikana-email [Accessed 25 October 2012]; Business Day, ‘Ramaphosa may Have Fallen Victim to Political Manoeuvre’, *Business Day*, 25 October 2012, Available from: www.bdlive.co.za/blogs/politics/2012/10/25/ramaphosa-may-have-fallen-victim-to-a-political-manoeuve [Accessed 25 October 2012].

⁵ N. Machiavelli, *The Discourses*, ed. B. Crick, trans. by L. J. Walker with revisions by B. Richardson (London: Penguin, 2003 [ca. 1517]); J.-J. Rousseau, *The Social Contract*, in Rousseau, *The Social Contract and other later political writings*, ed. V. Gourevitch (Cambridge: Cambridge University Press, 1997 [1762]).

freedom from oppression and tyranny is merely the first step on a long journey towards freedom came alongside another, oft-forgotten feature of freedom – that our individual freedom is inextricably intertwined with the freedom of others, at the very least all of the citizens that make up our state or polity. More exactly, in his autobiography, Mandela says the following about freedom in South Africa:

Freedom is indivisible; the chains on any one of my people were the chains on all of them; the chains on all of my people were the chains on me. It was during those long and lonely years [in the struggle for freedom] that my hunger for the freedom of my own people became a hunger for the freedom of all people, white and black. I knew as well as I knew anything that the oppressor must be liberated just as surely as the oppressed. A man who takes away another man's freedom is a prisoner of hatred, he is locked behind the bars of prejudice and narrow-mindedness. I am not truly free if I am taking away someone else's freedom, just as surely as I am not free when my freedom is taken from me. The oppressed and the oppressor alike are robbed of their humanity. When I walked out of prison, that was my mission, to liberate the oppressed and the oppressor both. Some say that has now been achieved. But I know that is not the case. The truth is we are not yet free; we have merely achieved the freedom to be free, the right not to be oppressed. We have not taken the final step of our journey but the first step on a longer even more difficult road. For to be free is not merely to cast off one's chains but to live in a way that respects and enhances the freedom of others.⁶

Mandela is still right. He is right that freedom depends on liberating the oppressor and the oppressed, something seen with clarity by only a handful of political thinkers before him.⁷ Mandela is also still right that South Africans are not yet free, especially if freedom is power in the ways I maintain here.

More specifically, I argue that there are four main causes for the lack of freedom that prevails in South Africa: levels of poverty, inequality, unemployment and general quality of life statistics that are appalling for a middle-income country (South Africa is one of the most unequal places on earth); a public education system that fails to provide most students with basic literacy and numeracy, not to speak of readiness for tertiary education, further training or work; skewed economic and political representation and macroeconomic policy that reproduce elites rather than generate economic opportunity and political power for all; and

⁶ N. Mandela, *Long Walk to Freedom: The Autobiography of Nelson Mandela* (Johannesburg: Macdonald Purnell, 1995), pp. 616–617.

⁷ Rousseau, *Social Contract*; G. W. F. Hegel, *Phenomenology of Spirit*, ed. A. V. Miller and J. N. Findlay (Oxford: Oxford University Press, 1977 [1807]); K. Marx, *The Communist Manifesto*, ed. G. Stedman-Jones (London: Penguin, 2002 [1848]).

an electoral system that implements the idea of proportional representation so literally that it undermines rather than instantiates meaningful representation. These persistent, unresolved problems structure the book's chapters. They are the legacy of South Africa's apartheid past but also of its current lack of meaningful representation. The conjunction of these features of life in South Africa means that most South Africans find they are unable to act freely across most, if not all, of the four dimensions of freedom outlined above. The power relations within South Africa generate situations of domination that persist across all of these four dimensions; and, most importantly, the existing forms of economic and political representation reinforce these states of domination rather than act as means of rupturing them.

This claim is likely to surprise readers from right across the political spectrum because it flies in the face of an alleged obvious conclusion that a number of the evident truths about South Africa together safeguard the freedom of South Africans: South Africa's recent political liberation and the relatively long history of its liberation movement (now governing party), the ANC; its lauded, progressive, liberal constitution; its carefully 'pacted' and relatively peaceful transition to democracy; its relative economic wealth; its long-functioning institutions⁸; and the supposed fact that while a poor South African is not empowered and thus lacks freedom in many ways, the same cannot be said of wealthy South Africans. In response, I argue here that while all these (bar the last) may be true, it does not follow that South Africans are free. In doing so, I marshal two related arguments that emerge from my account of freedom as power. First, even if, say, one has freedom as power across three of the four dimensions of freedom I discuss, one's lack of power in only one is sufficient to make one lack freedom to a debilitating degree. Second, and more importantly, the lack of freedom experienced by certain groups or classes across all or any of these dimensions often has the effect of undermining the freedom of other groups or classes within the society in question. For example, as is discussed in detail in Chapter 2, although the effects of poverty and inequality on the poor are stark and obvious in that they impose a series of material and psychological obstacles to their freedom as power, the effects of high levels of poverty and inequality are similarly, if not equally, disempowering for wealthy South Africans: the levels of crime, jealousy and fear that high levels of inequality and poverty generate in any society, but particularly in South Africa, lead the

⁸ I. Shapiro and K. Tebeau, *After Apartheid: Reinventing South Africa* (Charlottesville: University of Virginia Press, 2011), p. 8.

wealthy either to disempower themselves by shutting themselves off from the wider community behind barbed wire and high walls or become disempowered by the anxieties, phobias and illnesses these conditions generate.

Either way, while the poor South African under current conditions remains the real loser in terms of freedom as power, it is a mistake for the wealthy to think that they can secure their freedom simply by means of removing themselves physically or mentally from the society in which they live. Just as in the case of the religious retreat, who, perhaps guided by Epictetus, Jesus Christ, Gautama (later known as Buddha) or Seneca, assumes incorrectly that freedom is fully realizable only under conditions in which one has freed oneself from the necessities imposed on one by nature and politics – *from* one's body, one's desires and one's engagement with other selves – *reality bites* at some point. And when *reality bites*, the folly of thinking about freedom in either purely private or mental/spiritual terms comes home to roost, either directly, by way of crime, or indirectly, by way of a whole series of debilitating psychological and physical responses to being exposed to and by the lives and threats of the less wealthy.

In other words, I defend the idea that South Africans are not yet free for reasons slightly different from the ones suggested by Mandela, but in doing so I maintain that his general claim is a valid one. One associated caveat is important: in contrast to Mandela's emphasis on moral duty, I go on to propose that if we follow my argument regarding freedom is power through to its logical conclusion, especially in the case of South Africa, it becomes unambiguously clear to any realistic observer that it is not each South African's sense of duty to the freedom of others that will enable all South Africans to be free. Rather, it is the realization by each South African that their own individual freedom depends upon the freedom of others in their society, and that it is in each of their own individual interests to help secure the freedom (as power) of all members of their society, in particular through meaningful and efficacious economic and political representation. So, in sum, South Africans are not yet free, despite South Africa's successful transition to democracy, despite Mandela's prudent early guidance and grace, despite its lauded constitution and 20 years of consolidating democracy; and this is the case because, if freedom depends on real power for all citizens through effective political representation, so far political freedom in South Africa has not produced freedom for South Africans.

In the main body of the book I describe South Africa's current social and economic realities, but the book's main, four-fold contribution is to *explain* these conditions via a theoretical and empirical link amongst power, freedom and representation. (1) It argues that the real source of lack of freedom for

the majority of the population in South Africa is brought about by the forms of economic and political representation that obtain therein. (2) This lack of freedom as regards the poorly represented majority translates into a lack of freedom for all, even the very rich, guarded (or imprisoned) behind high walls, gated communities and electric fences. (3) Some balk at the idea of associating political representation with individual freedom, but this book shows that, in South Africa, as elsewhere, properly understood, representation can generate real individual power and thus freedom. (4) In modern states like South Africa economic and political representatives are caught up in a web of judgements and decisions as the state, via political representatives, 'develops' its national economy. However, the buck stops with the political representatives; and, in the case of South Africa, they have failed dismally to free their citizens from the shackles of a violent, racist and barbaric colonial and apartheid history. Thus, besides explaining why real freedom has not followed from the attainment of political freedom, *Are South Africans Free?* also shows how rethinking the nature of freedom and representation from the perspective of South Africa helps with similar dilemmas all across the globe, as this book's second epigraph suggests.

Before I offer a synopsis of the book's chapters, I provide two short explanations for the amount of theory that remains necessary for understanding the situation in South Africa. First, *Are South Africans Free?* is not a theoretical book, but in order for the empirical case to have purchase, Chapter 1 includes a short theoretical overview of the various debates around freedom and liberty and an outline of my account of freedom as power, covered quickly in accessible, non-formal terms, requiring no specialized knowledge. Second, besides the wealth of quality-of-life statistical data now made available by various governmental, non-governmental and international agencies, all of which confirm this book's main argument, *Are South Africans Free?* focuses on the important role that representation plays in enabling or disabling freedom. The beginning of the third chapter therefore also requires a short theoretical overview of the various accounts of representation in the theoretical literature and whose combination I propose as the most felicitous, especially regarding the practical problem tackled by the book. Again these are laid out succinctly and clearly and no specialist knowledge is assumed.

Besides the introduction and conclusion, the book has four main chapters. Chapter 1, entitled 'Political Freedom?', constitutes an historical overview of how political freedom was attained in South Africa. The chapter begins with a short account of the various ways in which freedom has been understood for millennia and a defence of the idea of 'freedom as power' as a means of understanding

real modern freedom, an account of freedom with a long and rich history, but one that has been ignored in recent debates on the topic of freedom or liberty; and why this alternative account of freedom provides better explanatory and normative force for arguments and demands regarding freedom and power. I then focus on the decisions that lead to the fall of apartheid, and some of the main details and events of South Africa's relatively peaceful transition to democracy, especially as regards the substance of the Freedom Charter and the various decisions made in drafting a new constitution, a new electoral system and a new structure for the various arms of government. Most importantly, in doing so I focus on why various important decisions were made regarding institutional and constitutional design and macroeconomic policy choices and how the power relations between the two main negotiating parties gave rise to an elite compromise around the idea of human rights, its principles, lexicon and associated legal and political institutions. The chapter ends by arguing that, given South Africa's recent social, economic and political history, the freedom as power of most South Africans is very far from being achieved: most South Africans are still dominated in at least one of four ways in which citizens can be dominated in terms of determining and satisfying their needs and interests and determining who should rule and how they might best rule.

In Chapter 2, 'Quality of Life', I argue that although South Africa has come a very long way since the release of Mandela and the acquisition of political freedom, as regards poverty, inequality, unemployment and education, the picture is much bleaker. This chapter uses material taken from a number of primary and secondary sources to assess South Africans' quality of life in general, and conditions of poverty, inequality, unemployment and education in particular. The most recent South African Census (2011) as compared to all of those conducted since 1994, Statistics South Africa, the October Household Surveys (OHSs), the Income and Expenditure Surveys (IESs), the (now Quarterly) Labour Force Surveys (LFSs), Poverty Net, Afrobarometer, the United Nations, the World Bank and the South African Institute of Race Relations, as well as numerous secondary sources, are all used to provide a clear portrait of conditions today as compared to both 10 years and 20 years back (at the dawn of democracy in South Africa). In all four categories, with the exception of the proportion of people living under conditions of extreme poverty, conditions have remained the same or even worsened over the last 20 years. The chapter then shows, with the help of a new wave of literature comparing quality of life across various different countries and regions, as well as local studies that corroborate this evidence, the disempowering (even enslaving) effects of poverty, inequality, unemployment

and poor education on the majority of the population. Why have things not improved, despite political freedom? The chapter ends with an indication that the answer to this question is to be found in the forms of economic and political representation that democratic South Africa has embraced and how these fail to empower individual citizens to control adequately the representatives that they choose to rule them.

In Chapter 3, 'Political Representation', I argue that the answer to the conundrum of two decades of mostly failed promises regarding macroeconomic management and government responsiveness to the needs of the citizenry has its source in South Africa's macro-political forms of representation. In doing so, I suggest the South African case complicates much of the received opinion regarding the consolidation of representative democracy. I argue that the really important answer to the question regarding whether or not a democracy has been consolidated has to do with the nature of the institutions of political representation that obtain therein and the extent to which they minimize domination and thereby constrain or enable freedom as power amongst the citizenry. My focus here is on South Africa, but in order to determine whether its new representative democracy is healthy, empowering and likely to survive, in this chapter I elucidate first the notion of representation in relation to groups, classes, individuals and freedom as power. I then move on to the South African situation proper and argue that, in the light of my analysis of representation, there are *two* glaring 'gaps' and associated persistent forms of domination that the existing South African system of political representation falls short on. In the first case, it tends to close a gap that ought to be kept open; in the second case, it widens a gap it should be closing. First, South Africa's political representatives too readily succumb to the authoritarian temptation to close the gap between themselves and 'the people', or at least their representation thereof: they associate 'the party' with 'the people' and thus 'the state'. Second, South Africa's macro-political system has created *too much of a gap* between political representatives and citizens, especially as regards to how the latter are able to articulate their needs and whether and how the government responds to and evaluates these needs. As I go on to argue, the first is related to an ill-conceived response to the second, but it has also to do with the ANC's history as a liberation movement and is, undoubtedly, a consequence of the electoral system chosen by the two groups of elites involved in a self-seeking compromise during the transition to democracy.

In particular, I describe, explain and question the wisdom of full, closed party-list proportional representation, as adopted following the overthrow of

apartheid in South Africa. This form of electoral system disallows meaningful citizen agency, especially as regards control and critique over powerful economic and political elites (or representatives). It hamstringing the capacity of citizens to articulate their real needs and interests and the capacity of the government to respond to these. This is the case because the institutional matrices that obtain are, as it were, predetermined to favour those groups and individuals with power in the highly unequal status quo as against those without power or access to power. In general, then, existing forms of representation in South Africa not only fail to enable citizens to overcome various forms of domination but also generate an environment that is conducive to numerous practices that are deleterious to overcoming domination and generating liberty through political representation, practices such as pervasive rent-seeking, one-party dominance, corruption and impunity amongst representatives, centralized executive power and a dangerous overemphasis on unity and solidarity. The chapter ends by explaining how South Africa could have got itself into this predicament. The answer, I argue, lies in the nature of the elite compromise determined during the transition to democracy. The moral then is that elite compromises of the kind experienced in South Africa may enable a relatively peaceful transition to democracy, but their unique focus on existing elite interests sacrifices future freedom and stability at the altar of short-term strategy and security.

Then, in Chapter 4, 'Elite Compromise', I focus on the details of the compromise, especially as it has been played out in macroeconomic policy choice in general and the management of public debt in particular. I begin with a short historical account of the two components of the compromise: political and economic. I argue that one of the main reasons that so many South Africans still lack freedom is a result of a set of macroeconomic decisions made quite soon after liberation, in which the new governing elite, an alliance led by the ANC, decided to opt for an austere set of fiscal and monetary policies and as regards borrowing for 'development'. This decision was made in the hope that 'steadying the ship of state' financially would retain local capital and state creditors and attract foreign direct investment and thus help drive growth. In other words, the new political elite thought that *not* reneging on apartheid debt would ensure against frightening away the economic representatives of existing and potential domestic and foreign investors. Moreover, as exemplified in their management of public debt since 1994, they swallowed hook, line and sinker the economic orthodoxies of the age, in order they thought to enhance their sovereign power. The tragic irony of these decisions is that not only has the exact opposite been the case – they now have less, not more, sovereign power – but it was made

at the expense of righting the wrongs of the past through redistribution and the recalibration of power relations, that is, at the expense of the well-being and freedom of the majority of previously disadvantaged South Africans. The compromise was therefore made in the interests of both sets of elites – new political and old economic – and at the expense of the interests of the majority of the population. Moreover, these decisions were completely counterproductive even in their own terms: they have not secured the necessary inflows of international capital or foreign direct investment (FDI). As I argue, this has been the case for two related reasons: (a) given the inadequate response to socio-economic and political power relations that it entailed, and the fact that the old economic elite, only partially in the process of being transformed, do not have sufficient formal representation in parliament and so cannot act as a veto on policy formation, uncertainty still prevails for investors in South Africa or South African government bonds; (b) unresolved social cleavages based on extreme levels of inequality and unemployment generate violent conflicts or the constant threat of them (leading, in some instances, to brutal repression by the state, as exemplified recently by the horrors of Marikana), which further exacerbates economic uncertainty. What follows from this is that South Africa remains a risky place in which to invest, at least in the eyes of potential international investors. In other words, the political elites in democratic South Africa have failed dismally to free their citizens from the shackles imposed by a distorted, racist and barbaric colonial and apartheid history.

The concluding chapter to this book, 'Overcoming South Africans' Lack of Freedom', draws all the various threads together and provides a set of positive institutional proposals for the achievement and maintenance of freedom in South Africa. I first return to Mandela's prophetic words regarding freedom, but show more specifically why I dissent from, in particular, Mandela's emphasis on the force of our supposed *moral* duty to enhance and respect the freedom of others. As argued throughout the book, I maintain that freedom as power in South Africa does not depend on goodwill, charity or duty, or on the complete realization of those political and civil liberties currently safeguarded in its constitution, though these may help. Rather it depends on courageous leadership, active and sometimes disobedient citizenship, as yet unrealized forms of economic and political representation, and macroeconomic policy formation and implementation that leads to radical redistribution of the actual and potential wealth and opportunities offered by South Africa. I then focus on the institutional changes that would help bring this about, particularly those central to overcoming the systemic shortfalls regarding economic and political

representation identified in the main body of the book. In short, I argue that South Africa will only attain and safeguard freedom if it institutionalizes the following changes: first, radical redistribution of material assets of a variety of forms; second, a completely new electoral system that mixes proportional representation and constituency-based systems; third, new forms of political representation in addition to national, periodic elections, such as, (i) a revitalized consiliar system for transferring information regarding needs and interests efficiently and impartially from the local to national level; (ii) political institutions that generate representatives who can check the decisions of existing economic and political elites, political institutions whose representatives would therefore have to be partisan vis-à-vis the interests of the 'common good' (for in South Africa, as elsewhere, the 'common good' is normally an effective cover for the interests of powerful elites), that is, partisan political institutions that would enable the expression, representation and response to the interests of the class of citizens who are currently poorly represented – the working class and the unemployed in South Africa; (iii) a decennial plebiscite enabling and controlling amendments to the substance of the constitution, particularly as it pertains to ensuring freedom as power through representation.

In sum, this book argues that poverty, inequality, rampant unemployment, poor public education, a distorted electoral system and misguided macroeconomic policy are the main reasons for the lack of freedom that still plagues South Africa, and that all of these are not reducible to but can be explained by a mistaken understanding of freedom that fails to take account of the central importance of meaningful and empowering forms of representation. Thus, in the end, although many of Mandela's sentiments regarding freedom underpin this critique of South Africa's polity and economy, this book contests Mandela's claim regarding the force of our moral duty to others to enhance their freedom. Although moral duty may play some part, this account submits that it will be a bit part. Rather, it argues that it is the self-interested realization that our individual *liberty through representation* depends upon the freedom as power of others that would motivate South African citizens to secure the freedom as power of all South Africans.