

University of New Brunswick – Fredericton
DEPARTMENT OF POLITICAL SCIENCE

POLS 6617

Citizenship, Justice, Democracy: South Africa
Fall 2013

Dr Carolyn Bassett

Class Time:	Mondays 1:30-4:20	Class Location:	T207
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Office Hours (fall):	Wednesdays 10:30-11:20 or by appointment.		

This course uses South Africa as a lens to explore questions of rights, citizenship, justice and democracy. South Africa offers a particularly challenging and complex case through which to consider such questions due to its history of settler colonialism and apartheid, which represented an explicit attempt to differentiate rights, and indeed citizenship, on the basis of ‘race.’ In so doing, it generated a socio-economic and cultural hierarchy. A central element of transitional and post-apartheid politics has been the quest to make democratic rights and citizenship universal in a society where stark inequalities continue to shape every aspect of social reality. Competing visions of transformation and justice underlie political debates about economic restructuring, social policy, policing, and indeed about the nature of democracy itself.

The class is organized in weekly three-hour seminars. There will be some brief introductory comments, but most of the time will be spent in discussion. Students will be required to discuss the week’s topic and specific course readings, to develop questions for class discussion, and to participate in every class. Students should attend every class with the readings completed in advance and ready to discuss the topic at hand.

Most of the readings are specifically about South Africa, but some represent broader theoretical explorations central to the theme of the week. They are to be utilized to shed further light on the South African situation, or to specify broader theoretical, social and political questions that the South Africa case helps illuminate. In other words, they are to be integrated into the themes and debates of the week, not to be addressed independently.

One of the central background texts for the course is the 1996 South African constitution, which is available via Desire2Learn. We will discuss sections of the constitution early in the term and refer back to it periodically – it represents a particularly striking document that was designed as a starting point to reengineer society as well as a reflecting a set of compromises among the needs and demands of different political constituencies. Other key foundational documents also are available via Desire2Learn, including the ANC’s 1955 Freedom Charter, the 1993 Reconstruction and Development Programme, and the Women’s Charter and the COSATU Platform on Worker Rights.

Course Requirements:

Seminar presentation / facilitation – x 2 (1)	20%
Seminar participation (weekly)	20%
Analytical papers – x 3 (2)	60%

Analytical Papers:

You will be required to complete three analytical papers in the course, one based on a topic from weeks 2-4, one based on a topic from weeks 5-8, and one based on a topic from weeks 9-11. Qualifying year students only need to submit two and can choose which two they wish to submit. For each paper, you must use the readings from one week's topic as a starting point, and should incorporate additional course readings. You should not be using additional readings beyond recommended background reading for the course – if you wish to use anything else, check with the instructor in advance. Each paper should be 2000-2500 words. Please prepare them using APA referencing, your name, the course number and the title of the essay on the first page rather than a separate title page, and submit them to the instructor electronically via D2L.

Seminar Presentation / Facilitation:

Two times during the term (once for Q-year students), you will be required to develop 3-4 discussion questions and lead the class discussion by introducing the questions. You are not intended to present the material to the class (beyond, if relevant, providing a short synopsis of a point made by an author or a debate to elaborate on the question as a jumping-off point for class discussion), but instead, should be encouraging the class to engage in critical explorations of key points of contention. You are welcome to utilize visual materials on powerpoint if you believe they will aid discussion, and to use powerpoint slides to introduce your questions, but do not summarize material on slides. You must submit a written response to one of the questions (which should be no more than 1200 words) with your discussion questions at the beginning of class and bring paper copies of the questions to distribute to all members of the class.

Schedule of Topics and Readings:

Note that the readings will be available electronically via Desire2Learn.

September 9

Week 1 – Introduction to Apartheid

In this class, we view some of the history and explore essential aspects of the edifice of apartheid, including the classification of the population by 'race,' the geography of apartheid and history of forced removals, the basis of the apartheid era economy including labour policy and the reserve system, and the use of state coercion, including law, policing and extra-legal force. The dismantling / persistence of these elements has framed the agenda for the social, political and policy debates in post-apartheid South Africa.

No readings

September 16

Week 2 – South Africa’s Liberation Struggle

South Africa’s liberation struggle, which spanned the twentieth century and had its roots in the earlier colonial period, has been complex and multi-faceted. The struggle against apartheid was shaped by struggles within the struggle, as contending visions and movements developed different practices of resistance and simultaneously envisioned social-political-economic-cultural futures that often diverged in important ways. What were the key points of consensus and divergence? Based on the claims made during the liberation struggle, what would we expect to be the priorities and points of tension in the post-apartheid society?

Marais, H (2011), *South Africa: Pushed to the Limit*, London, Zed, 39-68 (ch 2).

Thompson, L (2000), *A History of South Africa*, New Haven: Yale UP, 241-264 (ch 8).

Biko, S (1978). *I Write What I Like*. San Francisco: Harper Collins, 19-26; 48-53; 61-72.

Mayekiso, M (1996). *Township Politics*. New York: Monthly Review, 49-85.

Suttner, R (2003), Culture(s) of the African National Congress of South Africa: Imprint of Exile Experiences. *Journal of Contemporary African Studies* 21.2, 303-320.

September 23

Week 3 – Democracy and Governance under the African National Congress

Many commentators have noted the centralization of power under the ANC – most notably under former President Thabo Mbeki – the “depoliticization” of policy and decision-making in the executive of the government and its core advisory bodies, and the heightening of ANC control of the Parliamentary politics as a result of the post-apartheid electoral model, which is a representative electoral democracy utilizing pure proportional representation. At the same time, the ANC still frequently describes itself as a liberation movement – the embodiment of the will of the people – rather than a conventional political party. Do these tendencies undermine democracy in post-apartheid South Africa? Do these tendencies betray the cause of the liberation struggle? Or do they represent a necessary and healthy moment in a longer transition process?

Alence, R (2004). South Africa After Apartheid: The First Decade. *Journal of Democracy* 15.3, 78-92.

Saul, JS (1997), ‘For Fear of Being Condemned as Old Fashioned:’ Liberal Democracy vs Popular Democracy in Sub-Saharan Africa. *Review of African Political Economy* 24.73, 339-353.

Mattes, RB (2002), South Africa: Democracy Without the People? *Journal of Democracy* 13.1, 22-36.

Hammett, D (2010), Zapiro and Zuma, *Political Geography* 29.2, 88-96.

Vincent, L (2011), Seducing the People, *Journal of Contemporary African Studies* 29.1, 1-14.

Fanon, F (2004 trans). *The Wretched of the Earth*. New York: Grove, 97-144 (The Trials and Tribulations of National Consciousness).

September 30

Week 4 – The Constitution and the Challenge of Rights

Our starting point for this topic will be the Bill of Rights in the 1996 South African constitution, which outlines an extensive set of political, economic, social, cultural and environmental rights and a number of mechanisms through which these can be pursued. One of the issues for consideration will be the role of constitutions in guaranteeing rights – especially economic and social rights – and their relationship to other mechanisms. In addition, we will consider the “indivisibility” of rights claim, the relationship between rights and citizenship, and some of the broader critique of rights mechanisms as vehicles for social justice. A third theme will be the appropriateness of formal, individual rights to the South African setting.

Govender, K (2006). Assessing the Constitutional Protection of Human Rights in South Africa During the First Decade of Democracy. *State of the Nation 2005-2006*, ed. S Buhlungu, J Daniel, R Southall, and J Lutchman Pretoria: HSRC Press, 93-122.

Cockrell, A (1997). The South Africa Bill of Rights and the ‘Duck/Rabbit.’ *Modern Law Review* 60.4, 513-537.

Calland, R (2006), *Anatomy of South Africa*, Cape Town: Zebra Press, 205-242 (ch 9 – the judges).

Robins, S (2008), *From Revolution to Rights in South Africa*, London, James Currey, 1-28.

Paremoer, L and C Jung (2011), The Role of Social and Economic Rights in Supporting Opposition in Postapartheid South Africa, *After Apartheid*, ed. I Shapiro and K Tebeau, U of Virginia Press, 199-230.

Reference document: South Africa (1996). Constitution of the Republic of South Africa, 1996.

October 7

Week 5 – Business, workers and rights

This week is concerned with the interplay between the needs, demands and perceptions of business (especially the largest corporations) and those of formally employed workers and their main representatives, trade unions. Can the government, through its policy, respect and reconcile the rights of both? Are ‘big business’ and ‘big labour’ a cabal trying to establish rules that make real competition more difficult? Workers – especially those represented by trade unions – have won significant labour rights in the post-apartheid era, as well as broad socio-economic rights

guaranteed by the constitution, but in a socio-economic context that has eroded the exercise of those rights and indeed left many unprotected. However, some contributors to policy debates have suggested that worker rights are an impediment to economic growth and job creation – actually violating the right of the unemployed to work. Do labour rights need to be sacrificed to address poverty? Do social rights trump labour rights? Are the rights interests of the poor and the working class in conflict? If business is being favoured in policy, can such a bias be politically stable? Can it inspire broad popular legitimacy? What place does the government's commitment to the creation of a black business class play in the overall process?

Marshall, TH (1998). Citizenship and Social Class. *The Citizenship Debates*, ed. Gershon Shafir. Minneapolis: U of Minnesota Press, 92-111.

Bassett, C (2008), South Africa: Revisiting Capital's 'Formative Action,' *Review of African Political Economy* 35.116, 185-202.

Southall, R (2004), The ANC and Black Capital in South Africa. *Review of African Political Economy* 31.100, 313-328.

Barchiesi, F (2003), Social Citizenship, the Decline of Waged Labour and Changing Worker Strategies, *Rethinking the Labour Movement in the 'New South Africa,'* London: Ashgate, 113-131.

Clarke, M (2004), Ten Years of Market Reform in South Africa: Real Gains for Workers? *Canadian Journal of African Studies* 38.3, 558-574.

Seekings, J (2011), Poverty and Inequality in South Africa: 1994-2007, *After Apartheid*, ed. I Shapiro and K Tebeau, U of Virginia Press, 21-51.

Reference documents: COSATU Platform on Worker Rights; the Reconstruction and Development Programme

October 21

Week 6 – Economic Inequality, Constitutional Rights and the Basic Income Grant

One of the major proposals from civil society organizations in South Africa to address poverty and inequality and promote economic citizenship and social and economic rights has been the Basic Income Grant. A Basic Income Grant is a small grant made to all individuals that they can use for whatever purpose they see fit. It is generally seen to be inexpensive to administer since there is no qualification test, and is fully taxable, so people with higher incomes later pay it back. The controversies surrounding it include its cost, the perception it may serve as a disincentive to seeking paid employment, and its cultural effects. We will explore this debate from a range of perspectives – what are its advantages and costs? Who is advancing it and why; who is opposing it and why? And what are its implications in terms of rights, citizenship and justice?

Standing, G and M Samson (2003). *A Basic Income Grant for South Africa*. Cape Town: UCT Press. Chapters 3, 6 (to p 81); chapter 2 is optional.

Barchiesi, F (2007). South African Debates on the Basic Income Grant. *Journal of Southern African Studies* 33.3, 561-575-72.

Fraser, N and Gordon, L (1994). A Genealogy of Dependency: Tracing a Keyword of the US Welfare State. *Signs* 19.2, 309-336.

Hassim, S (2005). Turning Gender Rights into Entitlements: Women and Welfare Provision in Post-Apartheid South Africa. *Social Research* 72.3, 621-646.

Ferguson, J (2007). Formalities of Poverty: Thinking about Social Assistance in Neo-Liberal South Africa. *African Studies Review* 50.2, 71-86.

October 28

Week 7 – Basic Socio-economic Rights – Housing, Water, Electricity

Apartheid geography left a dire legacy in the housing and living conditions of the majority of South Africans. Housing and basic housing-related services like electricity and water have been among the most politically contentious issues in post-apartheid South Africa – and increasingly so, as poverty and material deprivation persists despite political democratization and economic growth. The South African constitution specifies a range of housing-related rights, and the government has made the extension of housing and access to basic services a priority. So why are the poor so dissatisfied? Whose rights / interests are at play? How strong are these constitutional rights, and how legitimate is the government's claim that any provision needs to be tempered by affordability? Where does the effectiveness of local government institutions fit in? Does private sector provision of basic services offer an extension of state capacity or is it an abdication of its responsibility? Are urban protests fundamentally about better housing and toilets, or something much deeper?

Booyesen, S (2007), With the Ballot and the Brick, *Progress in Development Studies* 7.1, 21-32.

Bond, P (2000). *Elite Transition*. London: Pluto, 122-151.

Alexander, P (2010), Rebellion of the Poor, *Review of African Political Economy* 37.123, 25-40.

Desai, A (2002). *We are the Poors*. New York: Monthly Review. 15-19; 41-55; 67-76; 116-119.

Patel, Raj (2010), Cities without Citizens, *Contested Development*, ed Philip McMichael, New York: Routledge, 33-49.

Ruiters, G (2011), Poverty Research, Oppression and 'Free Basic Water,' *Zuma's Own Goal*, ed. B Maharaj, A Desai and P Bond, Trenton, NJ: Africa World Press, 151-170.

November 4

Week 8 – Land Restitution / Redistribution

Strengthening private property rights commonly has been deemed to go against the interests of the poor, who usually have no or little property and presumably would benefit from the redistribution of property rather than its protection. In South Africa, the deliberate and explicit dispossession that characterized the apartheid period has placed a somewhat different spin on property rights – the perception that not only the wealthy may benefit, but also the historically dispossessed. In particular, a program of land restitution – restoring land to those robbed by the apartheid state – was made a central constitutional provision. At the same time, the post-apartheid government has been somewhat ambivalent about pursuing the ambitious program of land restitution outlined in the constitution. Might land restitution impede other social programs like housing provision by favouring the poor ahead of the very poor? What are the philosophical and political implications of land restitution? Are the implications different in urban and rural areas? To what extent should land restitution / redistribution be tempered by the need for economically viable businesses? Is land restitution even feasible, in the face of competing claims?

Walker, C (2000). Relocating Restitution. *Transformation* 44, 1-16.

Walker, Cheryl (2005). Misplaced Agrarianization? Reflections on Ten Years of Land Restitution. *Social Research* 72.3, 647-670.

Beyers, C (2007), Land Restitution's 'Rights Communities': The District Six Case. *Journal of Southern African Studies* 33.2, 267-285.

Greenberg, S (2006), The Landless People's Movement and the Failure of Post-Apartheid Land Reform. *Voices of Protest* ed. R Ballard, A Habib and I Valodia. Durban: UKZN Press, 133-153.

November 18

Week 9 – Women, Men, Sexual Minorities and Gender Justice

The challenge of protecting and promoting women's rights and gender justice has been complex in post-apartheid South Africa. Women succeeded in achieving significant gains on paper to improve their political representation, protect their rights and promote their interests. Yet the commitment of the state and the ANC-government has been weak and uneven in practice, a low level of commitment mirrored in the private sector. Moreover, although South African 'women' came together as a political constituency to secure certain rights and gains during the transition, the period since has made it clear that class, 'race,' geographic location (urban / rural), generation, even family situation fragment the priorities and rights claims of women. What has been achieved in securing women's rights so far and does it provide a base on which to build? Are women's rights best represented as part of a collectivity of 'women' (versus other social groupings to which they may also be members, or versus individual rights)? Is the recent 'feminization of poverty' discourse empowering or disempowering? Meanwhile, the rights of sexual minorities were included in the new constitution, but barely debate at all. Post-1994 suggest there is even less broad public acceptance of the rights of gay and lesbian people – much

less transgendered – and such discomfort with discussing sexuality in any public forum, that it will be difficult to make much progress in protecting gender rights in the foreseeable future. The notion of redefining masculinity seems to be taboo in a society that has become so desensitized to sexual violence and ‘corrective rape’ (of lesbians).

Hassim, S (2006), *Women’s Organizations and Democracy in South Africa*, Durban, UKZN Press, 129-169 (ch 5).

Meer, S (2005). Freedom for Women: Mainstreaming Gender in the South African Liberation Struggle and Beyond. *Gender and Development* 13.2, 36-45.

Fakier, K and J Cock (2009), A Gendered Analysis of the Crisis of Social Reproduction in Contemporary South Africa, *International Feminist Journal of Politics* 11.3, 353-371. D (2005

Posel, D (2005), Sex, Death and the Fate of the Nation, *Africa* 75.2, 125-153.

Dirsuweit, T (2006), The Problem of Identities, *Voices of Protest* ed. R Ballard, A Habib and I Valodia. Durban: UKZN Press, 325-347.

Morrell, R, R Jewkes and G Lindegger (2012), Hegemonic Masculinity/Masculinities in South Africa, *Men and Masculinities* 15.1, 11-30.

Reference document – women’s charter

November 25

Week 10 – Criminal Justice, Policing and Security of the Person

By some accounts, violence and lawlessness are among the most serious problems in post-apartheid South Africa, and are responsible for widespread emigration by professionals, low and disappointing levels for foreign investment, and undermining the rights of most South Africans. There are several dimensions to this issue: the challenges associated with reforming the criminal justice system and perhaps more importantly the police, and the perceived widespread tolerance of certain kinds of violence (such as gender-based violence, violence towards im/migrants) are among the most prominent. Has the seriousness of this issue been overstated? In what ways does it intersect with other issues? Does the (alleged) impunity of the policy breed other forms of violence with an expectation of impunity?

Shaw, M and P Gastrow (2001). Stealing the Show? Crime and its Impact in Post-Apartheid South Africa. *Daedalus* 130.1, 235-258.

Baker, B (2002). Living with Non-State Policing in South Africa. *Journal of Modern African Studies* 40.1, 29-53.

Leggett, T (2005). Just Another Miracle: A Decade of Crime and Justice in Democratic South Africa. *Social Research* 72.3, 581-604.

Vetten, L (2007). Violence Against Women in South Africa. *State of the Nation 2007*, ed. S Buhlungu, J Daniel, R Southall, and J Lutchman Pretoria: HSRC Press, 425-447.

Gastrow, P and M Shaw (2001). In Search of Safety: Police Transformation and Public Responses in South Africa. *Daedalus* 130.1, 259-275.

Neocosmos, M (2008), The Politics of Fear and the Fear of Politics: Reflections on Xenophobic Violence in South Africa, *Journal of Asian and African Studies* 43.6, 586-594.

December 2

Week 11 – Rights and Reconciliation – the Truth and Reconciliation Commission

South Africa's 1993 interim constitution mandated a truth and reconciliation commission to uncover complicity in human rights abuses committed in the name of maintaining and overthrowing the apartheid regime. In exchange for telling the truth, those who had been complicit in abuses would be immune from prosecution; in exchange for telling their stories of human rights abuse and harm done by the loss of family members, apartheid victims could become part of a new public memory and potentially receive compensation for their suffering. The TRC has been mired in controversy: did it achieve (or take fruitful steps toward) justice? Did it achieve (or take fruitful steps toward) reconciliation? Was it doomed by the narrowness of its investigatory framework, the preconception of its commissioners, the enormity of its task? What is its legacy?

Minow, M (1998). Between Vengeance and Forgiveness: South Africa's Truth and Reconciliation Commission. *Negotiations Journal* 14.4, 319-355.

Mamdani, M (2002). Amnesty or Impunity? A Preliminary Critique of the Report of the Truth and Reconciliation Commission of South Africa. *Diacritics* 32.3/4, 32-59.

Graybill, L (2001). The Contribution of the Truth and Reconciliation Commission Toward the Promotion of Women's Rights in South Africa. *Women's Studies International Forum* 24.1, 1-10.

Hanneke Stuit (2010), Ubuntu, the Truth and Reconciliation Commission, and South African Identity, *Representation Matters: (Re)Articulating Collective Identities in a Post-Colonial World*, ed. Annette Hoffman and Esther Peeren, Amsterdam: Rodopi, 83-102.

Cole, CM (2007), Performance, Transitional Justice and the Law: South Africa's Truth and Reconciliation Commission, *Theatre Journal* 59.2, 167-187.

Cherry, C (2000), 'Just War' and 'Just Means': Was the TRC Wrong about the ANC? *Transformation* 42, 9-28.