



SOUTH AFRICA'S DEMOCRACY AT THE CROSSROADS

Edited by

DANIEL SILANDER, CHARLOTTE SILANDER
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South Africa's Democracy at the Crossroads

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Chapter 1

Democracy at the Crossroads: The Case of South Africa

Daniel Silander and Oskar Malmgren

More than a quarter century ago, at the end of the Cold War, scholars in the social sciences proclaimed a global wave of democratization (Fukuyama, 1989, 1992; Huntington, 1991) as the triumph of democracy (Holden, 2000) was witnessed throughout the world. Then, common values such as democracy, human rights, freedom of the individual, and rule of law appeared to expand universally as the only game in town. The prospects for democratization without dividing lines across the globe seemed most promising (Diamond, 2000). In the early 1990s, the collapse of the Soviet Union in Europe, the end of authoritarian and military rule in Asia and Latin America, and the abolition of the apartheid regime in South Africa were all symbols of a global democratic upsurge. Democracy was perceived as good governance (Boutros-Ghali, 1995, 2000; Diamond, 2000), as the wave of democratization had shown the victory of democracy in most regions around the world, regardless of previous historical or cultural differences, geopolitical settings, political cultures, economic levels or religious systems. Democracy spread in poor and undeveloped countries, in countries with authoritarian legacies and military rule as well as in Muslim-oriented religious systems (Diamond, 2008; Harrison & McLaughlin Mitchell, 2014).

Today the situation is dramatically different (Diamond, Plattner, & Walker, 2016; Freedom House, 2020; Heldt & Schmidtke, 2019). The global democratic upsurge has halted with worrying tendencies of a reverse trend of authoritarianism, populism, nationalism, and fragile democracies. The previous global democratic upsurge has turned into a potential global democratic recession and a wave of autocratization (Lührmann, Grahn, Morgan, Pillai, & Lindberg, 2019; Lührmann & Lindberg, 2019; Maerz, Lührmann, Hellmeier, Grahn, & Lindberg, 2020). In 2020, democracy faced its most serious challenges in more than a decade with the 14th consecutive year of decline in political rights and civil liberties. Free and fair elections, the rule of law, minority rights, freedom of the press, and freedom of speech were under systematic attack around the globe to such an extent that, in 2020, states that saw democratic setbacks outnumbered states that saw democratic gains (Freedom House, 2020). Today, we stand at a crossroads

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between the consolidation of the previous democratic upsurge and a reverse wave of antidemocratic changes of authoritarianism in different shapes and forms (Carothers & Youngs, 2017; Diamond et al., 2016; Puddington & Tyler, 2017). As summarized by Cooley:

... rising new counter norms are threatening to straitjacket liberal democracy's power even as they chip away at its status as the most influential source of norms for global governance ... Whatever the exact extent of worldwide democratic regression, it is clear that counter norms to liberal democracy have taken root and are helping authoritarians to retain power.

(Cooley, 2015, p. 60)

The current challenges to democracy around the world call for further improved studies on how to promote and protect the consolidation of democratic institutions. The consolidation of democracies would not only halt a potential reverse wave of authoritarianism but also uphold a liberal democratic order of solid, enduring, and sustainable democratic societies. In this study, consolidation of democracies is about strengthening and improving formal democratic institutions, but also about societal prodemocratic norms and values (Schedler, 2002; Selbin, 1993), to make democracy become the “only game in town” (Di Palma, 1990). The consolidation of democracies is not about the transition into fragile institutionalized electoral democracies, with free and fair elections, but about the continued societal transformation of political, economic, bureaucratic, judicial, social, and cultural conditions that are crucial for democratization. Without the consolidation of democracies, in institutionalization and socialization of prodemocratic institutions, states may end up in a condition of democratic fuzziness where democratic institutions are mixed with undemocratic ones and where the democratic society is hollowed out by societal crisis, injustices, and human rights abuses. In research, scholars on democratization have used different names to portray these challenged and fragile “democracies” (Collier & Levitsky, 1997) in manipulated democracy, illiberal democracy, poor democracy, empty democracy, low-intensity democracy, pseudo-democracy, limited democracy, and frozen democracy, among many other names. What combines these different types of fuzzy democracies is their lack of institutional and/or societal consolidation, leaving the democracy in a fragile, unstable nature.

In this study, the consolidation of democracies is theoretically developed and empirically used in terms of subsocieties. Based on Juan Linz and Alfred Stepan's classical study on *Problems of Democratic Transition and Consolidation* of 1996, it is argued that consolidation is about the political institutionalization of democratic norms and values in the political society, but also about socialization of democratic norms and values in the society at large beyond political institutions. The consolidation of democracy embeds complex interrelated prodemocratic changes in subsocieties to make democracy persistent, dynamic, and enduring. In

full, it requires acknowledging more parts of a society beyond the five subsocieties identified by Juan Linz and Alfred Stepan in political, bureaucratic, judicial, economic, and civil society. The theoretical framework on consolidation of democracy in this study refers to nine interrelated subsocieties that should be taken into account when exploring the status of democracy – political society, bureaucratic society, judicial society, economic society, civil society, security and safety society, educational society, sports society, and international society.

If the *political society* is about the establishment of transparent, representative institutions, consolidation also requires a *bureaucratic society* of a rational-legal bureaucratic order, a *judicial society* of rule of law, an *economic society* of state-regulated market economy, and a *civil society* of self-organized activities. In addition, the consolidation of democracy must also take into account the importance of a *security and safety society* providing for personal safety and autonomy, *educational society* of citizen enlightenment and empowerment, a *sports society* focusing on the opportunities for national identity and societal integration, and finally an *international society* of regional and global democratic influences. These subsocieties are summarized below in [Table 1.1](#) and further discussed in Chapter 2.

Table 1.1. Framework of Study on Consolidation of Democracy.

Subsocieties	Content
<i>Political</i>	Subsociety where political actors compete for power over public policies and the state apparatus through free and fair elections; where the people participate and support democratic institutions, and institutions are transparent, representative, and with existing checks and balances all embedded in a constitutional arrangement.
<i>Bureaucratic</i>	Subsociety with useable and efficient bureaucracy to implement democratic governance and the rule of law and with power to perform in accordance with democratic norms and values, and to follow through on decisions taken within the political society. In addition, a subsociety to protect citizens’ rights and liberties and to pull resources to the state to afford to deliver basic services demanded by the people.
<i>Judicial</i>	Subsociety based on independent rule of law with judicially institutions ensuring check and balances, democratic institutional performances and accountability as well as protection of citizens’ rights and liberties against state abuse of power.

Table 1.1. (*Continued*)

Subsocieties	Content
<i>Economic</i>	Subsociety with economic institutions of rules on how economic affairs are to be conducted, to some degree controlled by the political society to avoid pure market economic forces, but without the risk of state-controlled economy. A set of norms, values, and regulations that combines private and state interests to provide for market autonomy, ownership diversity as well as state regulations to uphold legal contracts, money, pricing, weights, tariffs, and property rights in addition to personal safety and wealth of all people through basic public services.
<i>Civil</i>	Subsociety of autonomous and self-organized groups and activities where citizens are mobilized into organizations, associations, and/or movements to articulate aggregated interests relatively independent from the political society. A platform between political institutions and private family life for socialization, articulation, and aggregation of opinions and values, and informal empowerment.
<i>Security and Safety</i>	Subsociety of individual privacy and integrity and social trust and security with civilian supreme authority over armed forces, functional policing and protection of individual and societal safety where citizens with different backgrounds and belongings have equal rights and liberties and are integrated as citizens in overlapping societal communities.
<i>Educational</i>	Subsociety of all levels of education providing know-how, formal empowerment and expertise, socialization of citizenship and democratic norms and values, and the preservation and promotion of universal norms and values encouraging critical citizenship, democratic ethos, global awareness, and the respect of human rights and liberties.
<i>Sport</i>	Subsociety for conflict resolution, reconciliation, and national unity to create social cohesiveness and sameness among different social groups as a path toward strengthening national integration and a collective identity providing for societal inclusiveness among citizens.
<i>International</i>	Subsociety embedding the international dimension to the democratization of regional and global influences on democracy in diffusion trends, structures, and relations that provides conditions that facilitate or constrain democratization.

Based on this theoretical framework on the consolidation of democracy, this study expands previous research on how to understand and approach the complexity of the consolidation of democracy in states around the world. Some of these identified societies have previously not been defined and used and are therefore a theoretical contribution to how to approach studies on the consolidation of democracy. Each society is important and interesting as a single case analysis of consolidation, but is also interrelated to the other societies that together bring deepened insights on the consolidation of democracy. Previous research on consolidation has approached consolidation as foremost a political and judicial process of consolidating democratic political institutions and judicial institutions in the rule of law. This study departs from the notion that consolidation is a lengthy, complex, multifaceted, and never-ending political and societal transformation.

This study also provides an empirical contribution by focusing on one regionally important state that was part of the previous wave of democratization and that gave great hope of diffusion of democracy to the continent as a whole: South Africa. It has been argued that global democratization is based on regional democratization triggered by so-called swing states (Diamond, 2008; Piccone, 2012). Larry Diamond (2008) once argued that swing states are nonwestern politically, economically, and demographically major states that have a disproportionate impact on the future of democracy in their geographical regional settings. By exploring individual swing states' process of democratization, we may explore the prospect of democratization in the larger regional setting. In the case of South Africa, the prospects of democratization may have an important impact on neighboring states in Botswana, Lesotho, Mozambique, Namibia, Swaziland, and Zimbabwe, but also with greater impact on the African continent at large.

Many African states are politically fragile (Harbeson & Rothchild, 2016). Based on the Fragile State Index (The Fund for Peace, 2020), consisting of annual measurements on the level of weakness among states in the world, the African continent includes numerous weakened and failing states. Among the most vulnerable and fragile states in the world, we may find Burundi, Cameroon, Central African Republic, Chad, Congo Democratic Republic, Nigeria, Somalia, Sudan, South Sudan, and Zimbabwe (Fragile State Index, 2020). In addition, using the Freedom House Index, measuring the range of political rights and civil liberties in countries, it is shown how the ongoing global decline in democratic governance and respect of human rights embeds sub-Saharan Africa that is overall in a regional phase of backsliding. In 2020, Freedom House Index shows how 22 African states saw declining scores. Although many African states also saw progress in rights and liberties, sub-Saharan Africa had seven states among 12 that saw the most serious setbacks in freedom scores (Temin, 2020). The most obvious cases of setbacks in 2020 on the African continent were Benin, Guinea, Nigeria, Senegal, Tanzania, Zimbabwe, and Uganda (Freedom House, 2020). Overall corruption, lack of transparency, the concentration of power, limited freedom of expression and association, deficient civil society, ethnic tension, and military influence over politics are some of the major challenges. This has left many African societies and populations with very weak political institutions in general and very weak democratic institutions in particular (Freedom House, 2020).

For over three centuries, the governance of the South African state and all political power was concentrated on the white minority. A large part of the population was without any decision-making powers (Clark & William, 2016; Gumede, 2015). In 1948, the white population engaged the general election between the ruling pro-British United Party (UP), led by Prime Minister Jan Smuts, and a coalition of parties dominated by the National Party (NP) under the leadership of Daniel Malan. The UP stood out as a more moderate and pragmatic alternative to NP by acknowledging that racial integration was inevitable, while the NP campaigned on the promise of introducing and consolidating a racially instituted system. The election turnout gave a narrow victory to the NP with its coalition partners, resulting in the institutionalization of the apartheid system in 1950 (Clark & William, 2016; Meredith, 1988).

Based on the election result, South African politics came to be controlled and dominated by the NP and the development of the apartheid system. Up until 1974, only one member of the South African parliament was officially against apartheid. The NP outlawed opposition parties in the African National Congress (ANC), the Pan-Africanist Congress of Azania (PAC), and the South African Communist Party (SACP) with political leaders forced into exile or imprisoned, including Nelson Mandela. Over decades, NP institutionalized apartheid through political and judicial means supported by the threat and use of violence against opponents and the black population. In the 1980s, in a time of democratic changes around the world, the apartheid system came under severe international pressure in terms of intensified diplomacy, economic sanctions, and foreign aid against the apartheid system. Within South Africa, a militant opposition toward the apartheid system developed, forcing the government led by President Pieter Wilhelm Botha to declare a state of emergency in 1986. The use of violence against opponent forces followed censorship of the press, limitations of most civil liberties, and the detainment of large groups of people (Clark & William, 2016).

In 1989, President Botha resigned due to health reasons and was succeeded by F.W. de Klerk who opened up for negotiations with the ANC as an attempt to limit the pressure on South Africa from international forces and opposition forces within. The negotiations ended with the release of Nelson Mandela in 1990 after almost 30 years in prison and with talks of how to transform the constitutions into a postapartheid order (Roherty, 1992). The negotiations provoked, foremost, extreme right-wing groups that opposed any political talks with the ANC. In addition, violence also escalated between tribes and rival parties within the black majority population on how to promote a new postapartheid South Africa, leaving South Africa on the verge of a civil war. In 1992, President de Klerk succeeded to find support for ongoing negotiations on dismantling apartheid in a referendum securing the continuation of talks (BBC, 1992).

The preceding years to the electoral democracy in 1994 were politically shaky and violent. Both the ANC and NP had different ideas of democracy, with the ANC stressing direct, unitary, and popular forms of democracy, while the NP

advocated indirect, federal, and consociational structures protective of minority rights. The powers behind the two political actors came from very different sources; the ANC based its power on the people and international support, but the NP on state institutions and security forces. The political agreements reached in 1993–1994 embedded majority rule with minority representation in government, the adoption of an interim constitution before a new constitution could be drafted, and a general election in 1994 which was to be conducted under the principle of universal suffrage for the first time in the history of South Africa (Southall, 2019, pp. 197–198). The election resulted in a sweeping victory for the ANC, taking close to two-thirds of the vote, and Nelson Mandela was sworn in as the country's first black and democratically elected president. In 1996, a new constitution was promulgated. For many years (1948–1994), the white NP governed South Africa and the apartheid system was the only game in town. The apartheid system institutionalized racial separation between white, colored, and Asian people and with rights and liberties for the few. Therefore, in his inaugural address to the nation after being sworn in as president, Nelson Mandela proclaimed the creation of the “Rainbow Nation,” highlighting the importance of reconciliation and harmony among ethnic groups of South Africa and especially between the black and white populations (Mandela, 1994).

Since the first elections of 1994, conducted under universal suffrage, South Africa has held five democratic elections, which have all resulted in majority victories for the ANC. The constitution officially guarantees and promotes a wide range of political and civil rights and institutionalizes the separation of powers with an independent judiciary. Since the 1990s, South Africa has therefore been a political symbol of change, hope, and democracy in Africa and around the world. However, since the introduction of free and fair electoral processes, and with the ANC dominating the presidency and the parliamentary seats, the political scene has been scattered by democratic challenges. South Africa is today a challenged or flawed democracy, combining free elections and respect for basic civil liberties with problems of governance, an underdeveloped political culture, and low levels of public participation. Freedom House stresses how South Africa is a constitutional democracy and for decades regarded as a global proponent of democracy and human rights and a leader in Africa, but with recent alarming challenges under the rule of the ANC (Freedom House, 2020). There were serious democratic setbacks during President Zuma's years in office (2009–2018) with regards to how the ANC and the state transformed into a system for selfish, material accumulation by loyal elites, and where the ANC rule of patronage and corruption exploded throughout the political system (Southall, 2019, p. 202). The ANC party has seen increased internal fighting between factions and shrinking electoral support with the vote falling beneath 60% in the 2019 general election for the first time in modern South African history. While the electoral support for the dominating ANC has been shrinking, South Africa has also seen the rise of more radical political parties such as the Economic Freedom Fighters (EFF) and the Freedom Front Plus (FF+), and a political culture characterized by inflammatory statements and tensions within the nation (Reddy, 2010; Southall, 2019).

In addition to the political recession, South Africa's economy has, over the last years, turned worse with a hampered business climate, decreasing growth, increasing unemployment, and public indebtedness leading to growing popular discontent over the ANC's inability to perform (Gumede, 2015). South Africa has also been marred by high crime rates, allegations of corruption on the highest political levels, and lukewarm respect for the rule of law, while the country at the same time possesses some of the highest levels of inequality and sexually related violence in the world. In addition, issues such as potential land reforms to redistribute the land from the white minority, which still is in possession of a big majority of the land in the country, have resulted in further tensions between the different population groups (Marcel, 2015; World Bank, 2018).

When President Cyril Ramaphosa came to power in 2018, new hopes of a reformist strategy for democratic and economic improvement appeared. Supporters of Ramaphosa stressed that corruption and patronage had to end and how a new path was needed to avoid further polarization and radicalization in the South African society. Today, South Africa stands at a crossroads. While the constitutional democracy has survived, the South African democracy seems to have been weakened by state capture, internal ANC implosion, corruption, societal polarization, social exclusion, xenophobia, and threats of state economic bankruptcy (Alexander, 2010). South Africa seems to face growing democratic discontent symbolized in intensified societal and political debates, protests, and demonstrations providing for the question if this is a sign of dissatisfied democratic citizens demanding deeper democracy or activities questioning the established constitutional democracy from an antidemocratic, populist, and radical point of view (Marcel, 2015; Reddy, 2010; Southall, 2019).

This study on *South Africa's Democracy at the Crossroads* explores the question of what the challenges are to future democratization in South Africa. It is organized into 13 chapters. Chapter 1, *Democracy at the Crossroads: The Case of South Africa*, presented the contemporary status of democracy in the world and the need for consolidation, including South Africa. Chapter 2, on *Challenges to Democracy: A Framework of Analysis*, includes an extended literature review on democratization and existing perspectives on consolidation, resulting in the analytical framework embedding interrelated subsocieties for consolidation of democracy. Chapter 3, on *The Politics of Apartheid in South Africa: 1910–1994*, discusses the nature of the apartheid system, its founding principles, and its impact on South African society. Thereafter, the nine theoretically defined subsocieties are applied to South Africa; Chapter 4: *Political Society: Challenges and Opportunities for Democratic Consolidation*; Chapter 5: *Bureaucratic Society Liberalism and Liberationism: Institutional Compromises and Bureaucratic Management*; Chapter 6: *Judicial Society: Constitutionalism and the Rule of Law*; Chapter 7: *Economic Society: A Stable Economic Society as a Requirement for Successful Democratic Consolidation*; Chapter 9: *Safety and Security Society: Security Infrastructures and Democracy in a Context of Negative Peace*; Chapter 10: *Educational Society: Education as Prerequisite for Social Cohesion*; Chapter 11: *Sport Society: The Role of Sport and Identity in Democratic Society*; Chapter 12: *The International Society: Global and Regional Decline of Democracy*; and Chapter 13: *Contemporary Challenges to*