AOSIS

Justice-based ethics: Challenging South African perspectives

Edited by **Chris Jones**

Justice-based ethics

Challenging South African perspectives

AOSIS

Published by AOSIS (Pty) Ltd, 15 Oxford Street, Durbanville 7550, Cape Town, South Africa
Postnet Suite #110, Private Bag X19, Durbanville 7551, South Africa
Tel: +27 21 975 2602
Fax: +27 21 975 4635
Email: info@aosis.co.za
Website: https://www.aosis.co.za

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Published in 2018
Impression: 1

ISBN: 978-1-928396-50-5 (print)
ISBN: 978-1-928396-51-2 (epub)
ISBN: 978-1-928396-71-0 (pdf)
DOI: https://doi.org/10.4102/aosis.2018.BK77
How to cite this work: Chris Jones (ed.), 2018, *Justice-based ethics: Challenging South African perspectives*, AOSIS, Cape Town.

Printed and bound in South Africa.

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Research Justification

The book reflects academically on important and relevant ethical fields from a multidimensional South African context. It wants to add academic-ethical value, locally and globally, with its different points of departure deeply embedded in justice. From a mainly qualitative methodological perspective, this scholarly book demonstrates that ethics requires analytical, thinking and critical people who in an existentially and emancipatory way can help make the world a more just, decent and humane place in which to live. The co-authors who represent different academic and cultural backgrounds, present in respective chapters their research systematically, intersectionally and constructivistically, based on profound theoretical analysis and reasoning. This epistemology results in an act of knowing that actively gives meaning and order to the reality to which it is responding. By doing this, they point out that people are in an ongoing process of becoming more human – allowing ourselves and our fellow human beings to flourish, and to reach fuller potential through justice-based ethical reflection and action. The content of this collected work is innovative by addressing the shortage of academic books regarding these specific ethical fields and themes, grouped together in one volume. The fact that it is written from a diverse but inclusive South African perspective, enhances its richness. The book challenges conventional borders from different ethical, theological, philosophical, economic and cultural perspectives with insight and expertise. Its target audience is international scholars, peers, researchers and educators with an interest in ethics, especially the specific ethical fields covered in this book. I can confirm that all the chapters are based on original research and that no part of the book was plagiarised from another publication, or published elsewhere.

Dr Chris Jones: Faculty of Theology, Stellenbosch University, South Africa.

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List of Abbreviations

AA	African Association
ANC	African National Congress
ARHAP	African Religious Health Assets Programme (today known as IRHAP)
ER	Ethics of Responsibility
EWN	Ecumenical Water Network
FBHPs	Faith-based Health Providers
FBOs	Faith-based Organisations
#FMF	#FeesMustFall
GDP	Gross Domestic Product
HBI’s	Historically Black Institutions
HWI’s	Historically White Institutions
IVF	In Vitro Fertilisation
IARS	Institute for African Renaissance Studies
IFR	Institute for Futures Research
IJARS	International Journal of African Renaissance Studies
JPIC	Justice, Peace, and Integrity of Creation
LGBTIQ+	Lesbian, Gay, Bisexual, Transgender, Intersex, Queer and Other
MIT	Middle-income Trap
NGO’s	Non-governmental Organisations
NHI	National Health Insurance
NLBW	National League of Bantu Women
PAA	Pan-African Association
PAC	Pan-African Conference
PAC	Pan-Africanist Congress
PGD	Preimplantation Genetic Diagnosis

PPF	Production Possibilities Frontier
RHA	Religious Health Asset
#RMF	Rhodes Must Fall
SACC	South African Council of Churches
SAMA	South African Medical Association
SANNC	South African Native National Congress
SAPS	South African Police Service
SARB	SA Reserve Bank
STIAS	Stellenbosch Institute for Advanced Study
TAC	Treatment Action Campaign
TRC	Truth and Reconciliation Commission
TVET	Technical and Vocational Education and Training
UHC	Universal Health Coverage
UNHCR	United Nations' Refugee Agency
UNIA	United Negro Improvement Association
URCSA	Uniting Reformed Church in Southern Africa
WARC	World Alliance of Reformed Churches
WCC	World Council of Churches
WHO	World Health Organisation
WWF	World Wildlife Fund

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PART 1

Feminist ethics

Chapter 1

The right to interpret: Epistemic justice for women in South Africa

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Introduction

In August 2016, I attended a conference in Calgary and Victoria, Canada, on the topic of 'Women, Rights, and Religion'.[1] It was an amazingly diverse gathering with feminist theorists speaking on this fraught topic from within inter alia the following traditions: Hinduism in India; the Islamic community in Canada; Christianity in Vancouver; the Islamic tradition viewed historically; Islam in

How to cite: Du Toit, L., 2017, 'The right to interpret: Epistemic justice for women in South Africa', in C. Jones (ed.), *Justice-based ethics: Challenging South African perspectives*, pp. 3–28, AOSIS, Cape Town. https://doi.org/10.4102/aosis.2018.BK77.01

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[1] The organiser was Morny Joy, University Professor in the Department of Religious Studies at the University of Calgary, Canada, in collaboration with Paul Bramadat, Director of the Centre for Study in Religion and Society (CSRS) at the University of Victoria. Selected conference papers appeared in a special edition of the journal, *Religious Studies and Theology* (namely, volume 36, Issue number 2, 2017).

Indonesia; Christian Pentecostalism in Nigeria; Judaism in Canada; the Zapatistas viewed as representative of a Mesoamerican decolonising perspective; Catholicism in the Philippines; different strands of Buddhism, including Tibetan and Thai Buddhism; and contemporary Christianity in Canada. What became clear from this comparative feminist exercise over the several days of the conference, is that women from diverse religious traditions – including 'indigenous' and 'world' religions or religions of the Book – are struggling for their right to participate in interpreting the authoritative meaning or meanings of these traditions from within.

Another important insight, which emerged strongly, is that the secular liberal democratic tradition with its emphasis on individual and universal human rights cannot, by any means, simply act as a neutral standard or an ideal for measuring and judging the levels of respect or standing accorded to women within the different religious traditions. Jennifer Nedelsky's *Law's Relations* (2011) is just one recent example of a thorough feminist critique of the extent to which the liberal tradition systematically fails to protect women and children against male violence, specifically sexual violence.[2] This failure must at least partly be attributed to the relative exclusion by the liberal tradition of feminist input into *its* decisive hermeneutical moments. Examples of the latter would include, among other, high-profile sexual violence trials, policy-making, interpretation and application. Furthermore, as Nedelsky (2011:213) makes clear, this 'private but systemic' sexual violence, aimed at women and girls in the liberal state, maintains a situation of domination without any need for overt legislation. The typical sex laws of liberal states, she argues, 'shape relations of power and responsibility between men and women by insulating men from legal accountability for violence', *especially for sexual violence* perpetrated against women (Nedelsky 2011:223). Put differently: 'the cruelty of private sexual violence is not institutionalised, but a great deal of male impunity for that violence is' (Nedelsky 2011:228). Catharine MacKinnon (1994:15) puts the same problem starkly as follows: '[E]ach state's lack of protection of women's human rights is internationally protected, and that is called protecting state sovereignty.' Another source of feminist criticism of the mainstream rights-based tradition is The Feminist Judgments Project, which saw feminist socio-legal scholars write alternative feminist judgments in a series of significant cases in English, Canadian and Australian law, among others,[3] showing that, also within the dominant sphere of Western rights-based law, the most influential cases most often fail to include a feminist perspective. And, of course, there are many similarly critical voices coming from critical legal scholars (e.g. Douzinas 2007), Western feminists (e.g. MacKinnon 2007) and post-colonial scholars (e.g. Mamdani 1996), detailing the violent exclusions of the dominant liberal paradigm and human rights discourses more generally, that is, also racial and other forms of exclusion apart from the exclusion of feminist voices. The workshop importantly also drew attention to the ways in which liberal Western patriarchy often overlaps, reinforces and collaborates with non-Western patriarchies for the sake of all kinds of shared power-political aims.

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[2] This critique leads to an exposure of the double standards and deception which often accompany dominant states' justification of their military and other kinds of interference in states that they consider 'insufficiently' civilised referring to their inadequate women's rights records such as in Afghanistan (see Stout 2001 for US First Lady Laura Bush's call).

In spite of fascinating and detailed differences between these different struggles in different corners of the globe, participants to the conference were finally struck by the structural similarities characterising the struggles of feminist women[4] for interpretative impact within the traditions to which they belong. These similarities seem to hold irrespective of whether these traditions are globally more dominant or more marginalised, more formally or informally organised, or even strictly speaking 'religious' or 'secular'. This common experience strongly suggested the importance of an often overlooked dimension of the basic human right to religious freedom. Article 18 of the Universal Declaration of Human Rights (UN 1948) reads:

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[3] Cf. https://www.kent.ac.uk/law/fjp/. These were compiled in *Feminist Judgments: From theory to practice* (Hunter, McGlynn & Rackley 2010). This is, of course, an example of immanent or internal critique, in other words, an exploration of how the liberal rights tradition may be employed to better serve women's interests rather than a radical critique from the outside which would attack the foundational assumptions of the rights paradigm as such.

[4] With the term *feminist women* I aim to pick out those women who habitually also ask about women's welfare in their assessment of any social event, phenomenon, institution or situation – whatever other epistemological or political interests they might additionally have. Moreover, while I view the commitment to highlight women's welfare as an essentially political commitment, which anyone may in principle hold, in my experience, such roles are routinely, although not exclusively, played by persons who are also women. I agree that the term 'feminist women' should get quotation marks, but it should not also be italicised on top of that.

> Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance. (n.p.)

Thus, we see an emphasis on two important dimensions: firstly, of freedom *to* religion, that is, the freedom to publicly display and manifest one's religious practices without prosecution; and secondly, of freedom *from* religion, that is, the individual freedom to change one's religion or to leave religion altogether, in other words, freedom of individual conscience.[5] I want to suggest that what is missing from this dominant, two-tiered understanding of religious freedom is a crucial third tier, namely the freedom of all members or adherents to participate equally and fully in the *interpretation* of their religions.[6] This new freedom or right,[7] which I link to the notion of hermeneutical justice, entails the acknowledgement that every tradition demands ongoing interpretation and, in its very duration and survival, manifests as an unending internal struggle over contested interpretations. The new freedom also acknowledges that, in principle, equal participation in that interpretative struggle should somehow be protected or promoted. My proposed third tier of religious freedom thus represents an interesting combination of individual and communal rights by drawing attention to the mutual constitution and interdependence as well as ongoing tension between any adherent as individual and the authority of an overarching, enduring tradition. Such a right to interpretative participation in one's own tradition also importantly acknowledges the encompassing life-shaping, world-creating force that faith and cultural traditions and liberal legal frames wield on the concrete possibilities for adherents' lives. Clearly, this is a right that an adherent holds vis-à-vis her faith, cultural community or legal tradition. The absence of such a right must ideally have repercussions for how much legal recognition is granted to such a tradition and its wider claims; also by other neighbouring, competing or even overarching traditions or regimes.[8]

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[5] These two main aspects of religious freedom are sometimes differentiated as freedom of religion (the collective right of a religious group to practice their faith openly) and freedom of worship (the right to individual freedom of conscience).

[6] The Enlightenment tradition, characterised by the slogan of 'liberty, equality and fraternity', acknowledges implicitly that, while liberty and equality are the supreme values of this tradition, there is an interpretive 'fraternity' or collective of autonomous, rational beings who will have to decide (dialogically, equally and freely) on what the values will mean in any given situation. The fact that the relevant community is initially conceptualised as a fraternity, of course speaks volumes about the exclusion of women from this tradition, even up until today, and would tie in with Nedelsky's contemporary criticism of liberal dispensations with their high tolerance for systemic sexual violence perpetrated against women.

[7] To be clear, this is proposed as a moral right and is nowhere yet recognised as a legal right, to the best of my knowledge.

Historically, the right to religious and cultural freedom, as the other side of the coin of religious or cultural tolerance has focused largely on the first two aspects of that freedom as described above. It excluded the right to interpretative freedom and participation with at least two prominent effects: firstly, religions and cultures were seen as largely internally homogenous, bounded wholes or 'black boxes' to be protected mainly in some form of communal or collective right. This approach implicitly treated religious traditions as essentially insular, whereby the currently dominant local elite male interpretations of their traditions were implicitly acknowledged as authoritative. In other words, by treating other, especially 'minority', traditions as black boxes, the internal dynamism, the plurality and contestation were all erased and the patriarchal and despotic tendencies within such traditions were stabilised and bolstered from the outside. Secondly, religious or cultural traditions were moreover viewed and treated as static, ahistorical and timeless horizons of meaning instead of always dynamically evolving in context through contestation from both within and without. Thus, the two aspects of the tradition of religious freedom itself were underpinned by a static, self-enclosed and seamless view of religious communities, and an implicit erasure of multiple, constitutive influences and relations between them. The right to freedom of worship, the second-tier individual right to leave or change one's religion has thus implicitly been limited to making an individual choice between the separately existing black boxes of various traditions. What was pertinently left out from this picture was the right to interpret (within) one's own tradition.

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[8] By overarching regime, I mean something like the co-existence in South Africa of indigenous and constitutional law. While the Constitution takes legal precedence over indigenous law, it is still the case that millions of women live their whole lives under indigenous or customary law without testing its compatibility with constitutional law. My suggestion is that constitutional and other lawyers should not only ask whether customary practices adhere to constitutional provisions or human rights standards, but also whether women enjoy hermeneutical justice or full participative interpretative freedom within their traditions and customs when deciding how much weight to give to cultural claims – most particularly those that pertain to women's rights and freedoms.

This is, to my mind, the strength of the kind of critical argument made by Okin in Okin et al. (1999) when she claims that 'multiculturalism' or the liberal 'tolerance' of (minority) religious freedom and cultural autonomy tends to reinforce religious and cultural patriarchies, because the way in which the tolerance is framed tends to cement the religious and cultural authority of whichever internal subgroup happens to hold a monopoly on the interpretation of the relevant tradition. This kind of politics of religious freedom or cultural autonomy favours, reinforces and, indeed, often requires such a static and hypostatised understanding of religious or cultural tradition. One may thus argue that the political dimension of religious freedom and cultural tolerance in broad terms tends to reinforce fundamentalist, patriarchal and anti-hermeneutical tendencies within traditions. The other side of the coin, and where I think Okin's arguments are at their weakest, is to acknowledge the extent to which the liberal tradition itself has been shaped by this liberal custom of supposed religious and cultural 'tolerance'. Its very tolerance towards what it portrays as 'less civilised' or 'less developed' cultures and traditions has had several aspects and effects: Firstly, it exaggerates and cements the patriarchal tendencies and forces in what would otherwise have been internally more diverse and more contested regimes. Secondly, it is telling that women's sexuality and especially communal practices around this matter so often act as the privileged site of collective identity and as a marker either of 'civilisation' or of its opposite. By focusing on such gender practices as markers of collective difference, liberal tolerance paradoxically professes its concern for women's social status and, on the other hand, undermines it in the same breath by 'tolerating' cultural difference which is expressed through a certain treatment of women's sexuality. Thus, different traditions' gender practices are tolerated in ways that are inconceivable when it comes to more 'important' matters such as trade relations, notions of debt, credit or interest, land ownership, and so on. Third, all of these aspects of liberal tolerance taken together justifies its position of final authority vis-à-vis such minorities or traditions, portrayed as 'backward' or 'oppressive', precisely to the extent that women are excluded from decisive hermeneutical moments. Fourth, the liberal regime thus sets itself up as essentially non-patriarchal or a beacon of women's rights by comparison, from which it would draw its justification to interfere in other cultures, whether legally or illegally. Fifth, the extent to which women are still systematically oppressed under liberal regimes is thereby either denied or rationalised as last remnants of an unenlightened past, and thus not acknowledged as an enduring characteristic of the Enlightenment tradition itself. Sixth, another very unfortunate result of this pervasive idea of Western tolerance is that Western feminists and others remain blind to the different ways in which women in non-Western cultures do, in fact, participate in their traditions, exert their agency, and influence change by bringing novel interpretations to their cultural norms and practices.

I regard these broader, more political questions as too vast and complicated to fit the scope of my chapter. What I instead propose to do now is to make the case for the central importance of the moral right to interpret one's own tradition – the tradition to which one belongs, whether through birth or marriage, immigration or conversion and within which one's life chances unfold. I thus refrain from further considering the spheres of state law and national politics for the sake of focus. I, moreover, use the term 'tradition' very broadly to mean every encompassing framework proposing to express and guide the life humans ought to live, inclusive of both religious and secular frameworks as well as hybrids of these (or traditions that do not clearly distinguish between spiritual and secular, legal and religious) such as certain overarching cultural frameworks.

Injustice

Epistemic injustice

Audre Lorde already in 1984 said that 'the master's tools will never dismantle the master's house' (Lorde [1984] 2007:8), critiquing the failure of white feminists to listen to black feminists and, crucially, to allow black feminists' different locations, perspectives and experiences to impact on the shaping of the feminist tradition.[9] Patricia Hill Collins ([1990] 2000) and Oyèrónkẹ́ Oyěwùmí (1997) similarly discuss the exclusion of black and African women's voices from knowledge production dominated by Western white feminists which lead to ideological distortions. Equally, with her books *Epistemic Responsibility* (1987), *What Can She Know?* (1991) and *Ecological Thinking* (2006), Lorraine Code, together with Sandra Harding with *Whose science? Whose knowledge? Thinking from women's lives* (1991), have been important writers who investigate over some decades issues surrounding what one may call 'epistemic' justice and injustice, especially in relation to women – lesbian and black women included. Taking all of these together, one may see that the notion of epistemic justice, as it pertains to women, has over the years received some attention. However, for the purposes of my argument here, I wish to focus on the 2007 book by Miranda Fricker, *Epistemic injustice: Power & the ethics of knowing*, linking her proposed theoretical framework to my argument that an aspect of the right to freedom of religion should importantly include one's right to interpret one's own tradition. Here and there I will supplement Fricker's largely analytical argument with some insights drawn from other traditions, notably hermeneutics. Further, it is important to note that Fricker focuses on the ethics rather than the politics of knowing and yet still taking asymmetrical power relations into account. She thus tries to limit her investigation to questions of epistemic justice in situations of unequal power relations to the ethics of the situation, skirting in a sense the larger socio-political questions. This approach is aligned with my purpose of suspending the socio-political dimension of religious tolerance while trying to distil and substantiate a moral right to interpret one's own tradition which is a right an individual adherent holds against her own community.

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[9] The so-called 'third wave' moment in feminist thinking during the 1990s was about rectifying the race and class exclusivity which had characterised the movement up until then.

In her book, Fricker (2007:1) distinguishes broadly between two forms of epistemic injustice or an injustice done very specifically to someone *in their capacity as a knower*,[10] namely 'testimonial injustice' and 'hermeneutical injustice'. Corresponding with these two forms of injustice, she evokes the notion of two virtues as correcting virtues unsurprisingly labelled the virtues of testimonial justice and hermeneutic justice respectively. Both these virtues spring from an awareness and vigilance about the ever-present danger of these forms of injustice in interpersonal communication.[11] Delineating Fricker's notion of epistemic injustice and the personal harms it entails will serve my purpose of fleshing out, what I call, the moral right to interpret one's own tradition.[12]

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[10] Fricker (2007:1) thus limits epistemic injustice to cases where one is done an injustice in one's capacity as a knower, distinguishing this type of injustice from more general questions around distributive justice such as access to education and information.

[11] I am interested in the extent to which these virtues may translate into an ethics of listening and an ethics of reading, but will not pursue these matters further here.

Testimonial injustice

Drawing on the similar projects of Edward Craig (1990) and Bernard Williams (2002) to construct a fictional State of Nature as thought experiment in order to characterise or identify our most basic epistemic needs, Fricker (2007:111) finds that these thinkers agree that accuracy and sincerity are the virtues necessary to be present in the speaker or informant in order to 'shore up the relations of epistemic trust that are needed for the practice of pooling information' in this basic and simplest of human societies. For Williams, the 'dispositions' of accuracy and sincerity must be encouraged, promoted and inculcated in individuals in order for *relations of epistemic trust* to be properly stabilised over time (Fricker 2007:111). However, this is not sufficient for the creation of epistemic trust and the pooling of information, Fricker argues, because certain skills or dispositions are also required from the one who gathers the information; thus from the hearer in the communication situation. She notes that hearers may err in two extreme ways: being too gullible and being too incredulous. Therefore, this primitive society needs hearers to be 'open to truths offered to them … without being credulous of testimony that is in fact false' or insincere (Fricker 2007:114). Put differently and even more succinctly: 'Hearers need dispositions that lead them *reliably* to accept truths and reject falsehoods' (Fricker 2007:115, [*author's added emphasis*]).

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[12] I have already indicated that this injustice is one that affects women disproportionately, given the overt patriarchy infecting almost all cultural, religious and national constructs. In a 2014 article, Carol Gilligan discusses the 'moral injury' inflicted upon young children through their patriarchal induction into gender scripts. It is telling that she sees patriarchal masculinity as damaging boys in their emotional capacities (culminating in an adult masculinity captured in the phrase *I don't care*) and patriarchal femininity as stripping girls of their cognitive abilities (culminating in an adult femininity captured in the phrase *I don't know*) (Gilligan 2014:95).

Fricker states that in every exchange of information or every instance of communication the hearer needs to make some 'credibility judgement' in order to avoid either accepting false information as true, that is, believing a potentially harmful lie or, otherwise, rejecting true information as false and thereby losing out on potentially important and useful information. Because humans live in groups naturally, and because different groups may either collaborate or compete with each other, we can presume that, in the State of Nature, there will be social categories and concepts such as *outsider*, *insider*, *enemy*, *rival*, *ally* and so on. These categories, she claims, are likely to play an active part in the credibility judgement made; thus, there will be some necessary reliance on social stereotypes, for example 'insiders' are likely to be more easily believed (because shared interests can be more readily assumed), while knowledge claims made by 'enemies' or 'rivals' are likely to be treated with suspicion. Put in technical terms, Fricker (2007:116) claims that the State of Nature will tend to produce 'some restricted class of identity-prejudicial stereotypes'.[13] While they may be reliable, there is also always a chance that they might not, leading her (Fricker 2007:116) to conclude that 'hearers' powers to discriminate genuine from false information will need to *include a certain anti-prejudicial sensitivity* even in the State of Nature', to the tune of 'just because he's not one of us doesn't mean he's a liar or a fool'. One may also say that the human tendencies towards deception, concealment and prejudice all threaten to undermine the project of epistemic trust which is necessary for the most basic human society to function. So they demand to be countered or corrected (Fricker 2007:118) with the virtues of sincerity and accuracy on the part of the speaker and with what she calls the virtue of testimonial justice on the side of the listener or receiver of the offered information.

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[13] She (Fricker 2007:4) describes these terms in detail, arguing that 'prejudices typically enter into a hearer's credibility judgement by way of the social imagination, in the form of a prejudicial stereotype' which is essentially 'a distorted image of the social type in question'. She (Fricker 2007:14) moreover explains that '[w]henever there is an operation of power that depends in some significant degree upon such shared imaginative conceptions of social identity [i.e. stereotypes], then identity power is at work'. Identity power may furthermore operate independently of the overt beliefs of both subject and object, because it draws its power from the 'collective social imagination' (Fricker 2007:15).

Also important to note is Fricker's insistence (Fricker 2007:120) that the virtue of testimonial justice is a hybrid virtue in the sense that it serves both justice and truth at the same time: 'The person who possesses the virtue reliably avoids epistemologically undermining others, and she avoids missing out on truths offered too.' Her example of the troubled teenager with a known past of lying, describing a crime scene, is informative: when interrogated by the detective, the social context determines that the pursuit of truth is paramount; when interrogated by the psychologist, the pursuit of accurate truth may be secondary to the pursuit of epistemic justice for the teenager; and, finally, in a conversation about the same incident between the teenager and the social worker, there might conceivably be a double emphasis on both truth and epistemic justice. Fricker (2007) puts it well:

> [*T*]he social worker [...] is engaged in an ongoing project of trying to encourage him to include himself and be included in the ordinary relations of trust (ethical and epistemic) that make for social inclusion and social functionality quite generally. (p. 123)

The social worker's concern is thus to inculcate in the teenager the virtues of accuracy (i.e. truth) and sincerity,[14] and to alert him to the internal link between those virtues on his side and the virtue of testimonial justice on the side of his interlocutors.

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[14] Although Fricker does not much pursue this line of thinking, I am interested in the relation between the virtues of accuracy and sincerity, and how they should be weighed up in order to ensure testimonial justice, but I will not pursue this further here. Fricker briefly touches on the relation between these two basic components of trustworthiness when she talks about the harms caused by testimonial injustice. Such injustice in the form of prejudice may attack either one or both of these components so that either the speaker's competence or sincerity or both are undermined (Fricker 2007:45). My suspicion is that when one looks at the current debate on race in South Africa and the general breakdown of epistemic trust, you will roughly find a pattern of white people who doubt the accuracy or competence of black testimonies, and black people who doubt the sincerity of white testimonies. This pattern may even be typical in situations of systemic power imbalances and thus also between women and men, poor and rich. But again, this goes somewhat beyond the scope of this chapter.

In other words, testimonial justice implies that epistemic trust must be earned and also maintained through repeated[15] honest and sincere behaviour. It is thus inherently fragile and such fragility must be recognised by both parties in communicative interactions. Also note that, in spite of different ultimate aims, all three these personages in their different encounters with the teenager do manifest the virtue of testimonial justice.

So far, we have learnt that testimonial justice requires from the listener a kind of *overt anti-prejudicial sensitivity to the particulars of the context of the exchange,*[16] and this, broadly defined, includes an awareness of the social relation between speaker and listener (e.g. child and adult, outsider and insider or man and woman). It specifically also requires an understanding of the relations of social inequality, distance and unfamiliarity that may influence the encounter and that are likely to influence how the speaker and listener perceive one another. For example, if someone expects to be disbelieved, even though they speak with both accuracy and sincerity based on the fact that they are very young or very old, a social outsider or from a socially oppressed group, they may fail to exude the confidence that we tend to take for a sign of truth and sincerity. Many kinds of bodily signs such as a hushed or faltering voice, a ‘strange’ accent, stuttering, a limited vocabulary, avoidance of eye contact and bowed head may on the face of it point to inaccuracy, insincerity or deceit. The person who possesses the virtue of testimonial justice should, however, be extra careful in considering whether these behaviours might not equally well betray fear or deference, or an innocent difference or distance such as inexperience, shyness, internalised oppression, a speech defect or a simple ethnic difference rather than enmity. Similarly, the listener will ideally be sensitive to how his or her response is likely to be received in an ongoing situation in which the creation of epistemic trust is pursued. It goes without saying that none of these provisions and sensitivities is meant to pave the way for simple gullibility, but they all have a role to play in countering situations in which testimonial injustice is likely to occur. At the same time, and for the same reasons, testimonial justice or fairness requires that the listener does not simplistically equate self-confidence with trustworthiness and remains vigilant about the danger of credibility excess being afforded to confident speakers.

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[15] It makes sense that one would trust familiar people or insiders more than strangers or outsiders, because trust is only ever earned over time, and untrustworthy members are weeded out over time by communities living in close proximity.

[16] This would imply that in rape trials, for instance, courts must deliberately create an overtly anti-prejudicial (anti rape myth and rape culture) context in order to ensure that the complainant receives testimonial justice. This would be a strong argument in favour of special sexual offences courts in a society such as South Africa where sexual violence is rife. The government has over the years been ambivalent about their provision (see for instance Chabalala 2017).

The emphasis thus far has been on considering testimonial justice in the context of the collective good of cumulative epistemic trust and sharing in a pool of reliable knowledge. Testimonial injustice leads to the impoverishment or contamination of the shared pool of knowledge. This, according to Fricker (2007:43), implies ‘an epistemic disadvantage to the individual hearer, and a moment of dysfunction in the overall epistemic practice or system’, and if it is systematic, it may point to ‘a serious form of unfreedom in our collective speech situation’. However, for Fricker, the harm of testimonial injustice extends beyond the harm to the group if a lie is believed, that is, absorbed into the pool of knowledge, or if a truth is disbelieved and thereby discarded from the pool of knowledge. As indicated in the beginning of this section, an epistemic injustice is characterised by its harmful consequences for the speaker or informant as a knower and, in the first place, constitutes an injustice towards him personally. I need to explain these harms briefly before moving on to a discussion of the second type of epistemic injustice which is hermeneutic in nature and which returns us to the collective speech situation and its limitations.

To be harmed in one’s capacity as a knower, based on some form of testimonial injustice (where insufficient or irrelevant evidence in the form of ‘markers’ of the person are used to conclude a credibility deficit), means ultimately to be harmed in one's human status and dignity, because, being a subject of knowledge, is a 'capacity essential to human value' (Fricker 2007:5). While allowing for the possibility of indirect harm sustained over a long period if one is routinely granted a credibility excess,[17] for example proper intellectual virtues may then fail to develop or be maintained by being challenged by others, Fricker is more interested in the injustice associated with being granted an unfair *credibility deficit.*[18] She denies that innocent mistakes, which lead to credibility deficits, constitute instances of injustice and therefore adds that an injustice only occurs when the unfair credibility deficit is caused by some moral error on the part of the hearer where this error, in other words, takes the form of unchecked prejudice against some aspect of the speaker's social identity.

Most typically, or at least most starkly, such 'identity-prejudicial credibility deficits' or testimonial injustices have a systematic nature by which she (Fricker 2007:27) means that 'they are connected, via a common prejudice, with other types of injustice' and such prejudices often 'track the subject through different dimensions of social activity'.[19] Here, her example is from the trial scene in *To Kill a Mockingbird* (Lee 1960:202–210) where Tom Robinson becomes the victim of testimonial injustice caused by the widespread and persistent racial prejudice of the time. As explained, and much to her credit, Fricker (2007:116) acknowledges that some shortcuts or heuristics in the form of reliable stereotypes are always at play when a hearer attempts to judge credibility in a speaker. The problem of injustice has to do with identity prejudice and thus systematic distortion that informs a stereotype. Fricker (2007:117) points out that historically marginalised groups such as women, black people and working-class people are often stereotyped in terms and associations that significantly detract from their perceived competence or sincerity or both, that is, the stereotypes that militate against *respect for them as knowers,* and which thereby strongly suggest that they should, in principle, be excluded from the circles of epistemic trust where collectively momentous decisions are made. Clearly then, prejudicial stereotypes consist of unreliable empirical generalisations about social groups which are not backed up by sufficient evidence. In this respect, prejudice is *epistemologically* culpable (Fricker 2007:33), because it neglects the pursuit of truth. If someone persists in negative prejudice, that is, a disparaging association with a social group in spite of evidence to the contrary, ‘owing to some affective investment on the part of the subject’, then the prejudice additionally becomes *ethically* culpable (Fricker 2007:35), because this attitude epistemologically diminishes the speaker. This is the kind of ‘prejudice at work in systematic testimonial injustice’ and which results in a distorted perception of the informant or speaker (Fricker 2007:36). As Fricker (2007:25) points out, the jury members in the rape trial of Tom Robinson ‘really do *find* him guilty [author’s added emphasis]’, because they cannot or would not correct their racial prejudice which only ever allows them to see him *as* a ‘lying, raping Negro’.

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[17] Credibility excess may conceivably constitute an important element in what is called 'white privilege' – an idea which seems to be affirmed in Peggy McIntosh's essay (2017) on the topic. It may also play an important part in bolstering patriarchy as I briefly discussed in the context of the Enlightenment slogan of 'liberty, equality and fraternity'.

[18] Under a set of very circumscribed conditions a credibility deficit may even be advantageous and an excess be disadvantageous. Fricker's examples (2007:18–19) are of the bumbling detective Columbo whose antics mean that criminals drop their guard in his presence, betraying themselves, and of the trusted family doctor for whom the excessive credibility his patients invest in him may lead to an unwanted ethical burden for him. However, these are the exceptions that prove the rule: In general, a credibility deficit is a disadvantage and a credibility excess is an advantage.

[19] Yet, Fricker does not deny that more incidental testimonial injustices also occur. Her example is of a researcher who is treated epistemologically unfairly, because the panel of referees of the journal are dogmatically opposed to his chosen research method. Although under specified conditions such testimonial injustice may also be very harmful; the greater harm is caused where it is more systematic, pervasive and persistent through time (Fricker 2007:29) and touches on all or most, rather than only a localised aspect of a life.

The primary harm of testimonial injustice is thus ‘to be wronged in one’s capacity as a knower’; thus to be wronged in one’s capacity for reason which is a capacity essential to human value, and thus it is to be undermined in one's very humanity. In contexts of oppression, it is very common that precisely this aspect of the humanity of the oppressed gets undermined. With the unfair, prejudiced dismissal of their capacity for knowledge, they also get dismissed as full humans worthy of respect (given the honour of being believed) and of epistemic trust. There is also a secondary harm of testimonial injustice, namely 'a range of possible follow-on disadvantages' (Fricker 2007:49), likely to be caused by the primary harm. The most important ones, Fricker (2007:49) lists as follows:

1. Immediate practical disadvantages typically follow epistemic injustice, such as not being considered for employment or promotion, or to be unfairly treated in a court of law.
2. Epistemic harms are also likely to follow, and they take the form of diminished self-confidence in one's general intellectual abilities. This self-doubt may lead directly to underperforming or excluding *oneself* from further educational opportunities or intellectual development and also from circles of epistemic trust. If this type of insult or injury to one's epistemic capacity happens often enough, the knower may not only lose confidence in what he or she knows, but may even lose that knowledge by discarding and disqualifying it him- or herself.
3. Furthermore, maybe even more than in the case of credibility excess, with unjustified credibility deficit, comes the real danger that the knower or speaker may fail to develop certain intellectual virtues such as intellectual courage.

Now persistent or systematic credibility deficit starts to have an impact on the core being of the wronged party. Fricker (2007:52) takes this even further when she argues that to engage in circles of epistemic trust allows one to exchange ideas with others, giving your perspective and hearing theirs, and that this dialogue with others 'is the chief impetus for [the] process by which [one's] mind becomes settled'. Under the productive pressures exerted by the mutual trust as well by as the attempt to look at the world and articulate the world in a way that would make sense to her, my interlocutor, I try to formulate something that I find true, but which avoids fantasy and thereby something that she might also find to be true. 'We might say then', says Fricker (2007:52), 'that trustful conversation with others is the basic mechanism by which the mind steadies itself'. She then draws on Williams' insight that 'I become what with increasing steadiness [confidence] I can sincerely profess', in other words, the settling of the mind, which trustful dialogue yields, is 'the most basic mechanism whereby we come to be who we are' (Fricker 2007:53), by which we stabilise our personal identities.

With these insights into identity formation, Fricker has extended the likely harms of testimonial injustice, especially systematic testimonial injustice into the psychological and even ontological domains. Systematic attacks on my capacity as a knower and exclusion from central circles of epistemic trust lead not only to self-doubt in terms of what I know and am capable of knowing and contributing to the common pool, but eventually also as to who I am.[20] How can I have a stable, confident personality or identity if I have no opportunity to 'settle my mind' through at once trustful (safe) and truth-searching (challenging) dialogue? It is therefore not difficult to see how 'the prejudice operating against the speaker may [ultimately] have a self-fulfilling power', so that, firstly, the speaker is socially constituted according to the stereotype, but, secondly, she may to some extent even start to resemble the stereotype (Fricker 2007:5). In this final instance, 'identity power' turns productive and 'at once constructs and distorts who the subject really is' and may become.

Hermeneutical injustice

In her book, Fricker spends much less space exploring this second type of epistemic injustice. When first introducing the two types, she (Fricker 2007:1) avers that hermeneutical injustice occurs when ‘a gap in collective interpretive [or hermeneutical] resources puts someone at an unfair disadvantage when it comes to making sense of their social experiences’, and also claims that it occurs at a stage prior to testimonial injustice. Her first example of hermeneutical injustice is the situation in which someone suffers ‘sexual harassment in a culture that lacks that critical concept’. The second example that she discusses is the experiences of a boy who discovers his homosexuality in a culture where there are only derogatory ways of conceptualising his sexual identity. In both cases, much social and personal unease and upheaval is caused by the dissonance between one’s lived experience and the limited availability of interpretive tools. Identifying a phenomenon called hermeneutical injustice therefore directs us to the social embeddedness of all knowledge projects and knowledge claims; thus of all epistemological practice. This insight aligns with the basic insight of critical theory which postulates that theory can never be a-historical, universal or objective, because all knowledge is underpinned by what Jürgen Habermas calls ‘cognitive interests’, reasons for knowing or wanting to know things, and also reasons for choosing ignorance, systemic blindness and wanting not to know some other things. This, however, does not mean that Habermas reduces all knowledge to instrumentality, because he distinguishes between the technical (properly instrumental), communicative and emancipatory cognitive interests. Apart from narrowly instrumental interests, we also have fundamental human interests in communication and emancipation or liberation from oppressive structures (cf. Bohman & Rehg 2017:n.p.).

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[20] Fricker (2007:51) refers us to Simone de Beauvoir's conclusion (2005 [1959]) after Jean-Paul Sartre had intellectually diminished her and destroyed ideas about which she had been particularly excited, saying 'I'm no longer sure what I think, or even if I think at all' (from *Memoirs of a Dutiful Daughter*).

These materialist points of departure had also been taken up in feminist standpoint theory, for example in Nancy Hartsock’s insight into how the powerful are materially favoured by the social institutions and symbolic practices of a society, and how this power is reinforced by the ways in which the powerful or dominant groups largely constitute the social world and also structure and control collective social understandings

(Fricker 2007:147, paraphrasing Hartsock (1998) from *The Feminist Standpoint Revisited and Other Essays*). Sandra Harding's version of feminist standpoint theory (1991), echoes many of these claims made by Hartsock, but she makes the added point that the socially powerless or marginalised groups paradoxically have an epistemological advantage in the sense that they are much better positioned to expose the hidden costs involved in the maintenance of any discriminatory social order or order of domination. Harding emphasises that those positioned in the centre of social systems, benefiting most from them, that is, the wealthy in a capitalist state, the talented in a meritocracy, white people in racist societies, men in patriarchies, and so on, have a vested interest in maintaining a systematic blindness and a wilful ignorance regarding the costs and violences involved in the system from which they benefit and within which they tend to flourish. Fricker (2007) seems to almost make the opposite claim when she argues that:

> [*T*]he powerful tend to have appropriate understandings of their experiences ready to draw on as they make sense of their social experiences, whereas the powerless are more likely to find themselves having some social experiences through a glass darkly, with at best ill-fitting meanings to draw on in the effort to render them intelligible. (p. 148)

Although it may seem unlikely, I believe both these authors to be correct in their claims and the compatibility lies in the details of what they are claiming. Neither is making a wholesale claim about whether the powerful or the powerless have an epistemological advantage in every respect. To me, Fricker seems to be right when she claims that the powerful tend to control the epistemological and hermeneutical resources and also the dominant interpretations of the shared world. In order to maintain this control, I believe the powerful have to systematically engage in testimonial injustice towards the powerless. It also seems logical to me to presume that the more unequal a society is, the stronger the hold of the dominant group over these resources will be, and the more fully will the powerless be excluded as a group from influencing the dominant episteme, especially in hermeneutically decisive moments. Conversely, if clearly demarcated social groups are approximating equality in power, the contest over political and material power will additionally manifest in fierce epistemological battles (again I believe contemporary race relations in South Africa to be a case in point). I also agree with Fricker when she attributes hermeneutical gaps in the shared pool of knowledge or understanding to such power imbalances where certain groups have for prolonged periods been excluded from contributing their knowledge to the shared pool. Phenomena such as sexual harassment and marital rape have for almost all of human history not existed as concepts to help women interpret their experiences, even while men's lived experiences have received extensive scholarly attention. However, in the case of male homosexuality, as we have seen, concepts have also not been developed to help young gay people come to grips with their sexual identity. Instead, its reality was either denied or demonised under the dominant interpretations. Equally, Harding would say, the natural sciences have developed as they have due to their being driven and shaped by the interests and problems of wealthy white men in the Western world. If poor black women were the ones deciding which questions to pose to nature, different avenues would be explored, different methods may develop, and the results of science would serve such women much better than they have up until now.

So, I completely agree with Fricker when she says that it is no accident that the epistemological projects and institutions of the white patriarchal West have been very reluctant to investigate matters such as sexual violence, sexual harassment, marital rape and racisms of all kinds. It has been no innocent oversight that 'women's experiences had been falling down the hermeneutical cracks' before feminist scholars appeared on the scene (Fricker 2007:153). The ignorance or lack of understanding and thus the hermeneutical gap experienced by those who suffer under these phenomena, is experienced collectively by everyone, because it is systematic. At the same time, Fricker (2007:153) argues that the consequences of such collective ignorance are much more detrimental for those who are the targets of sexism, homophobia and racism than for the perpetrators. It should be even more forcefully stated: the powerful typically have a vested interest in precisely this kind of blindness, and the powerless typically suffer serious harm because of it, exacerbated by the fact that they struggle to conceptualise the wrong and even to formulate an accusation.[21] In fact, she (Fricker 2007:153) contends that 'the whole engine of collective social meanings was effectively geared to keeping these [experiences of women] out of sight', and thereby to help maintain their hermeneutical marginalisation. This is then where Fricker comes very close to articulating the same point as Harding about the systematic ignorance of those in power and affirming the point that the powerful have vested interests in keeping some aspects of the social world out of sight and out of the scrutiny of our shared understandings. Devoid of such incentives, indeed driven by the opposite incentives, the marginalised have an interest in exposing the contractions, the lacunae and silences of the dominant episteme, because these silences are 'hotspots' or hermeneutical keys for unlocking the hidden violence and other indefensible effects of the system. And so, precisely that which the system denies knowledge of, is what is of vital importance for the disenfranchised to translate into shared knowledge, and precisely that which the system wants to repress, is what the disenfranchised know most intimately and which, moreover, has the potential to unlock the door which is barring the hermeneutically marginalised from entrance into the socially most powerful circles of epistemic trust.

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21. As a concrete example of someone who suffered sexual harassment before it had a name, Fricker (2007:151) tells the story of Carmita Wood, who 'without that understanding, … [was] left deeply troubled, confused, and isolated, not to mention vulnerable to continued harassment'. Her lack of a shared and accepted vocabulary in which to cast her experiences, impinged on her self-confidence to share her story and to put words to her experiences. It was so bad that after she had quit her job and applied for unemployment insurance she could not explain why she had left her job after eight years, which left her forfeiting her insurance (Fricker 2007:150).

Yet, in spite of how such a system serves the powerful, Fricker (2007:159) contends that, in the case of hermeneutical injustice, the injustice is not interpersonal, because it is the result of a certain social structure rather than of individual intention. Put differently, the sexual harasser of the 1950s did not inflict the hermeneutical injustice on his victims; his unjust acts were not epistemic in nature and yet, when his victims experienced the harm of an act without a name, the full force of the epistemic background injustice was brought home to them. Clearly, his behaviour and impunity benefited from this hermeneutical gap. This is a clear indication, then, I contend, of what happens when women, as a social group, are systematically and over a prolonged period prevented from participating 'on equal terms with men in those practices by which collective social meanings are generated' (Fricker 2007:152). The same may be said of any other social groups who are hermeneutically marginalised or excluded from the formative, central and powerful circles of epistemic trust. As with testimonial injustice, hermeneutical injustice may be more or less systematic, pervasive and prolonged. As Fricker also acknowledges, it is clear that hermeneutical injustice may lead to testimonial injustice, exacerbating the problem, because someone who tries to verbalise a hermeneutical injustice is per definition struggling to put it into words which may be wrongly read or received as lying, vagueness or deception. Systematic testimonial injustice such as the complete exclusion of women or black people, as possible knowers or informants from the spheres of politics, law or religion, seems to be the most likely cause over time of hermeneutical lacunae and injustices. Also, as with testimonial injustice, the primary harm of hermeneutical injustice has to do with 'prejudicial exclusion from participation in the spread of knowledge' (Fricker 2007:162) which socially implies an attack aimed at the core of a person's or a group's full humanity. Thus, again, similarly to testimonial injustice, the primary harm of hermeneutical injustice also tends to issue in further secondary harms such as loss of epistemic confidence and undermining of one's sense of self. Although I thus agree with Fricker's distinction, I want to emphasise the tangled web of mutual implication existing between these two types of epistemic injustice.

Conclusion

My main claim so far has been that claims to justice – whether originating in the sphere of cultural or religious tradition, or of secular, liberal legal or human rights-based traditions – need to be opened up to interrogation of a particular kind. This interrogation into their validity will focus on their internal standards of epistemological justice, including both testimonial and hermeneutic justice. Although I have indicated through various asides, examples and footnotes that these types of injustice may run along racial, class, ethnic and other lines,[22] my focus here is on the widespread epistemological injustice done to women, in particular, and across legal, cultural and religious regimes that are otherwise very different from each other.

I will conclude with a few comments on sexual violence against women in South Africa and the demands of testimonial justice in this specific context. There is a strong tendency in our society to 'other' the problem of rape, in other words, to purify one's own group and project this particular form of 'backwardness' (in terms of the Enlightenment myth) onto all kinds of 'others' or 'strangers'. In another article (Du Toit 2014:102–107), I develop these ideas in detail and show that the problem is typically dealt with in popular, political and academic discourse by blaming a few deranged men or men supposedly damaged by apartheid and the liberation struggle, African culture, men of poorer classes, men from other African states or black men in general. Such approaches erase the colonial legacy of sexual violence as well as the complicity, overlap and mutual reinforcement between the various cultural, religious and legal regimes under our current constitutional dispensation, causing epistemic injustice towards women within all of these circles of epistemic trust. Instead of always othering the problem, it is necessary that South Africans develop the virtues of epistemic justice which will allow them to see how overlapping patriarchal regimes maintain their patriarchal power through excluding women from circles of epistemic trust and feminist voices from momentous hermeneutical decisions of shared national interest. One of the starkest and most central examples of this is the role played until recently by the so-called 'cautionary rule' employed in rape cases. This rule cautioned legal practitioners that women tend to lie about rape. It was thus a way to prejudicially institutionalise a credibility deficit in relation to each and every woman who ever approached the justice system with a rape complaint. Although the cautionary rule was described as outdated and prejudiced in 1998, it was only explicitly scrapped from criminal legislation in 2007. No wonder that women do not trust the legal system when it comes to sexual violence, because it is the legal system that systematically and explicitly distrusts their testimony and witness. Indeed, this systematic testimonial injustice done to women in the legal sphere has also led to hermeneutical injustices which is why women still have a hard time explaining to courts that they have been raped, why this constitutes a grave harm and why they yet can supply reliable testimonies. I worked out this argument in the context of the TRC (Du Toit 2009:30–36) where I contend that there was no shared moral and political language of the damages of sexual violence. Therefore, there was a distinct hermeneutical injustice in the form of a gap or lacuna regarding rape as a gross human rights violation.

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[22] I have also indicated that I think there are many ways in which this analytic framework may be applied to contemporary South African social problems such as to what I perceive to be an epistemological crisis in the public domain and the almost total breakdown of epistemic trust – often along race lines. We may add here the demands of epistemic justice within different circles of epistemic trust toward perceived strangers, especially from other African countries toward people who have AIDS or live with HIV and toward gay people.

I use this example from Western rape law in South Africa to emphasise my earlier point that liberal regimes are, by no means, a neutral standard when it comes to criticising the authority, legitimacy and validity of other regimes' claims to justice. The manifest exclusion of women and feminists from interpreting indigenous African traditions and deciding on their rightful application today, seems only to be reinforced rather than challenged by patriarchal tendencies within the overarching liberal legal order, in particular when it comes to women's sexuality. Because the control of women's sexuality is pertinent to the maintenance of patriarchal power everywhere – also in the liberal state – as in churches and traditional leadership, these patriarchies collude in their epistemic injustice towards women in general. In patriarchal regimes, women's sexuality is problematised, seen to detract from women's full, rational personhood, and from their sincerity and honesty. The unfair credibility deficit, routinely used against women, ensures that they remain excluded from the powerful circles of trust that uphold communities and traditions. The serious injustice of having one's sexuality controlled – even owned as property – by others, is compounded by the serious injustice of barred access to the circles of epistemic trust where decisions are made that generally reinforce rather than challenge the first injustice. This exclusion of (feminist) women from participation in the interpretation of traditions to which they belong – simultaneously a testimonial and a hermeneutic injustice with all their attendant harms as explained – is a systemic problem permeating all the significant power regimes in South Africa. I contend that feminists of all stripes in South Africa should mobilise around this issue which would significantly cut across all of the most lethal dichotomies of race, class and ethnicity upheld in men's politics. Such solidarity would expose the overlaps and complicities between different forms of patriarchy, and it would reinforce the right of women to testimonial, hermeneutical and overarching epistemic justice – most urgently in respect of our sexuate bodies.

PART 2

Bio ethics

Chapter 2

The new biotechnologies: Nirvana, or Prometheus and Frankenstein? Ethics and the Biotechnology Revolution of our time[23]

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How to cite: Van Niekerk, A.A., 2018, ‘The new biotechnologies: Nirvana, or Prometheus and Frankenstein? Ethics and the Biotechnology Revolution of our time’, in C. Jones (ed.), *Justice-based ethics: Challenging South African perspectives*, pp. 31–59, AOSIS, Cape Town. https://doi.org/10.4102/aosis.2018.BK77.02

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[23] Some sections of this chapter include extracts (some quoted/referred to, others rewritten) from other publications by A.A. van Niekerk.

Introduction

Ours is an age of unprecedented scientific and technological innovation – some would say ‘revolution’. Ever since the 19th century we have seen an explosion of knowledge and knowledge applications that have transformed the landscape of human experience and the arena and scope of human action. We can now circumnavigate the globe in a day or two, contrary to journeys that took one weeks, if not months, 200 years ago. Communication, over seemingly unimaginable distances, is immediate and accurate. We have electronic computational capacities that enable us to calculate and manage, within minutes, complex structures that would have taken our ancestors weeks if not months or years. We have, via the Internet, (almost immediate) access to knowledge on a scale not only unprecedented but probably inconceivable to previous generations. We have landed on the moon and are getting ready to travel to further and much more challenging destinations in outer space. And by no means least: we have acquired power over disease and disability that has decimated childhood morbidity and mortality, has given us control over a great many earlier fatal diseases and catapulted life expectancy to levels unthinkable before the advent of the 20th century. Try and imagine the incredulity that a person who lived as recently as the 18th century, if resurrected in our time, might have of the world in which we live every day. For such a person, our world would indeed appear as no less than a pure flight of fancy, a Xanadu of unimaginable wonder that our time-traveller would find difficult to recognise as the same geographical space in which he or she and their contemporaries lived.

If the world has changed that dramatically over the past 200 years, who knows what awaits us in the ensuing century, let alone millennium? Of course, we have in the process also construed the means to not only dramatically enhance human existence, but to destroy it. Of that possibility, Hiroshima, Chernobyl and Auschwitz have become the grim reminders and disconcerting symbols in our time. In the shadows of the Darwins, Einsteins, Watsons and Cricks of history lurk the ominous figures of Hitler, Stalin, Mengele, Bin Laden and many others – characters ready to abuse the yield of science and technology for what Churchill called the 'dark and lamentable catalogue of human crime', based on 'perverted science'. For this reason, I will, towards the end of this chapter, posit that the category of 'responsibility' is arguably the most important in current-day moral reflection.

Few developments are a clearer indication of the further dramatic innovations that our world is prone to see in the future than the new biomedical technologies of our time. By 'new biomedical and other technologies', I refer to things such as genetic engineering, cloning, stem cell applications, life-extending biosciences, intelligence intensifiers, smarter interfaces to swifter computers, neural-computer integration, worldwide data networks, virtual reality, intelligent agents, swift electronic communication, artificial intelligence, neuroscience, neural networks, artificial life, off-planet migration and molecular nanotechnology (Van Niekerk 2014:n.p.).

What is particularly notable of these (actual and foreseen) new technologies are the possibilities that they suggest for significant human biomedical enhancements. Allen Buchanan (2011) aptly defines the notion of 'biomedical enhancements' as follows:

> A biomedical enhancement is a deliberate intervention, applying biomedical science, which aims to improve an existing capacity that most or all normal human beings typically have, or to create a new capacity, by acting directly on the body or brain. (p. 43)

These new technologies hold the promise of significant improvements in people's physical characteristics (e.g. speed, strength and endurance), cognitive capacities (e.g. various aspects of memory, information processing and reasoning), affect, emotion, motivation or temperament, improvements in humans' immunity or resistance to diseases (many instances of which have become a reality in our time), as well as significantly (if not dramatically) increased longevity.

In principle, these alleged accomplishments could be achieved or brought about by a plurality of biomedical technologies. Among these are foreseen the selection of embryos for implantation according to genotype, the genetic engineering of embryos by insertion of human or non-human animal genes or artificial chromosomes into those embryos, the administration of drugs (e.g. cognitive enhancement drugs such as Ritalin, Adderall and Provigil), the implantation of genetically engineered tissue or organs, and, most dramatic of all (although by no means yet possible) brain-computer interface technologies, using nanotechnology to connect neural tissue with electronic circuits and thus enabling us to 'download' brain activity (and therefore brain capacity and intellectual content) to computers.

The fact that these new technologies often operate at the genetic level with implications not only for somatic gene therapy (where an imposition alters the genes of a specific person with no longer-term effects) as well as germline gene therapy (where the intervention permanently alters the genome, and these altered genes are transferred via procreation), has generated significant sensitivities about the moral justifiability of these technologies; hence the reference to Nirvana, Prometheus and Frankenstein in the heading of this chapter. Many people in our time do not look upon the new biomedical (specifically genetic) knowledge and technologies as the advent of some 'Nirvana' of bliss that science has achieved or is about to create. They much rather invoke the Prometheus and/or Frankenstein imagery. Prometheus is a mythical figure in ancient Greece who was believed to have stolen fire from the gods in order to make it available to humans – fire, in that culture, being the prototype of unprecedented benefits (a magnificent source of light and a medium to dramatically enhance the taste of different foods). For this deed, Prometheus was punished by being tied to a rock and left to the agonies of, on a daily basis, a bird of prey picking at and devouring his liver which then grows back at night, only for the bird to repeat the process the next day for eternity. Frankenstein is the main character in a novel by Mary Shelley.

He wishes to create life (like God), and these researches are eventually successful, but the result is a devastatingly destructive monster. The purpose of invoking these fictional symbols by opponents of the new technologies is clear: we should be very careful of ever trying to 'play God' (like Prometheus), as that might yield results that are (also self-) destructive and beyond our control (Frankenstein). Although I agree with the call to care and responsibility suggested by these images, I nevertheless strongly disagree that science and technology could or should be stopped in its tracks, as these images suggest. Arguments to this effect will be forthcoming in this chapter.

There are a number of reasons for the heightened sensitivities about the advent of the new biomedical and genetic technologies in our time. Firstly, genetic knowledge of living organisms always has effects for more than just the individuals concerned. Because this knowledge concerns the genetic constitution of an individual (his or her so-called 'genome'), strong claims could be made that this knowledge is intensely 'private'. Yet, it can and often does have all kinds of public repercussions, for example the question of whether and when the offspring ought to be informed about heritable disease (cf. in the case of Huntington's disease which only becomes effective in a person's forties) or the possibility of the indubitable confirmation of parenthood.

A second reason for these sensitivities is the fact that genetic knowledge can, and has, in fact, been abused by (political and scientific) tyrants in the past. In Nazi Germany, the frightening series of coerced medical experiments and the severe violations of human rights, not only in relation to Jews, gypsies and 'people of colour', but, particularly, in relation to people living with disabilities, is a tragic testimony to this fact. To this must be added the fact that there are alarming signs that old-style eugenics is apparently still looked upon favourably by even some modern-day policy-makers such as those in Singapore, Malaysia and even China (Buchanan et al. 2000:305).

A third reason for the mentioned sensitivities is the fact that many (uninformed) people tend to think that once we know an individual's genome, we know more or less everything of importance about that person. That, of course, is far from being the case; many of our beliefs, habits and dispositions derive from environmental and not genetic influences. Yet, the perception of the pervasiveness of genetic knowledge remains; hence the force of slogans that link the acquisition of genetic knowledge with the idea of 'playing God' (as discussed above). A fourth and final reason for these sensitivities about genetic knowledge is the fact that many protests against 'the new genetics' derive from marginalised groups in society (particularly people living with disabilities) who fear that genetics, by showing how their genomes differ from what is 'normal', challenges their right to dignity and their specific identity as human beings. Given the abuses that have occurred in history and that I referred to above, these concerns are understandable and ought to be dealt with, with sensitivity and comprehension (cf. Van Niekerk 2013).

The reservations that people have about the new biomedical technologies are largely based on ignorance, coupled with fear of the unknown. This fear is exacerbated by the fact that many of the newly foreseen technologies do not only hold the promise of better and more lasting cures for disease. As said, they also hold the promise of significant biomedical enhancements of human beings – enhancements that would or could be physical (increased bodily strength), health oriented (increased resistance to disease and longevity), cognitive (improved powers of concentration and creativity) and even moral. In the rest of this chapter, I will deal with the moral problems raised by these kinds of biotechnologically mediated enhancements, with the exception of the idea of moral enhancement, which currently is no more than an imaginative (although interesting) construct.

Cognitive enhancements as the effects of the application of new biotechnologies are in many respects a real possibility that could and ought to be pursued. We have, as long as we can remember, enhanced ourselves as a species; these enhancements are perhaps, more than anything else, exactly what distinguish us as a species from the other animals. Compare, for example, the enormous effects that the acquisition of (particularly written) language has had on our cognitive capabilities. Compare also what we have achieved on the basis of our ability to act, not only as individuals, but collectively, as is apparent in the phenomena of institutions (the family, schools, churches, universities, courts of law, states, etc.). We have for at least 200 years also seen the effects of direct biomedical and technological enhancements, for example the range of immunisations we (can) receive since early childhood – interventions that are not biomedical therapies, but preventative measures to safeguard us against possible disease. Add to these the various mechanisms that can improve our eyesight, our hearing or our mobility. Biomedical enhancements and the science and technologies that enable them are part and parcel of the human condition and experience.

It is therefore disingenuous to, on the eve of a new revolution in applicable biotechnologies such as we are currently seeing, all of sudden cringe and vouch to avoid what current-day medicine can deliver anew. This avoidance amounts to a kind of unfounded conservatism that comes to expression in what Allen Buchanan has called ‘the simple conservative argument’. This argument runs (Buchanan 2011) as follows:

> Biomedical enhancements carry extraordinary risks and given how well off we already are (thanks in part to past enhancements) those risks are not worth taking. So even if we could have been wrong – indeed stupid – to have forgone the major historical enhancements, we should draw the line now. (p. 55)

To this argument we may answer fourfold. Firstly, it is very unlikely that this advice will ever be followed, particularly in relation to enhancements that significantly increase our productivity but that also hold the promise of ever more effective ways of avoiding and combating disease and suffering. Secondly, it is hardly credible to assume that the risks of new biotechnologically induced enhancements will be greater than those of the past. For example, we have enhanced our ability to generate power immensely by nuclear power, but at the same time created the danger of destroying our entire civilisation by the same power. We have, as another example, enhanced our mobility immensely by air travel, and at the same time created unknown dangers of destructive global pandemics (such as severe acute respiratory syndrome and Swine flu) which flourish as a result of current-day aviation. In short: most developments or enhancements of the past have also and always been accompanied by (increased) risks. Risks cannot be avoided in the way in which we live our lives; they must rather be timeously identified and prudently managed.

Thirdly, why simply (and uncritically) assume that 'we have gone far enough', that is, that we are not in need of significantly more enhancements to sustain our own well-being and/or extend that well-being to people in need of it? Buchanan, for example, lists a number of capacities that we as a species might well need to develop in the future in order to sustain ourselves. These include: an increased capacity for extracting nutrients from current foods to counter possible environmental damage due to the accumulation of toxins in foods because of global warming; the (Buchanan 2011):

> [*E*]nhancement of the 'normal' viability of human gametes […] in order to counteract a decrease in fertility, an increase […] or a rise […] in the rate of cancers due to environmental toxins; enhancements to help us adapt physiologically to climate change [*and enhancements of the immune system to help people in countries where disease is increasing, especially in order*] to accelerate resistance to virulent emerging infectious diseases in an era of globalisation. (p. 56)

Fourthly, are we not discovering that a vital aspect of our evolution is the fact that we are increasingly realising that the next phase of our evolution is the ability to impinge on our evolution, to take it to hand and take it further ourselves? We are indeed the only species of which this is true; we are at the point in our historical evolution where we are able to decide for ourselves which direction our future evolution can and should take. Everything that enhancement technologies have achieved in the past, has brought us to this point. There is no persuasive reason to suspect that we are incapable of rising to the occasion and accepting the responsibility that such a development places on us. It self-evidently burdens us with an enormous responsibility, but it is by no means self-evident or guaranteed that we will choose the most prudent direction in our deliberations about and applications of these biotechnologies. The challenge is to accept this responsibility and to exert it in a way that we make our knowledge and technologies work to our mutual benefit rather than destruction. I shall return to this issue of responsibility in the last section.

In what follows, I want to do three things: Firstly, I want to point to and briefly discuss two general ethical problems associated with the developments that have been alluded to in this introductory section. Secondly, I want to identify and critically discuss specific problems raised by these developments for the African context in which the authors of this volume find themselves. Are we, for example:

- Talking about a kind of development in healthcare that is relevant and available for people living on the continent of Africa?
- Do these technologies entail the danger of a possible exacerbation of existing inequalities between Africa and the developed world?
- What are the requirements for the ideal of distributive justice for such an eventuality?

Thirdly, in the last part of the chapter, I wish to develop a couple of perspectives on this moral problematic – perspectives that are informed by an approach to moral reasoning that I call an ethics of responsibility and that I believe holds the best potential for coming to grips with the moral issues that these new and inevitable developments imply and entail.

Moral problems raised by new biotechnologies

Therapy versus eugenics or enhancement

The first and foremost problem that the new biomedical, genetic technologies raise, is the perennial question as to whether their morally justifiable applicability can be motivated by means of a legitimate distinction between *therapy* and *eugenics*. For some writers on this topic (Fukuyama, Habermas and Sandel, about whom more will be said later, come to mind), the notion of 'eugenics' is closely associated with the idea of enhancement. The argument then runs as follows:

> The new developments in medical and biotechnology are morally in order to the extent that they might facilitate the postponement of death, the healing of disease and the relief of suffering. Machines for hemodialysis, heart-lung machines and new drugs to manage genetic diseases such as cystic fibrosis or Huntington's chorea are thus both medically and morally desirable, because they unambiguously promote the fundamental purpose of medicine, which is the relief of suffering. All interventions that are not aimed at this purpose, but that have clearly only been designed to improve people's bodily appearance (e.g. height or eye colour) or to enhance human features that are not essential for species-typical functioning (e.g. drugs to enhance concentration or academic and/or physical performance) are morally dubious. They reek of the morally discredited practice of efforts at 'eugenics', that is, the perverted effort to create some form of 'super' or 'post-human' race. We have, in Nazi Germany (as well as in isolated incidents in other countries since) seen the obscene results of this perverse idea. Medicine is fundamentally practised to promote the principles of non-maleficence and beneficence, that is, the ideals of preventing people from the harms of disease and of promoting their physical and mental well-being. Medicine has no business in exploring the fostering of human capacities that go beyond what is generally accepted as 'normal'. The development of new biomedical and genetic technologies is therefore only morally justifiable if their applications are clearly therapeutic, as opposed to the promotion of any kind of 'eugenics'. (n.p.)

Most of us will be in agreement with the argument as it has so far been stated. It clearly seems unnecessary and perverse to utilise scarce and costly medical resources to pursue conceited and vainglorious ideals such as a perfect body (e.g. in order to become a beauty queen), altered eye colour or two added inches to one's height if one is on the short side. We will all mostly agree about these clear-cut examples. The situation in real life, however, is often considerably more complicated. Let us take, for example, the issue of height that has been mentioned. *Achondroplasia* is better known as the (genetically induced) condition of dwarfism. I quote a few lines from the *Wikipedia* discussion of this condition (Wikipedia n.d.):

> Physical maleffects of malformed bones vary according to the specific disease. Many involve joint pain caused by abnormal bone alignment, or from nerve compression. Early degenerative joint disease [...] and constriction of spinal cord or nerve roots can cause pain and disability. Reduced thoracic size can restrict lung growth and reduce pulmonary function. Some forms of dwarfism are associated with disordered function of other organs, such as the brain or liver, sometimes severely enough to be more of an impairment than the unusual bone growth [...] Mental effects also vary according to the specific underlying syndrome. In most cases of skeletal dysplasia, such as achondroplasia, mental function is not impaired. However, there are syndromes which can affect the cranial structure and growth of the brain, severely impairing mental capacity. Unless the brain is directly affected by the underlying disorder, there is little to no chance of mental impairment that can be attributed to dwarfism. The psychosocial limitations of society may be more disabling than the physical symptoms, especially in childhood and adolescence, but people with dwarfism vary greatly in the degree to which social participation and emotional health are affected. (n.p.)

It is clear that this condition sometimes has dangerous health complications, but not always or necessarily. We are all aware of dwarfs leading relatively normal lives – except for perhaps having to deal with the embarrassment of being stared (or even smiled or laughed) at because of their clearly impaired height (less than four feet 10 inches). If dwarfism could be prenatally diagnosed and prevented by genetic interventions, I would speculate that we would mostly be in favour of it. But suppose the same genetic intervention could also be used to increase the height of someone who is set to grow to a height of five feet, or five feet six inches (still regarded quite short for a man) or five feet 10 inches (for someone who – other than height – has all the potential and skills of becoming a star basketball player)? What must now be regarded as 'normal' or 'abnormal'?

These borderline cases, which provide some of the most difficult challenges to people who cling to the validity of the therapy-eugenics distinction, can also be neatly illustrated with reference to situations of clear-cut medical treatments. Niels Holtug (1998) has provided the following example:

> Jane is infected with HIV. Her immune system is starting to give in and she is about to develop AIDS. Fortunately, there is a new kind of gene therapy available – call it therapy A – that will boost her immune system and bring it back to normal, so that she will in fact never develop AIDS. By performing the therapy, we are *correcting* her (or her immune system). Now consider Helen. She has not yet been infected with HIV, but she is a haemophiliac and, since blood reserves at the hospital have not been screened for HIV, we know it is only a matter of time before she is infected, unless she receives a new kind of gene therapy – call it therapy B – that will make her immune [...] By performing the therapy, we are *enhancing* her (or her immune system) since we are giving her a desirable property that people do not normally (or naturally) have. (p. 211, [e*mphasis in original*])

The point of this case is that here it becomes impossible to maintain the therapy – enhancement (eugenics) distinction. Jane is *cured* from her HIV seropositive status by her new treatment which, as Holtug says, *corrects* her. Helen (or her immune system) is *enhanced*; she does not yet have the disease, and her treatment acts like a vaccination against a disease (HIV) which is threatening her, but which she does not yet have. The question is: Would, with reference to this case, adherents of the moral desirability of insisting on a distinction between treatment and enhancement (eugenics) wish to withhold Helen's drugs from her purely because those drugs are an instance of enhancement and not curing, correction or therapy? The latter possibility would, to my mind, be unthinkable, inhumane and therefore thoroughly immoral.

With reference to this first general problem, my conclusion therefore is that the distinction between therapy and enhancement can, at most, be a general regulative idea, but that we must be aware of many borderline cases where this distinction clearly cannot hold and therefore collapses. The prevalence of vaccinations against all kinds of disease (smallpox, polio, mumps, measles and rubella) over the past century is, in itself, a demonstration of the fact that we do not apply the therapy-enhancement distinction consistently. Vaccinations are not therapies; they are enhancements of the immune system that enable us to avoid disease – not be cured from it. We can and ought to expect that similar phenomena will increasingly enter our moral radar screens in future.

Compromising autonomy versus promoting mastery and perfection

Some of the most vocal concerns about the moral status of genetic technologies have to do with the fact that the alleged ‘enhancements’, which they might bring about, will be the results of interventions at the embryonic level. For example (although it is by no means yet possible and doubtful whether it ever will be possible), an intervention might be found that significantly enhances a future child’s mathematical prowess. Such an enhancement will then be introduced in some version of gene therapy that will be induced into the embryo of the future child. The same goes for possible enhancements of physical skills (e.g. introducing superior muscle tissue or bone constitution). The question is: Would such ‘enhancements’ not constitute a compromise of children’s autonomy to decide for themselves what they would want to do, or which careers they wish to follow when growing up? Would the knowledge, which they have been thus ‘enhanced’, not put them under irresistible pressure to pursue goals set for them by their patents or other people, particularly if these enhancements were only made possible at considerable costs?

The question in this regard is indeed: Who knows best what is to the greatest advantage of an individual belonging to a future generation: the individual him- or herself, or the parents? Do, and ought, parents to have such determinate rights over the future dispositions and choices of their offspring? The phenomenon of elective deafness is a case in point. It sometimes occurs that deaf parents, who claim that the only culture they know is Deaf culture and who refuse to accept that hearing people live in a preferable world, insist that, via the technology’s IVF and PGD, an embryo be selected that, if it develops to term, will be born as a deaf individual. The reason for this, it is claimed, is the parents’ wish to let the child be part and parcel of their (Deaf) ‘culture’ (see Van Niekerk 2013:108–114).

I am sure most readers experience significant moral discomfort with such a prospect. Surely parents ought not to have the right to impinge on children’s autonomy to decide for themselves on such a monumental issue. In addition, of course, the parents’ decision is disingenuous in this case; a hearing child will have the capacity to live and operate in both the hearing culture and the culture of the deaf; it is not true that selecting a deaf embryo is the only way of making the child part of Deaf culture.

That the new biotechnologies might compromise the autonomy of newborns, is an argument forcefully developed by Jürgen Habermas. He (Habermas 2003) claims that one cannot regard oneself as free if one is the product of one’s parents’ genetic engineering:

> [/]nterventions aiming at enhancement […] violate the fundamental equal status of persons as autonomous beings […] insofar as they tie down the person to rejected, but irreversible intentions of third parties, barring him from the spontaneous self-perception of being *the undivided author of his own life*. (p. 63, [*author’s added emphasis*])

As stated above, I do think that, in general, one might be sympathetic to concerns about parents or other people making choices (by means of enhancement technologies) that compromise the eventual autonomy of human beings to decide for themselves what or how they would like to be. At the same time, however, I find Habermas's argument an overstatement of this claim. Note the italicised phrase quoted above. It surely is overstating the case that each human being is, or can ever be, 'the undivided author of his own life'. Our freedom of choice, as has been argued by both existentialists (such as Sartre) and liberal democracy theorists (such as J.S. Mill), is a remarkable aspect of our human experience. Yet, it must be emphasised at the same time that who and what I become, as well as my freedom of choice generally, is the outcome of opportunities that I acquire and experiences that I have, and not the constitution of my genotype. Interventions in my genotype might predispose me more towards certain activities or proclivities, but not more than what will happen as a result of my upbringing or the way in which I am educated. A genetic intervention at the embryonic level might predispose an individual slightly relative to what the case might have been without any intervention (i.e. similarly to the way a brother or sister might differ from an individual), but it does imply that such an individual still has to be born, raised and educated like anyone else and in the process possibly turning out to be somebody entirely different from what the genetic intervention might have had in mind. The influence of environmental factors (parents, teachers, education, experiences, role models etc.) on what we become as persons simply cannot be denied.

A very prominent contribution to the debate in this regard has been made by Michael Sandel, a well known Harvard political philosopher. Sandel is particularly concerned that the phenomenon of biomedical enhancements applied at the embryonic level is indicative of a morally unwarranted 'obsession with mastery and perfection'. In as far as it is directed at the genetic manipulation of children, it is indicative of a refusal to 'accept children as they are, as a gift' that we are not allowed to manipulate in our own or some idealised image (Sandel 2007:80). Because of Sandel's objection to enhancements at the embryonic level, he seems to be opposed to the phenomenon of enhancement technologies *tout court*.

This argument is hardly persuasive. Sandel (2007) is indeed not claiming that, because children must be appreciated 'as gifts or blessings', it implies:

> [*T*]o be passive in the face of illness or disease [...] Nor does the sense of life as a gift mean that parents must shrink from shaping and directing the development of their child. (p. 49)

Apart from an 'accepting love', parents must also have a 'transformative love' for their children (Sandel 2007:50).

At this point, the coherence of his argument breaks down: Firstly, what is fundamentally the difference between 'shaping and directing the development' of children (i.e. educating them) and enhancing them? Secondly, why can't a genetically engineered embryo that is, for example, less prone to certain diseases or set to attain a certain (physical) height in life, not also be a 'gift' that further requires 'shaping and directing'? Are we not, always, influencing and educating our children and thereby doing our best to mould them into a fashion of the desired beings that we inevitably prefer? What is, in principle, the difference between education and enhancement? We resist disease – also genetic disease – with all our might and thereby acknowledging that we do not uncritically 'accept' everything nature bestows on ourselves and our offspring from birth. Does 'the given' that Sandel (2007:81-100) wishes us to accept not inevitably include Huntington's chorea, cystic fibrosis and cancer? Must we 'accept' these conditions?

To enhance ourselves and our children is not to pursue a coherent blueprint for the future. Sandel confers on the practice of enhancement the suspicion that Darwin taught us not to have of evolution and the universe. Evolution is not teleological; there is no 'master plan' for evolution. *Evolution proceeds by incremental steps infused by contingency.* When we enhance, like when natural selection happens in the evolution of species, it does not occur in terms of a 'master plan', but it is the outcome of 'tinkering' in view of concrete, short-term needs for improvement or survival, mostly precipitated by small mutations. Enhancements have in the past and will hopefully in the future proceed in a *piecemeal* manner (Darwin 1971:80–127). There is no teleology that natural selection tries to fulfil. The point of enhancement is *not mastery*, but *improvement*.

I therefore find both Habermas and Sandel's views unpersuasive. A position that creates the impression that one is 'against enhancement' *tout court* lacks credibility; it is analogous to being 'against technology' or 'against globalisation' – attitudes that simply fail to come to grips with inevitable phenomena and trends of our current lifeworld.

Genetic biotechnologies and Africa

Genetics and the technologies associated with 'genetic engineering' are, especially in Africa, a sensitive matter because genetics lies and functions at the foundations of family and ethnicity[24], two of the most powerful forces that determine human attitudes and emotions (Van Niekerk 2014:n.p.). Family in Africa is a central social construct in terms of which human identity is constituted and understood. Race, particularly in Africa, as also in many other parts of the world (Van Niekerk 2014:n.p.), is, by many, believed to be a genetic trait that has often been elevated to the central defining feature of a person's humanity, and is thus one of the most powerful tools for some groups of humans to disempower, discriminate against, humiliate and ultimately dehumanise fellow human beings. Racism is indeed the original form of the 'genetic ghetto' into which, according to Buchanan et al. (2000:326–328), people can sometimes be marginalised because of genetic knowledge and techniques – a ghetto from which the escape is mercifully progressing in our time, although it is far from complete.

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[24] Including race, although the latter term is more related to biology than ethnicity, which normally rather refers to culture. We know today that the notion of 'race', in as far as it is identifiable or usable, has no basis in the genomes of people (Jablonski 2006; Atkin 2012). However, a vast multitude of people nevertheless regard 'race' as determined by genes.

Given the legacy of racism and the manifold of discriminatory perceptions and practices associated with the racist marginalisation of the world's 'people of colour' in the past, genetic science and technologies do indeed hold, for Africans, the threat of the introduction of what Eduardo Rivera-López (2002:11) calls 'a new source of inequality'. If the gains from the new genetic technologies will only become manifest proportionately to the relative wealth of, and therefore predominantly within the confines of the populations of the developed world, these new technologies hold the cumbersome promise of a new source of disadvantage and marginalisation of the peoples of our part of the world where the burdens of misfortune, exploitation, poverty and disease threaten to stultify countries and communities into chronic maladjustment and regression. We therefore ought not to be surprised at widespread suspicions among Africans that genetic research and new emerging genetic technologies are, or could well be, no less than a new form of control over groups of people in the world who are allegedly 'too numerous' and who are of no relevance to market economies (Benatar 1999:172).

Africa has indeed long been the victim of prejudice. Its patent current lack of resources and its, generally speaking, limited input into state-of-the-art scientific research achievements, hold, anew, the threat of a kind of exclusion from the advantages of modern medicine. This might, in time, reinforce the prejudice against the continent – a prejudice which has in recent times, to add insult to injury, been exacerbated by the HIV pandemic (Van Niekerk 2014:n.p.). Harold Nickens has shown quite persuasively what can easily happen the moment genetics starts playing a role when people speculate about the real causes of social inequalities. The Tuskegee syphilis experiment, genetic theories of intelligence, the potential of discrimination in establishing access to health insurance, and the like, are all examples of events that have or could make the science of genomics an instrument of renewed social repression (Nickens 1996:61).

It is exactly because of these dangers that it is of paramount importance that sensible and prudent public policies for the introduction and management of genetic research, technologies and therapies be adopted for countries on the African continent. I agree with Buchanan et al. (2000) when they claim that it is:

> [*U*]nwise to consider the ethics of genetics only at the individual level. What matters is not merely the ethics of the individual scientist, physician or counsellor, but the broader questions of justice, of claims for freedom and for protection from harm, and our obligations towards future generations. (p. 21)

What is therefore important, is the development of a 'public and institutional policy on genetics' (Buchanan et al. 2000:21) that is adopted for the needs of, specifically, the people of Africa.

As is well known, research on the new genetics and its related technologies only occurs on a very limited scale in Africa. Africa is nevertheless a very important source of information for what these technologies might yield in the future. It is equally well known that the African gene pool contains much information about the history of the human species. It is, nevertheless, safe to claim that Africa is not going to figure very prominently in the near future as far as the development of these new technologies is concerned. It is more likely that the technologies might find a wide range of applications that could be of great value to African societies.

Africa is a very poor continent, particularly as far as healthcare resources are concerned. Elsewhere, I have explained the African predicament as follows (Van Niekerk 2014):

> Sub-Saharan Africa generates no more than 1% of the total wealth produced in the world. The buying power of all the countries south of the Sahara, excluding South Africa, in total just about matches that of a country such as Norway. As has often been pointed out, Africa is the home of 15% of the world's population, lives on 1% of the global economy, and carries 70% of the world's HIV/AIDS burden

> (*WHO HIV/AIDS Fact sheet*, 2014). The 2010 Health Expenditure Report indicates that 84% of annual global health expenditure is directed to 18% of the world's population – the so-called 80–20 divide. (n.p.)

It is a fact that the United States spends more than half of all resources spent on healthcare in the world, but this spending is only for the benefit of 5% of the world's population. In 2014, the USA spent more than twice as much per capita on healthcare ($8745) than the average developed country does ($3484) (according to the Peter G. Peterson Foundation [2014]).

This compares extremely badly with the meagre $49 per capita spent in Mozambique in 2014 (*The Guardian* 2014). These figures prove beyond doubt that there is no realistic expectation that new genetic technologies, the development of which is known to be prohibitively expensive, is soon bound to develop in Africa. This has two implications which I have formulated thus elsewhere:

- On the one hand, it holds the danger of perpetuating the gross global inequalities in terms of healthcare provision between Africa and the West – a situation that, of itself, requires increasing moral assessment, as has been done in the work of Solly Benatar and others (cf. Benatar 2001a; 2001b; Benatar, Daar & Singer 2003).
- On the other hand, Africa's limited resources compel us on this continent to be quite selective and discriminate about those technologies that ought to be deemed appropriate for our most urgent needs. Given Africa's resources crisis, ideas about the possibility of all kinds of genetically induced personal enhancements are far removed from the urgent and immediate healthcare realities that policy-makers have to face on a daily basis, given the prohibitive costs that such research or technologies might imply. This particularly applies to the public health sector which, even in a country such as South Africa (a considerably wealthier country than most other African states), caters for more than 80% of the population. While there has been a decisive improvement in membership of medical aid schemes – 2014 figures show that

> 9.7 million South Africans are now members of medical aid schemes in a population of 52.98 million, i.e. 18.4% of the population – this figure is still woefully inadequate (Statistics South Africa: General Household Survey 2014:26–29). It is as yet unclear how these schemes will respond to genetic therapies. There is, consequently, very little scope, in the short to medium term, for exotic genetic technologies to become prevalent in African societies (Van Niekerk 2014:n.p.).

Must we conclude from these facts that genetic medicine is irrelevant for Africa or cannot, in view of the costs, realistically be expected to play an important role in Africa? The latter would indeed be a wrong conclusion. It may, in fact, turn out that new genetic technologies hold the key to the solution of Africa's most pressing healthcare problems. Here I am specifically referring to AIDS, tuberculosis and malaria – by far the biggest current-day killers in Africa and in the rest of the world. With good reason the producer of a DVD on killer animals in the African jungles has recently, as his last shot, shown a swarm of what remain 'the most dangerous animals in the world', viz. mosquitoes, the carriers of malaria. It could well be expected that the 'final solution' for the treatment of these diseases resides in the genetic manipulation of either the micro-organisms, viruses or bacteria that cause these diseases, or the genetic enhancement of people, creating immunity from these infections. If that is ever to happen (and current developments strongly point in the direction of such possibilities), these treatments will turn out to be the equivalent of 'primary care' for these African populations. It is essential that these new therapies be sought and made available to African and other developing populations who suffer severely from these diseases.

Elsewhere I have concluded (Van Niekerk 2014):

> As far as genetic therapies are concerned, it would, in this respect, not be very useful or morally relevant to insist on the therapy/enhancement distinction (discussed above), since a positive outcome of genetic research into the possibility of boosting people's immune systems would be of existential importance to Africans in

> view of the current AIDS pandemic. As already argued, we are no more playing God by altering people genetically so that they have greater immunity than we are when we give them vaccinations. (n.p.)

Moral strategy for developing and implementing new biotechnologies

Up to this point, much has been said about the nature, potential and possible abuse of the new genetic biotechnologies. The question remains as to the moral justification of their development and implementation, particularly in the developing world.

I would, to conclude this chapter, like to suggest a moral strategy that I, following thinkers such as Emmanuel Levinas, Hans Jonas and Zygmunt Bauman, like to call an 'ethics of responsibility'.

In this regard, I wish to argue one simple claim: *The utilisation of the new biomedical technologies is morally in order if executed with the acceptance of maximal responsibility by all concerned*. That raises the question of what 'acceptance of responsibility' means or entails, and it is to this question that I immediately turn.

I have in another earlier article summarised the gist of the approach called 'the ethics of responsibility' (ER)[25] as follows (Van Niekerk 2002):

> To take or accept responsibility means to be able to be held accountable for whatever decisions are taken on the basis of the assumption that reasons can be provided, and that they have been thought through, even though they might be fallible. An ER is an approach where, on the basis of recognition of the moral ambivalences associated with most of the phenomena in the social world, the main task of moral judgement is not deemed consistency within a single paradigm, but the acceptance of responsibility for whatever line of action is recommended. This ethics acknowledges the benefits of a variety of approaches, but also admits the failures

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[25] The most recent comprehensive book on the ER with specific relation to the work of the famous German social theorist, Max Weber, is De Villiers (2018).

> that can be identified in most of these approaches. An ER is a form of ethics that makes people – all people, not only politicians, researchers, captains of industry, healthcare workers or moral philosophers, but also patients and victims of disease – accept responsibility for the world in which we live and which we create by means of science and technology. It is an ethics that no longer allows us to accept the idea that morality is exclusively determined by rules, codes and laws behind which people can comfortably hide when justifying the morality of actions in morally complex situations. It is an ER because it demands that we be accountable for everything that we invent and design in our attempts to construct, apply and evaluate our life ethos – i.e., the value system according to which we live. (pp. 40–41)

Let us elaborate on the two central ideas of the framework called the ER.

The possibility of failure

To refer to responsibility as the most central concept in an approach to moral reasoning requires not only careful reflection on the reasons for moral decisions, but also the willingness and ability to publicly state and defend those reasons. Yet, the ER is not a moral theory that claims infallibility. The provision of additional information when grappling with ethical issues, or even the confrontation with superior moral reasoning – reasoning that is more comprehensive and that more fully takes into account concerns that were not realised initially – could result in the exponent of the ER to change his or her mind, or to come to a different conclusion. At the same time, a decision might have been made in terms of the original reasoning of the adherent of ER. In such a case, the requirement is not an irrational attachment to the original judgement, but the willingness and ability to clearly state the concerns that were originally taken into account. We often find ourselves in situations where moral judgements are urgent, and decisions need to be taken on the basis of such judgements. What is important in the ER is not the assurance that no mistake has (or could have been) made, but the intellectual integrity of putting all one’s cards on the table and, step by step, reconstructing the original argument and decision as well as the considerations in terms of which it might have failed.

ER is therefore an *ethics of fallibility*; at a point, we have to make a decision in order to move forward, but that decision can be wrong and can have dire consequences. Yet, *not taking the decision or preventing some action can have equally disastrous consequences*. We have to accept responsibility for whatever we decide in the end. Certainty cannot be demanded of us in these decision-making situations. What can, however, be demanded, is the full catalogue of our reasons and the arguments supporting those reasons. When thus engaging in an ER, *we have no assurance of correct moral behaviour*, but *we do have assurance of responsible moral behaviour*. The latter is mostly what can realistically be expected from moral agents. (Van Niekerk & Nortjé 2013:29).

Phronesis: The dialectic of norms and applications

This brings us to the second aspect of the framework developed above, viz. the dialectic between appeals to moral norms, on the one hand, and the consideration of consequences, on the other hand, in the functioning of the ER.

One of the things that might lead an adherent of the ER to a different conclusion than the one originally reached, and which thus shows the possible fallibility of the ER approach, is the issue of consequences, particularly also if they are unforeseen. If that can (and indeed often does) happen, the question becomes why the ER as an approach is to be preferred to full-fledged consequentialism, that is, the approach to moral reasoning that claims the best action is the one supported by the positive balance of good over bad consequences.

I find approaches to moral reasoning where the moral relevance of consequences are flatly denied (e.g. Kantianism) as objectionable as approaches which argue that ‘only consequences matter’

(Rachels & Rachels 2010:111–114). These exclusivist approaches fly in the face of some of our most basic moral intuitions.

There is, as far as I am concerned, an approach to moral reasoning that goes a long way in acknowledging the moral force of both rules and consequences, of principles and considerations of utility in our understanding of morality. I refer to the ethics of the Greek thinker, Aristotle, who arguably is the most influential intellectual that ever lived. I am particularly referring to Book six of his famous *Nichomachean Ethics* (Aristotle 1955) where he deals with the 'intellectual virtues' (pp. 203–225 or sections 1138b1b-1145111). What I would like to devote some attention to is his notion of 'prudence' or 'practical wisdom' – these notions are the best English translations of the forceful Greek word *phronesis* that Aristotle explicates in this part of his *Ethics*.

A central difference between the ethical ideas of Aristotle and his great teacher, Plato, is that ethics, for Plato, amounts to a kind of theoretical knowledge (originating from our intellectual contemplation of the 'form of the good' in our 'pre-existence'), whereas ethical knowledge for Aristotle is practical knowledge – knowledge emanating from practical choices we make every day. Ethics thus is not concerned with intellectual insight and approval as it is for Plato, but with concrete, practical life skills. The word he uses by preference for this kind of knowledge is *phronesis* [practical wisdom]. What is important for Aristotle, is not so much to know what the good 'is' (i.e. Plato's concern). What is important, is to know *how to live*, how to act justifiably and responsibly in the practical situations of everyday life where the norms and rules, which we draw on, need to be *applied*. Such situations should influence policy formation rather than serve as rules cast in stone.

Phronesis is practical knowledge of how to live the good life. But the end of *phronesis*, the 'good life', is not a fixed, circumscribed condition about which we are all in agreement such as a painless tooth or a working computer. The good life is, in fact, not necessarily the same for everyone. *Phronesis* is a kind of knowledge of both means and ends. The end that we choose will influence the means we adopt to acquire it, and vice versa. In the words of Comte-Sponville (2001):

> Prudence has something modest or instrumental to it: it is enlisted to serve ends that are not its own and is concerned, for its own part, with the choice of means. (p. 32)

Aristotle does not require us to make a stark choice between a kind of ethics where we only follow rules and act upon fixed principles, on the one hand, or where our only concern is the consequences of our actions. When we act with *phronesis* (or prudence), we cultivate or exercise ourselves in a kind of knowledge where we try to act in accordance with precepts or action guides that we acknowledge, but in such a way that they are prudently applied to the situation in which I find myself and where I must act in a way that I can live with the consequences. That application requires *deliberation* – a rational interchange that moves to and fro between the requirement of the norm and the requirements of the situation.

Richard Bernstein (1986) formulates it as follows:

> [*P*]*hronesis* is a form of reasoning and knowledge that involves a distinctive mediation between the universal and the particular. This mediation is not accomplished by any appeal to technical rules or Method (in the Cartesian sense) or by the subsumption of a pre-given determinate universal to a particular case [...] *phronesis* is a form of reasoning which yields a typical 'ethical know-how' in which both what is universal and what is particular are co-determined. Furthermore, *phronesis* involves a 'peculiar interlacing of being and knowledge, determination through one's own becoming'. It is not to be identified with or confused with the type of 'objective knowledge' that is detached from one's own being and becoming. (p. 99)

Aristotle (1955), himself, makes this clear:

> Prudence is not concerned with universals only; it must also take cognisance of particulars, because it is concerned with conduct, and conduct has its sphere in particular circumstances. (p. 213; 1141b8-27)

This quoted sentence from Aristotle's *Ethics* represents the crux of his insights in this regard. Here we see what he essentially means by moral knowledge. For the sake of reliable moral knowledge, we do draw on the rules and norms that we are taught when becoming educated, but which we also internalise because of our education, religion, conscience and by accepting the conventions of society. But simply to know the rules is far from enough. They need to be responsibly applied in a host of practical situations. How they are to be applied, is far from self-evident. That is something that we learn in the practice of daily life. It does not occur overnight; it takes time. We learn it in many ways. The way that Aristotle particularly emphasises, is *deliberation*.

Deliberation is an argumentative strategy that requires dialogue with ourselves and with others. It implies the careful weighing up of the claim of the norm against the requirement of the situation – bearing in mind, especially, the consequences of what our deeds will have. In this sense, deliberation – the essence of *phronesis* – is a dialectic movement between action guide and the requirements of the practical situation, as well as the possible consequences of the action (Van Niekerk & Nortjé 2013:30).

Although Aristotle did not use the phrase ER, this, to my mind, is the essence of the ER that I developed as the overarching framework for moral argumentation in this article, drawing on work also done elsewhere (Van Niekerk 2002; Van Niekerk & Nortjé 2013). It is the ethics that springs from the application of *phronesis*.

■ Conclusion

In the first section of this chapter, I have given an overview of the range of new biotechnologies, operating mostly at the genetic level, that are actually and potentially starting to infiltrate our lifeworld and radically change our management and control over disease and debility. I have particularly pointed out how the main moral controversy surrounding these new technologies stem from the capability to (also biomedically) enhance the human person that they offer – already, or in the future.

In the second section, I critically discussed two of the main moral controversies provoked by, in particular, these alleged enhancement technologies. The first problem stems from the claim that technologies that cure unmistakeably sick people are morally in order, while those that simply enhance existing, 'normal' capacities run the risk of promoting a eugenic agenda and are therefore morally problematic. While I in general share the sympathies embodied by this concern, I pointed out that the treatment-enhancement dichotomy is difficult to sustain consistently, and that we will have to get used to a number of grey areas that will continue to accompany our reflection and influence our decisions in this regard.

The second problem, particularly provoked by the contributions of Habermas and Sandel, is the question whether the new enhancement technologies compromise children's autonomy and promote an irrational quest for mastery and perfection in society. These thinkers' ideas were explained and submitted to critical scrutiny. The conclusion was, again, that we must be careful to ascribe to these technologies all kinds of sinister consequences that are unjustified, and that we would be wise to carefully compare these technologies to common practices such as education that are not self-evidently morally dubious.

I, then, asked the question about the use and applicability of these technologies to the African continent. It is clear that Africa will not in the near (or probably distant) future be the origin of such technologies. The development of these technologies also seems to have the potential of exacerbating the existing inequalities between developed and developing worlds. At the same time, some of these technologies might hold the key to the effective management of Africa's severest health hazards such as HIV, malaria and tuberculosis. It therefore is imperative to keep Africa in the loop as far as the development and applications of these technologies are concerned.

In the last section of the chapter, I dealt with the development of a moral approach that offers the best guidance for reflection on the moral status of these technologies and their implementation. The key concept in this regard is *responsibility*. Only by fully accepting responsibility for what is done, will the development and implementation of these new techniques and therapies yield the efficacious outcome that they promise future generations. To be responsible means to be able and willing to always provide well-argued reasons for every action, but also to acknowledge the possibility of, and to take responsibility for, failure.

Very few things in life are inherently good or evil; the same applies to the new genetic biotechnologies. Their value and their moral acceptability will always depend on the good that they can achieve and the suffering they can avoid. Decisions in this regard will have to be made on a case by case basis, and will only succeed moral scrutiny if those decisions are couched in the sustained acceptance and execution of the sense of responsibility that is the hallmark of our species.

PART 3

Media ethics

Chapter 3

Afrocentric journalism for Pan-Africanism and the African Renaissance: An ethical imperative

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Introduction

In his book, *The Founders: The Origins of the ANC and the Struggle for Democracy in South Africa*, André Odendaal (2012:5) observes that '[d]uring the era of European expansion, the world came to be *defined in the image of the Europeans* [author's added emphasis]'. The period Odendaal refers to is that of the colonisation of countries outside Europe by Europeans.

How to cite: Sesanti, S., 2018, 'Afrocentric journalism for Pan-Africanism and the African Renaissance: An ethical imperative', in C. Jones (ed.), *Justice-based ethics: Challenging South African perspectives*, pp. 63–86, AOSIS, Cape Town. https://doi.org/10.4102/aosis.2018.BK77.03

However, even with formal decolonisation, the impact of European colonialism lingered on. European colonialism has proven to be resilient because '[w]herever Europe went in the globe, it planted its memory' (Wa Thiong'o 2005:157). Europe accomplished this 'by imposing European languages on the conquered' (Wa Thiong'o 2005:158). The ultimate objective of imposing European languages was raising them to the level 'of an ideal whose achievement was the pinnacle of Enlightenment' (Wa Thiong'o 2005:158). Because languages are not merely communicating tools, but carriers and memory banks of cultures, the elevation of European languages also meant not only the marginalisation of African languages, but also the displacement of Africans' memory and its replacement with European memory (Wa Thiong'o 2005:158). It is for this reason that in 2012, Odendaal (2012:4), significantly and correctly observes that '[t]oday the entire global system of politics and economics has been shaped by Europeans and their descendants'.

The act of destroying others' cultures and centering Europe by making this continent the sole reference point in every aspect of life, whether academically, politically, socially, economically and culturally is called Eurocentrism (Wa Thiong'o 1986:93). It is as a result of Eurocentrism that, in the words of Odendaal (2012:n.p.), 'the world came to be *defined in the image of the Europeans* [author's added emphasis]'. The media played a critical and unethical role in advancing the project of Eurocentrism instead of, as it should, allowing all cultural expressions to represent themselves. Mbennah, Hooyberg and Mersham (1998) note that:

> [*T*]he mass media were [...] misused to create a wrong and negative image of the African continent and its people. During colonial times the mass media were used to foster loyalty to and conformity with the colonial system and to counter anti-colonial elements. To this end, the media were willing partners of the colonial governments in their sustained negative campaign of presenting Africans as being culturally and mentally inferior. (p. 35)

In recognition of, and in order to counter this inferiorisation, Africans – those in the continent as well as those in the diaspora – convened together, on the 23rd, 24th and 25th July, 1900, in London, at a Pan-African Conference (PAC) initiated by a Trinidadian lawyer, Sylvester Henry Williams (Sherwood 2011:72). The conference was the initiative of the African Association (AA) which was formed in 1897 by Williams in London, and later renamed as Pan-African Association (PAA) after the conference (Sherwood 2011:13, 91). The AA intended to, among its aims and objectives, encourage a feeling of unity to facilitate friendly intercourse among Africans in general. It sought to make representations in cases of oppression affecting Africans 'wherever found' (Sherwood 2011:50). Thus, the AA 'became the first organisation that took "its initiative from and is composed entirely of members of African descent"' (Sherwood 2011:58):

> That Williams managed to form an association of Black people from around the world was unprecedented. That it had begun to take action on issues affecting Black peoples in many parts of the world was a stupendous achievement. (p. 62)

Just as the colonialists saw the effectiveness of the media in disseminating their messages, Africans saw the need to set up their own newspapers to advance their cause. In this regard, the PAA established its own journal called the *Pan-African* in 1901 (Sherwood 2011:120). The *Pan-African* sought to 'fearlessly and impartially' report on welfare and progress of the African people (Sherwood 2011:129). The aims and objectives of the PAA were a manifestation of Pan-Africanism.

Among many definitions, Pan-Africanism refers to the unity of Africans throughout the world in a quest to free themselves from all forms of foreign domination, including slavery, imperialism, colonialism and neo-colonialism (Asante 2015:235; Prah 1998:1). Available literature suggests that the concept 'Pan-African' was used for the first time in 1893 at the Chicago Congress on Africa and is thus seen as the 'beginning of Pan-Africanism as a movement' (Adi & Sherwood 2003:xi). Subsequent to the PAC held in London, there were five Pan-African Congresses held that preceded the gaining of independence by African countries from

1957 onwards (Asante 2015:237–241). Under the leadership of W.E.B. du Bois these were held in Paris (1919), London, Brussels and Paris (1921), London and Lisbon (1923), New York (1927) and Manchester (1945) (Asante 2015:237–241). After the independence of African countries, the 6th Congress was held in Tanzania (1974), the 7th in Uganda (1994) and the 8th in South Africa (Abdul-Raheem 1996:8; Prah 2014:71). The ideology of Pan-Africanism is not simply about *opposing* oppression, but also about *proposing* alternatives. In recognising that their oppression *de-Africanised* and *dehumanised* them, Africans sought to *re-Africanise* and *re-humanise* themselves. This quest is called the African Renaissance - a commitment to African 'rebirth' and 'renewal'.

Available literature suggests that the first person to speak about the African Renaissance was the American-born Pan-Africanist, Martin Robinson Delany, in 1858, when he spoke about the 'moral, social and political elevation of ourselves and the *regeneration* [author's added emphasis] of Africa' (Sherwood 2003:36). He was followed by a South African Pan-Africanist, Pixley kaIsaka Seme, then a 25-year-old student at Columbia University, who wrote an essay that won the first prize of the Curtis Medal Orations at Columbia University, entitled 'The Regeneration of Africa' (Kumalo 2015:191; Obeng 1997:136). Then came Nnamdi Azikiwe who penned *Renascent Africa* in 1937 (Maloka 1999:30). The three were then followed by the Senegalese Pan-Africanist, Cheikh Anta Diop who, on the basis of available literature, is credited with being the first person to use the concept 'African Renaissance' in 1948 when he penned the article 'When can we talk of an African Renaissance?'. Against this background, it is not an empty assumption to argue that the African Renaissance is a Pan-Africanist project. Saying so is not the same as saying that every African Renaissance advocate is a Pan-Africanist, or that every Pan-Africanist is an adherent of the African Renaissance.

If the African Renaissance project were to be successful, Diop (1996:35) argued that the 'development of our indigenous languages is the prerequisite for a real African Renaissance'. Equally, Diop (1987:8) argued that linguistic unity is a necessary unity without which 'national cultural unity is fragile and illusory'. Diop (1987:12) argued strongly that linguistic unity based on foreign languages is tantamount to 'cultural abortion' that would irremediably result in the death of Africans' authentic culture, ultimately reducing Africans to 'perpetual copycats, having missed out on our historical mission in the world' (Diop 1987):

> [*The*] influence of language is so great that the various European mother countries feel they can afford to withdraw politically from Africa without great loss as long as their (linguistic) presence remains in the economic, spiritual and cultural spheres. (p. 13)

Recognising the central role of writers in the preservation and development of languages, Wa Thiong'o (1986) took the argument further by pointing out that:

> [*W*]riting in our languages per se - although a necessary first step in the correct direction – will not itself bring about the renaissance in African cultures if that literature does not carry the content of our people's anti-imperialist struggles to liberate their productive forces from foreign control. (p. 29)

Below I am going to demonstrate that a number of African journalists in South Africa have historically sought to publish newspapers dedicated to Pan-Africanism and the African Renaissance in African languages. In doing so, they waged their struggles on the basis of African history and culture. The examination of African issues on the basis of African history and culture is called Afrocentricity (Karenga 2003:77). It is a direct challenge to Eurocentrism but not the other side of the same coin in that while Eurocentrism advocates the cultural superiority of European values, Afrocentricity advocates multi-culturalism (Karenga 2003:75). Afrocentricity is ethical in its advancement of equality and freedom while Eurocentrism is unethical in its advancement of inequality and oppression. I begin by giving a brief outline of the concrete expressions of Pan-Africanism in Africa's liberation struggles, their successes and failures. Thereafter, I trace how South African newspapers made a contribution to these struggles. In the concluding remarks it is pointed out that the objectives of Pan-Africanism and the African Renaissance are far from being accomplished, and therefore it is argued that Afrocentric journalism, in aid of Pan-Africanism and the African Renaissance, is an ethical imperative.

Concrete expressions of Pan-Africanism: Successes and failures

In 1957, Ghana, under the leadership of its first post-colonial head of state, Kwame Nkrumah, became the first African state to achieve independence. From day one of Ghana's independence, Nkrumah (2017:155) declared that 'the independence of Ghana is meaningless unless it is linked up with the total liberation of the African continent'. Through Pan-Africanism (also to be referred to as 'African Unity', interchangeably) Nkrumah hoped that African countries would constitute a United States of Africa that would strive not only for political independence, but also economic liberation (Davidson 2007:41–42).

Africans' newly regained freedom inspired high hopes and promised liberating freedoms (Davidson 1992:8). But it was not long before these high hopes were reduced to despair as brutal African dictatorial governments took over and usurped Africans' newly found freedoms (Davidson 1992:9). Ordinary Africans' morale was deflated when their leaders acquired wealth by corrupt means, and as if that was not bad enough, became ostentatious about it (Davidson 2007:179–180). Leaders' worth was no longer measured by commitment to the improvement of ordinary people's lives but by the size of the leaders' cars and houses (Davidson 2007:136).

The scramble for scarce resources, however, did not only take place among the African elites, but also among the ordinary African masses. Just as the African elites felt it was their turn to enjoy benefits previously enjoyed by the ruling European elites, Africans in different African countries turned on fellow Africans of different geographical origins. At the Ivory Coast, Dahoman and Voltaic traders found themselves at the receiving end of Ivory Coast's locals. These 'foreigners' were called on to leave, their shops were burnt, and street stalls wrecked with the government of the Ivory Coast commanding them to go, so as to satisfy their nationals (Fanon 2001:125). In 1983, in what Prah (2006:32) refers to as possibly the greatest expulsion in living memory, Nigeria expelled large numbers of fellow Africans, especially Ghanaians, from its soil. However, Prah (2006:32) reminds us that 14 years earlier, the Ghanaians did the same thing in 1969 when they expelled thousands of Nigerians and other West Africans, many of whom had been born in Ghana and therefore knew no other home. After the 1994 South African democratic elections that saw Africans coming into power, followed by a history of a long liberation struggle supported by Africans from countries outside South Africa, some black South Africans violently attacked fellow Africans and, in some cases, killed them by setting them alight after pouring petrol over their bodies (Prah 2006:38).

In the face of such African disintegration - a direct opposite of Pan-Africanism's quest for African integration - Fanon (2001:128–129) appropriately refers to passionate calls for 'African unity' as that 'vague formula' which enables advocates of colonialism to 'laugh to themselves derisively when they hear magnificent declarations about African unity'. Taking into consideration this African self-destruction, Fanon (2001) further observes that it makes sense:

> [*W*]hy keen-witted international observers have hardly taken seriously the great flights of oratory about African unity, for it is true that there are so many cracks in that unity visible to the naked eye that it is only reasonable to insist that all these contradictions ought to be resolved before the day of unity can come. (p. 131)

Fanon fervently believed that Pan-Africanism required something much more concrete, something very 'distinct from the hollow sloganising of much of the nationalist movement on the continent' (Zeilig 2016:119).

There are various factors that have undermined the development of Pan-Africanism and the African Renaissance. One of them is the failure of African leaders to recognise the need for linguistic unity, which Diop (1987) has identified as a prerequisite for both Pan-Africanism and the African Renaissance. In addition to their own ethnic African languages, Africans are set apart from one another by European languages such as English, French, Portuguese and others. Calls for a continental language that would facilitate a connection and understanding among Africans throughout the African continent have so far remained just that – calls (Diop 1987:11). Be that as it may, history has, happily, recorded that some African intellectuals and journalists have appreciated the importance of promoting African unity through African languages. Pointing this out is not the same as saying that their journalism was the first in employing African languages. There were Christian missionary newspapers before them. The difference is that in the case of Christian missionary newspapers, the agenda, as will be pointed out below, was to advance Christian missionary work, while African journalists' work was to advance the liberation struggle's objectives.

The journalists, John Tengo Jabavu, Solomon Tshekiso Plaatje and Pixley ka Isaka Seme, whose works are to be examined below, had links with Pan-African movements and activists outside South Africa.

■ *Imvo zabantsudu* [native opinion]: A pioneer in African political journalism

Imvo Zabantsundu was established by John Tengo Jabavu in 1884 in King William's Town and was published in isiXhosa and English (Molema 2012:39, 54). While Jabavu did not attend the PAC organised by Williams in 1900, in 1899 he did attend a meeting of the African Association that was organising the PAC

(Sherwood 2011:248). His name appears as one of South Africans consulted about the idea and whose support was secured (Sherwood 2011:71). Jabavu's name also appears as one of the PAA's committee members (Sherwood 2011:121, 128). When Williams went to South Africa in 1903, *Imvo* welcomed and gave coverage to his activities (Sherwood 2011:143,155).

Imvo was not the first newspaper to be published in an African language, isiXhosa, in particular. There were other newspapers before it such as *Umshumayeli Wendaba* (1837), *Ikwezi* (1844), *Indaba* (1862) and *Isigidimi Sama Xhosa* (1876) (Diederichs & De Beer 1998:90). What distinguished *Imvo* from its predecessors was that *Imvo* was owned by an African, Jabavu, while others were owned by white missionaries. The ownership of newspapers by white missionaries had serious implications for African interests and welfare. In an act that showed common interests between the British colonialists and Christian missionaries, *Isigidimi* refused to publish an article by Jonas Ntsiko, the rejection based on the logic that the article 'attacked British rule in South Africa' (Odendaal 2012:102).

It is important to note that before Jabavu founded *Imvo*, he was first the editor of *Isigidimi* (Odendaal 2012:102). While, initially, Jabavu was relatively free to articulate his views in *Isigidimi*, 'after complaints from whites about *Isigidimi*'s "political tendency"', Jabavu was cautioned to be 'more moderate' (Odendaal 2012:103). Confronted with the option of succumbing to his bosses' pressure, or taking the exit route, Jabavu decided to resign his editorship, three months ahead of his contract's expiry date (Odendaal 2012:103). His action responded to an expressed need by Africans to have a platform that was free from 'foreigners' control, and a view that the 'missionary-controlled *Isigidimi* no longer satisfied their needs' (Odendaal 2012:102).

A newspaper 'read and loved by all the Africans', *Imvo* informed its readership not only about what was taking place in South Africa but kept them abreast about international affairs

(Molema 2012:39). It responded to Africans' quest for Pan-Africanism in that in a short space of time (Odendaal 2012):

> [*T*]he new newspaper brought together the fragmented pattern of African politics in the Eastern Cape into a much more cohesive whole. As well as adding to the confidence and effectiveness of the emerging elite, it became *a potent unifying force among Africans* [...] *Imvo* enabled Africans to express their point of view for the first time and exposed missionary interests as divergent from those of Africans in a way *Indaba*, *Isigidimi* and other newspapers could never have done. (pp. 106–107, [*author's added emphasis*])

One of the people who were highly inspired by *Imvo* and Jabavu was Solomon Tshekiso Plaatje, who was later to become an editor of newspapers in his own right – an issue to which will be returned to later. Plaatje did not only have an emotional and long-distance relationship with *Imvo* and its editor, Jabavu. Driven by the 'high esteem in which he held Jabavu, [and] because of their friendship, and because of his great desire to contribute to the advancement of Africans', Plaatje took the job of acting editor of *Imvo* late in 1911, while Jabavu was in Europe (Molema 2012:52). This was a huge sacrifice for a number of reasons. Firstly, Plaatje was not paid for this job; secondly, he had to travel long distances between Kimberley and King William's Town to perform this task; and thirdly, while editing *Imvo* he was struggling to keep his own newspaper, *Tsala ea Becoana* alive (Molema 2012:52). In spite of these difficulties 'Plaatje edited *Imvo* so well that Jabavu was very happy indeed on his return from England and published a short tribute, thanking Sol Plaatje for his outstanding work' (Molema 2012:52).

However, the sweet relationship between Jabavu and Plaatje soon turned sour due to their political differences. It needs to be recalled at this point that the establishment of *Imvo* was with financial assistance from some white liberals, namely James Weir and R.W. Rose-Innes (Ndletyana 2008:35). The support for Jabavu was reciprocated by his support for his benefactors' political interests (Ndletyana 2008:35). When the racist South African government introduced the *Land Act* of 1913, which effectively dispossessed Africans of their land, Jabavu supported it and claimed that he had the support in this of fellow Africans (Plaatje 2007:163). Jabavu's position drew Plaatje's ire. He dismissed *Imvo* as a 'paper [...] native only in language' and further remarking that 'God forbid that we should ever find that our mind had become the property of someone other than ourselves'. The implication here was that Jabavu and his newspaper had become white people's mouthpieces. Plaatje (2007:165) further called Jabavu to a public meeting in King William's Town in order to prove the African people's support he claimed – a challenge Jabavu refused to rise up to. But what was Plaatje's own independent contribution to African journalism?

Solomom Tshekiso Plaatje's journalism: *Koranta ea Becoana*

Koranta ea Becoana, a newspaper published in SeTswana and English and founded by Silas Theleso Molema who requested Plaatje to become its editor, came into being in 1901 (Molema 2012:xii,38; Wilan 1984:99). Plaatje was the first General Secretary of the South SANNC, later to become the African's National Congress (ANC) (Wilan 1984:vi). Like Jabuvu, Plaatje had links with Pan-Africanist movements abroad. While touring the United States in the 1920s, Plaatje shared a platform, at least twice, with the UNIA's leader, Marcus Garvey (Wilan 1984:266–267). His activities in the USA were reported in UNIA's newspaper, the *Negro World* (Wilan 1984:266–267). Plaatje also met Du Bois in 1921 who invited the former to attend the 1921 Pan-African Congress (Wilan 1984:271). Unable to make it due to financial constraints, Plaatje's letter of support was read at the Paris Pan-African Congress by Du Bois himself (Wilan 1984:271, 273).

Imvo served as an inspiration in the birth of *Koranta ea Becoana.* In establishing the newspaper, it was hoped that *Koranta ea Becoana* (Molema 2012):

> [*C*]ould do for the BaTswana what *Imvo* was doing for the amaXhosa and amaFengu in King William's Town, East London, Queenstown,

> Grahamstown, Port Elizabeth and the Transkei. They hoped that the little ray of light cast by this paper might also do the same for Lesotho. (p. 39)

Plaatje was deeply concerned that BaTswana children sent to school looked down upon their own language and seemed to think that 'education only means eloquence in a foreign language' (Molema 2012):

> They look down upon their own culture and feel ashamed of their own language, SeTswana […] Batswana, my people, we are lost. We are a community of slaves and imitators without a backbone or grounding in our cultural heritage. Can we be really anything in the world if we do not know our identity? How can other nations respect us? (p. 105)

Plaatje feared that if the BaTswana lost their language, which embodied the African philosophy, *botho* (*ubuntu* or African Humanism), they would look like 'aimless vagrants picking up the crumbs left by foreigners' (Molema 2012:105).

As the editor of *Koranta ea Becoana*, Plaatje dedicated his newspaper to 'the amelioration of the Native' (Wilan 1984:108). In a demonstration of African pride, as soon as he assumed his role of editorship, he was assisted by a permanent staff (Wilan 1984):

> [*A*]ll of them Africans; no whites, to the surprise of many who found it difficult to believe that the newspaper could be run without white assistance, were ever involved in running it. (p. 108)

While Plaatje, through his newspaper, struggled against a powerful white government, the resources at his disposal were thin. Consequently, due to financial constraints, the newspaper *Koranta ea Becoana* folded in 1909 (Molema 2012:49).

In an act of resilience, Plaatje established yet another newspaper, *Tsala ea Becoana*, which was published in SeTswana, isiXhosa and English (Molema 2012:49, 57). The newspaper advanced a call 'encouraging Africans to unite' to fight against laws that discriminated against Africans (Molema 2012:56). However, Plaatje's opposition to discrimination was not confined to 'race', but also extended to gender. When in 1902, Africans convened an African Native Convention in Queenstown but barred women's participation, singling out Charlotte Maxeke (about whom much more will be said later), Plaatje argued in the *Koranta ea Becoana* (Molema 2012) that the:

> [*C*]onvention would surely have benefited by the experience of one, who though a woman, is not only their [*men*] intellectual superior, but is besides leading an adventurous life among the heathens of Zoutpansbergen, while they [*men*] demonstrate their manliness by leisurely enjoying the sea breezes at the coast. (p. 93)

Plaatje was irked that (Molema 2012):

> Out of a gathering of 40 robust men not one could boast of even a Kaffrarian degree, while Miss Charlotte Maxeke who was refused admittance on account of her sex is, besides other attainments a BA and BSc of an American University, and in a report covering more than nine columns of the *Izwi*, hers was the smartest and most sensible little speech. (p. 92)

In case the above was not clear, Plaatje, putting the liberation struggle into context, pointed out that 'just as strongly as we object to the line of demarcation being drawn on the basis of a person's colour, so we abhor disqualification founded on a person's sex' (Molema 2012:93). As early as 1902, Plaatje, through his journalism, eloquently emphasised the inseparability of the fight for non-racialism and non-sexism, an idea that was resisted by many in the liberation movement.

Plaatje's empathy for and commitment to women's liberation was consistent and not fashionable. In his classic text, *Native life in South Africa*, he pays an eloquent yet poignant tribute to the then Orange Free State province women, who, in 1913 marched against the South African government's pass laws that restricted African movements in the country. The women marched to the government's offices, handed over their passes and declared that they were no longer prepared to carry them, whereupon they were arrested and subjected to humiliating and torturous conditions in different prisons in the Free State (Plaatje 2007:96). When Plaatje (2007), visited the women:

> [*A*] severe shock burst upon us, inside the prison walls, when the matron withdrew the barriers and the emaciated figures of ladies

> and young girls of our acquaintance filed out and greeted us. It was an exceptionally cold week, and our hearts bled to see young women of Bloemfontein, who had spent all their lives in the capital and never knew what it was to walk without socks, walking the chilly cemented floors and the cold and the sharp pebbles without boots. Their own boots and shoes had been taken off, they told us, and they were, throughout the winter, forced to perform hard labour barefooted [...] Tears rolled down our cheeks as we saw the cracks on their bare feet, the swellings and chronic chilblains, which made them look like sheep suffering from foot-and-mouth disease. (p. 96)

Despite the horrifying conditions these African women were subjected to, when given the option of a fine instead of serving time in prison (Plaatje 2007):

> They all refused to pay the fines and said their little ones could be entrusted to the care of providence till their mothers and sisters have broken the shackles of oppression by means of passive resistance. (p. 95)

Plaatje's recording of this event is significant for two reasons. The first is that there is little known and said about the 1913 Women's March. The famous one, being the 1956 Women's March is celebrated as an official public holiday on 9 August in South Africa. The second reason is that many in South Africa think that the decision to refuse to pay fines and accept imprisonment was unprecedented when the PAC, led by its president, Mangaliso Robert Sobukwe, took this stance in the 1960 Anti-Pass Campaign March. In journalising this historical occasion and exposing the great historical contribution made by women, Plaatje's journalism was Afrocentric.

Despite Plaatje's courageous efforts to fly the flag of *Tsala ea Becoana*, due to financial constraints, the newspaper folded in 1912 (Molema 2012:49). In the same year he launched another, *Tsala ea Batho*, which struggled along until its publication ceased in 1917 (Molema 2012:49, 59). Now we turn to another newspaper, *Abantu-Batho* that also played a courageous role in the struggle for Pan-Africanism and the African Renaissance.

Abantu-Batho

The *Abantu-Batho* newspaper was founded in 1912. It was the brainchild of Pixley ka Isaka Seme, the man who was also the brains behind the founding of the SANN, also founded in 1912, and later renamed as the ANC (Saunders 2012:117). The fact that Seme was behind the founding of both entities is no coincidence. The newspaper was meant to serve as the mouthpiece of the ANC in its struggle to liberate Africans from being subjected to white domination by white colonialists 'in the land of their birth' (Saunders 2012:120). While it is an established fact that Seme founded *Abantu-Batho*, it is not clear whether the newspaper was, from its inception, an official organ of the ANC (Limb 2012a:7, 6, 19). What is doubtless is that it was informed by the ANC's quest for African unity and nation-building (Limb 2012a:4). It is on this basis that one can argue that *Abantu-Batho* supported Pan-Africanism. Equally, taking into cognisance Limb's (2012a:4) observation that *Abantu-Batho* played a role in seeking to 'recapture African dignity lost under colonialism', it can be safely said that the newspaper played an important role in the quest for an African Renaissance.

The African Renaissance project found expression in *Abantu-Batho* in the act of reinserting into discourses African notion of politics (as around chiefs), and new hybrids of African and Western politics (such as Congress itself, 'a very *African* [emphasis in original] version of a parliament') (Limb 2012a:14). Reclamation of space for a distinct African identity can also be seen in the fact that '*Abantu-Batho* was a weapon that allowed engagement more on African terms and much more so than in deputations or the white press' (Limb 2012a:14). In fact, as Limb (2012c:325) points out, 'unlike those black editors who threw in their lot with the white establishment, its own editors were not cowed'. This observation is quite important because it underlines the fact that not all black-skinned or African journalists supported the African liberation struggles. Some black-skinned African journalists supported efforts that were antithetical to the liberation struggle.

It is for this reason that *Abantu-Batho*'s journalism has been dubbed 'committed reporting' (Limb 2012b:85), that is, because not only did the newspaper report labour strikes in the years 1916 and 1917, but it also supported the workers' strikes and protests, such that, as Limb (2012b:85) observes, 'with editors active, it [could] be hard to tell reportage from intervention'. Significantly, in urging the workers to fight on, *Abantu-Batho* invoked African proverbs such as 'a baby that never cries shall die on its mother's back' (Limb 2012b:86). When, in 1918, *Abantu-Batho*'s editors continued to strongly identify themselves with the workers' strike, they were arrested (Limb 2012b:86). If the editors' arrest for supporting the workers' right to dignity was a high price to pay by *Abantu-Batho*, as it will be shown later, there was yet a higher price to pay. For now we are discussing more the newspaper's role in advancing the African Renaissance project.

In order to fully appreciate *Abantu-Batho*'s role in advancing the African Renaissance project, attention must be drawn to the newspaper's choice of languages as its medium. These were Xhosa, Zulu, SeTswana, SeSotho and English (Limb 2012a:4). The four African languages cited were, then, and continue to be widely spoken languages in South Africa. It is not just the fact that the newspaper published in African languages that identifies *Abantu-Batho* as a Pan-African and pro-African Renaissance newspaper, but the fact that, as Limb (2012a:13) notes, there was 'a sort of hierarchy of languages in *Abantu-Batho'*. In this hierarchy, African languages were prioritised and 'English tended to be relegated to the middle pages' (Limb 2012a:13). What this means is that the objective of European colonialism to valorise Europeans and their languages, and to vilify Africans and their languages, in order for Europeans to feel superior and Africans to feel inferior, was turned on its head. In this way *Abantu-Batho* waged a significant 'cultural resistance' struggle (Limb 2012a:13).

A newspaper that came close to achieving what *Abantu-Batho* did in terms of using a number of African languages and advancing Pan-Africanist objectives seems to be *Umlomo wa*

Bantu-Molomo oa Batho (Mouthpiece of the People), founded by Thomas Mvabaza, in 1910, two years before *Abantu-Batho*, and published in Xhosa, SeSotho and English (Limb 2012a:11; Lowe 2012:187) with Lowe conjecturing the possibility of having published it also in Zulu. While *Abantu-Batho* had a national and cross-border reach, there is uncertainty about whether or not *Umlomo wa Bantu-Molomo oa Batho* reached beyond Johannesburg. With regards to its Pan-Africanist quest, *Umlomo wa Bantu-Molomo oa Batho* had, as its policy, the 'unifying of all African tribes into one people, and further to improve and expedite the education of the African children' (Limb 2012a:11).

Another significant Pan-Africanist dimension of *Abantu-Batho* is revealed by the fact that Swaziland's Queen Regent, Labotsibeni Mdluli, known to be 'sympathetic to black unity', provided substantial finance for its launch. Mkhonza (2012:135–136), however, argues that Labotsibeni was more than sympathetic to the cause of Pan-Africanism. She (Mkhonza 2012:135–136) further points out that viewing Labotsibeni as a Pan-Africanist 'is not a far-fetched idea', her logic being that the reaction of Africans to the Union of South Africa, established in 1910, which deprived Africans of their citizenship to South Africa, by denying them the right to vote, the creation of the ANC and the founding of *Abantu-Batho*, 'need to be seen as issues that Labotsibeni supported as a Pan-Africanist who saw the organisation of Africans as an essential part of forging unity'. The relationship between Seme and Labotsibeni was mutually beneficial in that *Abantu-Batho* 'placed Swaziland issues in the centre of discussions on Southern Africa'.

In order to fully appreciate the mission of *Abantu-Batho*, it is essential to understand what the man himself, Seme, and his organisation, the ANC stood for. Seme studied in the United States of America (USA) where the struggle of the African Americans inspired and influenced him to embrace Pan-Africanism (Saunders 2012:118). Black South Africans viewed African Americans as their 'role models', and were fascinated by self-help projects advanced by the likes of Booker T. Washington, and the thinking of the likes of W.E.B. du Bois and Marcus Garvey among many others. As Vinson (2012) notes, many black South Africans:

> [*G*]limpsed their modern futures not in the faces of Europeans, but in the faces of American Negroes. The pathway towards modernity was through African America, not a white Europe that wanted Africans to remain an unchanging, rural-based migrant labour force yoked to a segregationist system designed to procure cheap labour. (p. 283)

On his return from the USA, Seme began to advocate for the formation of a national organisation that would rally Africans as one African nation and not as ethnic groups such as baSotho, vhaVenda, amaXhosa, et cetera (Ngqulunga 2017:1; Saunders 2012:119). In line with the objectives of the ANC, Saunders (2012) explains that:

> Seme wanted to found a national newspaper that would help Africans move away from their ethnic and local identities and see themselves as Africans first and would promote unity among them. (p. 120)

In this respect, *Abantu-Batho* rose to the occasion. It 'broke down ethnic barriers' and 'articulated [...] African unity' (Limb 2012b:325).

Among many African American leaders, Garvey and his organisation, the Universal Negro Improvement Association (UNIA) seems to have had a major appeal and influence on *Abantu-Batho*. The UNIA's first international convention was held in 1920 (Sherwood 2003:78). Among the convention's declarations was the 'inherent right of the Negro to possess himself of Africa' (Sherwood 2003:78). In plain language this affirmed the call of 'Africa for Africans'. Another declaration was that the 'culmination of all the efforts of the UNIA must end in a Negro independent nation of Africa' to which all Africans in the diaspora who wished to return could do so. Similar to the ANC, the UNIA established its own newspaper, the *Negro World* (Sherwood 2003:77). The *Negro World* 'constantly challenged entrenched notions of white superiority and advocated self-determination for blacks. The paper's anti-colonial message was loud and clear' (Sherwood 2003:77).

The *Negro World* had correspondents from the Caribbean and Africa and circulated in countries such as Kenya, Nyasaland (Malawi), Uganda and South Africa (Sherwood 2003:77, 79). Garvey himself held strong views about the African condition in South Africa, declaring that the country was 'the worst spot in the world for Negroes' (Vinson 2012:285). The *Negro World* carried strong editorials and analyses, advocating for the decolonisation of the African continent, Pan-Africanism and socio-economic upliftment (Vinson 2012:284). Not only did the *Negro World* speak on behalf of Africans, but also gave them a platform to speak for themselves by re-printing articles from South African newspapers such *Abantu-Batho* and the *African World* (Vinson 2012:293). In turn, not only did *Abantu-Batho* carry favourable reports on the UNIA, but the newspaper also adopted the organisation's 'Africa for Africans' slogan and accepted Garvey's title of provisional president for Africa (Vinson 2012:287). When Garvey was arrested and convicted for fraud in 1923, *Abantu-Batho* protested against his incarceration (Vinson 2012:290–291).

If the test of Afrocentric journalism is the ability of African journalists to record African history, *Abantu-Batho* passed the test with flying colours. This is so with particular reference to recording not just African people's struggles against in general, but particularly African women's struggles against white South Africa's injustices. It is noteworthy that Limb (2012b:89) points out that '*Abantu-Batho*'s reporting of women workers and the formation of the NLBW illustrates editors relatively *progressive* [author's added emphasis] views on gender and class'. Not only did *Abantu-Batho* accord growing space to women, but it also found it significant to report on the drawing up of the NLBW's constitution and 'listed a dozen delegates, *ignored by historians*' (Limb 2012b:90, [*author's added emphasis*]). By reporting on such an important point, *ignored by historians*, and considering, in addition, that '*Abantu-Batho* is one of the few remaining sources to reveal the NLBW's hidden history' (Limb 2012b:90), *Abantu-Batho* serves as a shining example of Afrocentric journalism.

Reference to *Abantu-Batho*'s support for women as 'progressive' merits comment. That is so because male leaders in the ANC in its early years discouraged political activities by women. In fact the ANC refused membership to women until 31 years after its formation (Gasa 2007:145). But in direct opposition to the ANC's position, *Abantu-Batho* supported the formation of the NLBW under the presidency of Charlotte Maxeke, and the decision to take independent action against the pass laws, which was criticised by the ANC president, Sefako Mapogo Makgatho, in particular (Limb 2012b:90). *Abantu-Batho*'s chief editor, Daniel Simon Letanka, endorsed the women's independent action against the pass laws, arguing that the ANC, in the first place had failed to live up to expectations (Limb 2012b:90).

Death of *Abantu-Batho*: The price for fighting for African dignity

The positions taken by *Abantu-Batho* were not received well by the white racist government and white business that benefited from the loss of Africans, and enriched by the impoverishment of black people. Following the mine workers' strike in Johannesburg, in 1920, which *Abantu-Batho* supported, the Chamber of Mines established its own newspaper, *Umteteli wa Bantu*, (Mouthpiece of the Native Peoples) 'as a moderate and apolitical counterpoint to the ANC's newspaper' (Vinson 2012:289). The Chamber of Mines' objective in establishing *Umteteli wa Bantu* was to dispel 'certain erroneous ideas cherished by many natives and sedulously fostered by European and Native agitators, and by certain Native newspapers' (Wilan 1984:251). The birth of *Umteteli wa Bantu* saw the government withdrawing the publication of its notices in *Abantu-Batho* and diverting them to *Umteteli wa Bantu*, a move that saw European business following suit by diverting its advertisements from *Abantu-Batho* to *Umteteli wa Bantu* (Limb 2012c:324). The consequence was a drying up of essential resources for the newspaper and the weakening of its financial muscle. These developments were seen by many as a deliberate attempt to destroy *Abantu-Batho* and promote *Umteteli wa Bantu* (Limb 2012c:320).

An examination of the political positions taken by *Umteteli wa Bantu* reveals that these observations about *Umteteli wa Bantu* cannot be reduced to, and dismissed as conspiracy theories.

Umteteli wa Bantu criticised *Abantu-Batho*'s acceptance of Garvey's provisional title of Africa's president, arguing that Garvey's claim to the title exposed dictatorial and imperialistic agendas (Vinson 2012:289). In a direct opposition to Pan-Africanism's core spirit for African unity, *Umteteli wa Bantu* forcefully argued that though skin colour and ancestral origin had created links between Africans and African Americans, the latter were 'wholly dissimilar in character, thought and habit' to Africans (Vinson 2012:289). *Umteteli wa Bantu* further cautioned that African American involvement in South Africa would result in the 'absorption and ultimate extinction of Africans'. This was an ironic move and unconcealed attempt to advance Eurocentric interests, while *Umteteli wa Bantu* urged Africans to disassociate themselves from the African Americans who shared the same frustration of white domination, and the same aspiration for liberation urged Africans to 'work in harmony with the Europeans in our midst as it is lunatic to be influenced by the impossible ideal of an All Black Africa'. In explicit terms, *Umteteli wa Bantu* dismissed and ridiculed Pan-Africanism's quest for a United States of Africa as illusory and delusional.

The arguments by *Umteteli wa Bantu* give a clear indication that the newspaper was diametrically opposed to Pan-Africanism. Its argument that there was nothing that linked Africans at home and those in the diaspora beyond skin colour, was dismissive of Jacques-Garvey's argument (2017:65) that '[e]verybody knows that there is absolutely no difference between the native African and the American and the West Indian Negroes, in that we are descendants from one family stock'. The newspaper's argument was insensitive to Africans' awareness, as articulated by Garvey that it was 'only a matter of accident that we have been divided and kept apart for over three hundred years', and that even though this was the case, Africans, at home and abroad, as articulated by Garvey (Jacques-Garvey 2017:65) 'felt that when the time has come for us to get back together, we shall do so in the spirit of brotherly love'. *Umteteli wa Bantu*'s condescending caution to Africans at home to be careful of being dominated by African Americans was either oblivious to, or pretended not to be aware that Garvey (Jacques-Garvey 2017) himself had made it clear to fellow African Americans that:

> [*A*]ny Negro who expects that he will be assisted here, there or anywhere by the Universal Negro Improvement Association to exercise haughty superiority over the fellows of his own race, makes a tremendous mistake. (p. 65)

In no uncertain terms Garvey (Jacques-Garvey 2017) had made it clear that:

> Such men had better remain where they are and not attempt to become in any way interested in the higher development of Africa: The Negro has had enough of the vaunted practice of race superiority as inflicted upon him by others; therefore he is not prepared to tolerate a similar assumption on the part of his own people. (p. 65)

■ Conclusion

The central argument of this chapter is that the European world not only fragmented the African continent physically. European colonialism also fragmented the African people by making them alienated from one another and to themselves culturally. European colonialism elevated their cultural values by privileging their own languages while relegating African languages. One of the most effective tools of accomplishing this Eurocentric project were the media. This exercise on the part of the media was unethical because cultural alienation is an unethical act.

In response to the unethical, Eurocentric destruction of African culture, some African journalists sought, through African-oriented newspapers, to seek the reunification of the

African people (Pan-Africanism) and the reclamation of African culture (African Renaissance). Despite their valiant struggles, Eurocentrism has proven resilient and shown its ugly head beyond the gaining of 'independence' since the 1950s. South Africa was no exception to this impact beyond the first democratic elections in 1994.

As a consequence of years of South Africa's isolation from the rest of Africa, black South Africans were 'indoctrinated with the belief that we, as a nation, are unlike the rest of our brothers and sisters on the continent' (Tsedu 2004:1). As a result of this indoctrination, many black South Africans have 'internalised this and see ourselves not as Africans, but as South Africans' (Tsedu 2004:1). This observation was made by Mathatha Tsedu, the then *City Press*' editor, ten years after South Africa's first democratic elections. His observation is a clear indication of the lasting impact of colonialism that sought to alienate Africans from one another as well as a clear indication of a very limited success, if not failure of the Pan-Africanist project to raise a Pan-African consciousness among Africans. Tsedu, a black consciousness adherent and Pan-Africanist, made the above observations in the relaunch of the *City Press* newspaper as a 'Distinctly African' newspaper. Tsedu therefore believed that the challenge facing black South Africans was their re-integration into the African continent 'which is essentially our home'. This was the role that he wanted the *City Press*, henceforth, to play.

Almost a year before the *City Press*' relaunch, Tsedu had been fired as the *Sunday Times*' editor, for, according to Tsedu (2004:5) striving to 'position the paper as an African publication'. According to Tsedu, his 'Africanisation' project did not sit well with some *Sunday Times*' white journalists because they felt that it would exclude them (Schmidt 2003:10). When he attempted to 'transform the Indian-focus Extra wrap-around edition into a multi-cultural product' this saw 'the loss of 'significant members of Indian readers' (Schmidt 2003:10). Tsedu's moves to Africanise the newspaper resulted, according to his boss, Connie Molusi, in circulation slump and hence he was fired (Schmidt 2003:10).

The reaction to Tsedu's attempts to Africanise the *Sunday Times* reveals the extant attitude to deny the humanity of the African people by influential actors in and around the media. The media have an ethical responsibility to create a platform for all cultural expressions and political aspirations that do not suffocate others. This chapter has demonstrated that whenever Africans have sought to exercise cultural expression through the media, whether African-owned or otherwise, efforts are made to undermine this effort.

Pan-Africanism is not merely an anti-colonial political outlook, but also a permanently necessary ideology as Africans, at all times, seek to develop themselves. Similarly, the African Renaissance is not a temporary project aimed at reconstruction immediately after colonialism, but also permanently relevant in Africans' struggles for the advancement of their political, social and economic conditions. This will be the case as they will seek to draw inspiration from their ancestors' great achievements, and also learning from the ancestors' failures and mistakes. An ethical imperative in this exercise will be Afrocentric journalism that will help Africans to critically examine their lives on the basis of African history and culture.

PART 4

Sexual ethics

Chapter 4

Theological-ethical contours for the full inclusion of LGBTIQ+ bodies in the church

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Introduction

The alterity of sexual orientations of LGBTIQ+[26] people is challenging the power of heteropatriarchy. For many years heterosexism

How to cite: Davids, H.R. & Jones, C., 2018, 'Theological-ethical contours for the full inclusion of LGBTIQ+ bodies in the church', in C. Jones (ed.), *Justice-based ethics: Challenging South African perspectives*, pp. 89-117, AOSIS, Cape Town. https://doi.org/10.4102/aosis.2018.BK77.04

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[26] The acronym LGBTIQ+ stands for: Lesbian, Gay, Bisexual, Transgender, Intersex, Queer and the + for all other. The acronym explains sexual orientation, gender identity and gender expression.

was dominant in defining societal norms and values. These perspectives played a defining role in Christian anthropology. Being intertwined with politics, economics and society, religion prescribed heterosexual hegemony for centuries. These ideas were sustained and maintained by (among others) Natural Law theology which promoted heteronormativity that informed values which regulated procreation, marriage and the ordination of men (and women) into clergy positions – and upheld this interpretation of the world as God's will. Contradicting this 'order' meant sin and alienation from the 'way'. Contrary to the belief of heterosexism stands the Good News of God which beckons to God's church and modern societies to welcome fully and include queer bodies radically in their lives and practices. Attempting to understand these sexualities, the church unfortunately often researches queer sexualities only from their traditional and ecclesiastical position on hermeneutics, ethics and dogma.[27] In many cases churches have only recently embarked on this important issue of different sexualities and therefore are still grappling with specifically homosexuality and same-sex relationships; thus, losing sight of bisexual, transgender and intersex bodies. In light of this, the chapter will start by dealing thoroughly with homosexuality and how to understand and interpret the biblical message (of inclusion) in this regard. Once traditional ground in this respect has been penetrated, the argument will shift towards the second part of the chapter, focusing on Queer Theology, intersecting Body Theology and, in the last instance, paving the way towards a possible African Queer Theology.

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27. Scholarly research has, in this regard, provided enlightened research on the meaning of the text, as well as the meanings associated with human sexuality in the Ancient Near Eastern and Greco-Roman world of the Bible and thus also pointing to contextual and hermeneutical challenges that arise if we do not work with the Bible in an ethical responsible manner (see publications such as those of Jonker 2006:401–410; Punt 2006:419–431; 2007:965–982).

Homosexuality: Read, interpret and understand the Bible

It is important to focus throughout on the ‘deep flowing’ central message of the Bible when dealing with certain contemporary issues. There are mainly two ways of reading and using the Bible: The first is from a perspective of exclusion which assumes that heterosexuality is normative, and practising homosexuality is abnormal. From this perspective biblical texts are read as texts of exclusion. The second way of reading the Bible is within a framework of a theology of radical inclusion. This perspective is propelled by the conviction that the central message of the Bible, and especially Jesus’ life, is one of encompassing inclusion. Therefore, all people are included in God’s household and are to be welcomed into the church fully for who they are (Germond in Germond & De Gruchy 1997:188).

Furthermore, one cannot avoid reading the biblical texts from the assumptions about life provided by one’s experiences and contexts. The Latin Americans lead many people to see that it is always good to begin with the context of one’s individual lives when reading the Bible. One almost never approaches Scripture objectively, but rather subjectively in light of the person you are, including your place in the world and all that is happening in it.

Germond (in Germond & De Gruchy 1997:189) says that it is important to always remember that the ‘Bible was written by people’ who, similar to the present situation, ‘came from their own particular contexts’. What they were writing, was understood from their cultural perspectives and assumptions. It is an implicit part of the text. The message of the Bible is couched in the perspectives of its writers.

An essential aspect of the hermeneutic circle is what is called a hermeneutic of suspicion. Suspicion best helps readers become aware of and inquire into the assumptions made when reading the Bible. It also helps one become aware of the assumptions in the biblical texts themselves. Therefore, when we look at the Bible and, in this case, start with homosexuality specifically, it is important to examine both the assumptions one makes about sexuality and particularly homosexuality as well as the assumptions one understands the Bible to make about it (Germond in Germond & De Gruchy 1997:189). James Brownson (2013) argues that, in the:

> [*M*]idst of polarised and polarising debates, it is important to ask, not only what a text *says*, but what it *means*. This entails determining the moral logic that shapes biblical prohibitions or commands – discerning why a text says what it does and clarifying its underlying values and assumptions. (p. 15)

Determining this underlying moral logic is particularly important when interpreting Scripture in cross-cultural contexts.

At numerous points in the history of Christian interpretation of Scripture, the church has needed to exercise its imagination to discern a wider and more encompassing form of moral logic underlying biblical commands and prohibitions.

In the past, the Bible has been used in deeply negative and destructive ways of which the history of South Africa and Africa offers examples. In broader Africa, it was used by colonialists and missionaries to destroy much that was good in traditional African cultures (Kaoma 2018:156). In South Africa, the Bible was used as the central document to justify apartheid and, at the same time, it was a major text used in the struggle against apartheid (slavery is another good example in this regard) (Germond in Germond & De Gruchy 1997:190; also see Bax 1979; De Gruchy & Villa-Vicencio 1983; Loubser 1987; Ngcokovane 1989). When it comes to the question of LGBTIQ+ people, the church has almost universally read the Bible from the assumption that heterosexuality is normative. This assumption is so powerful that very few people stop to examine it – to be suspicious of it, preferring to believe that the exclusion of LGBTIQ+ people is in harmony with the Christian message. For many LGBTIQ+ people the Bible has not brought life, but death.

Heterosexism: An exclusivist theology

Heterosexism seeks to maintain conventional ‘norms’ of sexuality that privilege heterosexuals. ‘These norms are seen as “natural” and essential to human existence. Any deviation is seen as rebellion’ (Cohen 2013:77). According to Motsau (2015):

> This monolithic understanding of heterosexuality is embedded not only in sex, but also in institutions. Heterosexuality, as a practice, is considered to be a system which dominates with one ideology, but is multidimensional and pervasive in its embeddedness. (p. 29)

Adrian Thatcher (2011) defines heterosexism as:

> A term that refers to a system of negative attitudes, bias, and discrimination in favour of opposite-sex sexuality and relationships. It can assume that opposite-sex attractions and relationships are the only norm and therefore superior. (p. 77)

The teaching assumes marriage is ‘restricted to men and women, and for same-sex couples who are excluded from it, it is the classic “heterosexist” institution’ (Thatcher 2011:77).

The church has predominantly been a heterosexual institution which, in many cases, still assumes that heterosexuality is the normative form of human sexuality and that all other forms of sexual orientation are deviant. This leads to prejudice against same-sex partnerships which is, in turn, often reinforced by the concept of the family, the education system, mass media and popular culture. Like sexism and racism, heterosexism privileges a particular social group and discriminates against the group they call ‘the other’. Heterosexism regards (practising) homosexuality as a perversion of the natural human state, hence falling short of the ideal expression of an individual’s humanity.

According to many scholars, Genesis 1:27–28 and 2:18–25, in particular, present a theology of heterosexism: What God created in the beginning is, according to heterosexists, universally normative for human society. The assumption follows that only heterosexual partners can truly complement one another (Jung & Smith 1993:13). Joseph Njino, among others, is a good exponent of this point of view. He (Njino 2004) uses the creation narratives to canonise the Christian marriage as a covenant between one man and one woman:

> This [*narrative*] implies that though man and woman are different by nature, they complement each other through the union of marriage. The unique relationship of a man and woman in marriage becomes the symbol of the relationship between God and His people. This understanding of marriage extends into the New Testament [...] Marriage can be valid only where a *man* and *woman* are involved. Besides, the two (man and woman) must be canonically competent in every sense of the word. (pp. 340–341)

Yet, what must be clearly understood is that Genesis 2 was written from a majority perspective (in other words a heterosexual and patriarchal one), and does not attempt to reflect on all the 'variations on the theme'. For example, nothing is said about how many times a man may bind himself to a woman. Neither is there any indication of what this ceremony or ritual confirming this union should look like. For this reason we can assume that the same values that should characterise a relationship between a man and a woman, according to Genesis 2 (mutuality, co-dependence and bonding), should also be valid for other types of relationships.

Radical inclusion: A biblical theology

A theology of radical inclusion, in contrast to the exclusivist theology of heterosexism, is central to the Christian message. It is the theology by which all biblical texts should be evaluated. Texts of exclusion should be read in light of this radical inclusive theology to see whether they stand up to the test. The message of Christ is a radically inclusive message and challenges the church every time she attempts to create categories of exclusion. Without going into detail, the Old Testament's message of inclusion is found, among others, in Isaiah's vision of all nations coming to worship and find salvation at Mount Zion, and Amos who harshly criticises the exclusion and exploitation of widows, orphans and the poor by the powerful elite. With regard to the New Testament, instances of inclusion can be found in Peter's theology according to Acts 10:11–15, 10:28, 15:9 as well as in that of Paul's in Galatians 3:23–29, and Ephesians 2:12–19. It is important to recall that the biblical justification of apartheid was proven wrong when the racist assumptions of exegetes were exposed and the selfish ends to which they had misused the biblical texts became clear. These texts and their use could not stand up to the gospel of radical inclusion. According to inclusive theology, the central drive of the Christian message means that there should be no dividing walls, for we are all one in Christ, according to Galatians 3:28 – also regarding heterosexual and homosexual (queer) orientation (Germond in Germond & De Gruchy 1997:203–211; see also Countryman 1988; Nolan 1988:38; Norton 1977:59; Plaskow 1990; Wire 1990:122–128).

However, in the conversation about queer relationships, it is easy to become entangled in certain specific Bible verses (see below) which one so easily isolates from the broader and deeper biblical message of radical inclusion. It is well known that texts can be interpreted and explained in many different ways, and people all so desperately want to claim that the exegetical and hermeneutical keys they work with are the most responsible and correct. One must, however, be extremely careful not to filter the gospel message on a particular matter – in this case homosexuality and same-sex relationships (as well as queer bodies) – through a few texts, as one can easily attenuate the deeper intention and aim of them to something that it is not. Unfortunately, the church has in the past, tragically, totally missed – actually undermined – the message of radical inclusion in more than one respect. A good example is how difficult it sometimes is for Protestants (the tradition from which the authors are writing) to accept one of their fundamental principles. Paul writes: 'He who through faith is righteous shall live' (Rm 1:17). All that is necessary is *faith.* One who believes, is free from any other requirements or responsibilities to 'earn' or 'deserve' his or her salvation.

According to Bernard Lategan (2011:n.p.), unqualified redemption in this context, at the same time means unqualified inclusiveness. All who believe sincerely are welcome. The tragedy is, however, that throughout the history of the church this radical inclusivity has been undermined in different ways (Lategan 2011):

> To believe is important, but …
>
> you must also be circumcised; or you must be baptised again;
>
> or you must join up with your own cultural group;
>
> or you must be male to serve in any capacity in the church;
>
> or you must be a heterosexual or be celibate (if homosexual) to be a pastor. (n.p.)

This list of 'plusses', says Lategan (2011:n.p.), has changed during the centuries. New variations are continually being added which, in many ways, have undermined the fundamental inclusivity of the community of believers. The worst is that these 'plusses' were generally theologically grounded. In the case of gay candidates (in most mainstream churches) who want to be admitted to ministry, the 'plus added' is that they must be celibate. 'Why not return to the original fundamental principle where *faith* is the only condition for complete, unqualified, inclusive membership of the community of believers?' (Lategan 2011:n.p.).

In this regard, one can consider how Jesus included those who were previously excluded: the Samaritan woman, the centurion, the insignificant and the woman who would otherwise have been stoned. Paul also follows this path. We see how changed circumstances and unexpected situations in his life gave rise to radical inclusion. It has begun certain processes – sometimes against Paul's will and natural inclination. Gentiles, the uncircumcised and slaves are included – people who were obviously ruled out for traditional reasons. The gospel is paradoxical as is evident from the parables: the last will be first, the proud shall be humbled, the uninvited ones will finally sit at the table. This is about the overthrow of all presupposed ideas or traditional values. This is especially true for people who should be excluded according to outside perceptions; but by their inclusion, the common categorisation of people is penetrated.

The gospel thus contains, in its own history and testimony, the ability to unravel and capture trajectories of inclusion in surprising ways, and to provide for situations that could never be provided for before. The important point is that everything is not captured indefinitely from ‘day one’ in certain texts. There is a strong evolutionary development in the Bible and one must, in understanding the gospel, get onto the trajectory of this driving force – undoubtedly taking us to a clearer understanding of the radicality of inclusion. We, however, often tend to find timeless truths in selected biblical verses, because it provides security and control. Unfortunately, this kind of process never allows one to become dependent on the liberating and inclusive radicality of the gospel. Now, let us turn briefly to the biblical texts traditionally used to substantiate that homosexuality and same-sex relationships (Queer Theology) are wrong.

Homosexual

Texts in the Bible

People who read the Bible literally and on face value, normally refer to six texts (and the creation narratives) to reject homosexuality and same-sex (queer) partnerships. The Old Testament texts are Genesis 19:1–29, Judges 19:16–29, Leviticus 18:22 and 20:13 (Goertz 2015); and the New Testament texts are 1 Corinthians 6:9, 1 Timothy 1:10 and Romans 1:18–32. Of all these biblical passages of both the Old and New Testament, numerous scholars agree that Romans 1:26–27 presents the clearest but, by no means, unambiguous argument against homosexual activity (Punt 2007:965–982).[28] In this regard Brownson (2013:150–255) explores foundational biblical perspectives in four crucial areas to help us understand that the moral problem, according to Paul in Romans 1, is not same-sex orientation. These areas are the pattern of male-female relationships and Scripture's understanding of the bond of marriage, procreation and celibacy. Against this backdrop, he then offers one of the most thorough, illuminating and biblically insightful interpretations of Romans 1:24–27 that have been written in the interest of same-sex relationships.

With regard to the other biblical texts, which have been referred to above, a growing number of scholars note that they refer to homosexual rape, lust, fornication, transgressions, idolatry, temple prostitution, pederasty, sexual dominance, humiliation and exploitation, and cannot be compared to committed, loving, consecrated same-sex relationships of today. According to Brownson (2013:53), 'most revisionist positions argue that whatever the Bible says about same-sex eroticism in the ancient world does not directly apply to contemporary committed gay or lesbian relationships'.

Matthew Vines (2014:59–116), too, confirms that these texts are simply not convincing at all. They fail to sway the biblical theology of inclusion. As said, Romans 1 offers the best defence for heterosexists, but it stands alone against the cumulative force of Jesus' inclusive work on the cross. According to Ephesians 2:11–22, 'Christ died to break down all dividing walls. He died so that all may no longer be alien, but members of the household of God' (Germond in Germond & De Gruchy 1997:228).[29]

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[28] For more exegetical and hermeneutical information on Romans 1, but also on (the) other texts see, Johnson (2012:115–162) and Thatcher (2011:157–173). Punt (2007:965–982) also puts the debate about Romans 1:18–32 into perspective by surveying some recent alternative opinions about its meaning. He establishes that two particular matters are most important in Romans 1:18–32 in the past and current debate about its interpretation: the argument according to 'nature' and the nature of the infringement or error (Rm 1:27).

African perspective

Homosexuality (and queer bodies) in Africa are perceived as un-African (Hoad, Martin & Reid 2005; Punt 2013; Steyn & Van Zyl 2009), a post-colonial development and as religiously prohibited by the Bible (Togarasei & Chitando 2011). African scholars such as Igboin (2006), Asaju (2006) and Chukwe (2004), among others, argue that homosexuality (queer bodies) on the African continent is against scriptural morality and therefore assert that *homosexuality* should be removed from the societal fabric as a prerogative of church and state institutions (see Asaju 2006:25; Chukwe 2004:245).

Kaoma (2018:107) argues that church and state unite in their goal to 'block same-sex rights'. This often has to do with prejudice against the other and is masked with fear and holding onto power.

South African theologian, Yolanda Dreyer (2006:464), states that the church, as male subjugated institution, endorses prejudice. Gunda (2011:94) points out that prejudice 'is an attitude which allows people to negatively prejudge others on the basis of what is supposedly known about these "others"'. Heteronormative institutions uphold binary positions on gender and sexuality which can lead to discrimination and violence. In South Africa and on the African continent, sexual minorities still experience violent crimes and exclusion (Ossome 2013:37–38). These crimes have been termed, among others, *corrective rape*. South African law scholars, Koraan and Geduld (2015:1931), define corrective rape as 'an instance when a woman is raped in order to "cure" her of her lesbianism'. Corrective rape exposes entrenched homophobia in society.

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[29] For more (exegetical) information regarding abovementioned 6 texts, read Bahnsen (1978:34), Boswell (1980), Douglas (2001:1786–1790), Dunn (1990:183–205), Gagnon (2001:111–146), Klawans (2000), LaCocque and Ricoeur (1998), Milgrom (2004), Nissinen (1998), Scroggs (1983:40–42), Ukleja (1983:259).

Togarasei and Chitando (2011:109–125) refer in this regard to Gagnon (2001:62–113) whose interpretations are favoured by (African) scholars who condemn same-sex relationships. Except for Gagnon's very literal interpretation of the abovementioned texts, he also uses the 'creation stories, the fact that God created Adam (male) and Eve (female) to argue that heterosexual relationships are normative', and that 'natural sex is therefore heterosexual while homosexual is unnatural' (Togarasei & Chitando 2011:112). Gagnon makes his argument on the basis of complementarity:[30]

> It is only through a woman a being made out of man that she can be a suitable and complementary counterpart for him [...] male and female are perfect fits from the standpoint of divine design and blessing. Male and male and female and female are not. (p. 112)

'This anti-same-sex sexuality reading of these texts is one that is followed by many Christians' – not only in Africa, but right across the globe (Togarasei and Chitando 2011:112). 'However, those who support same-sex relationships have also used the Bible to buttress their arguments' (Togarasei & Chitando 2011:112). In this respect, African scholars Togarasei and Chitando (2011:109–125) use Bess's argument (1995:82) that 'there is no reference to same-sex sexual orientation in the Bible'. According to Bess, 'it is not proper to ask the Bible to answer questions that it never addresses' (Togarasei & Chitando 2011:112). Further, Jesus often commented on the evils of his day, but, according to what we know, never addressed the subject of same-sex relationships. There are furthermore also pro-same-sex sexuality arguments that question the authority of the Bible in contemporary Christian communities. Such liberal approaches to the Bible are highlighted by Gunda (2011). 'This argument is based on the fact that the Bible was only authoritative in a specific culture and its teachings are therefore culturally relative'

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[30] Read Thatcher (2011:41–44, 98–100, 185) to see how he challenges this strand in the conservative case against homosexuality. Brownson (2013:22–26) too does not find convincing biblical support for a 'complementarian' view.

(Togarasei & Chitando 2011:114). According to Togasarei and Chitando (2011:113), Seow (1996:62), too, 'points to cultural differences between the context of the biblical text and that of modern society' that must be taken into account if we want to extrapolate very old texts responsibly to our modern society. They also refer to Scroggs (1983:85) who reasons that one must allow oneself to be guided by:

> [*T*]he hermeneutical principle that, for moral and ethical passages of the Bible to be applied to today's world, there must be some reasonable similarity between the contexts then and now [...]. (p. 85)

With regard to the creation stories, they cite White (2011) who believes that the stories of creation 'are about God's power and presence in the universe – not about natural and unnatural sexual relationships' (Togarasei & Chitando 2011:114) as well as Seow (1996:26) who argues that the 'creation stories are about biology and the human status in relation to God – not about social and sexual relationships'.

Further scholarly engagement is needed with how the Bible is read critically and acted upon, especially in Africa: how 'same-sex sexuality and homosexual tendencies' (queer bodies) 'have been part and parcel of African sexuality' (Togarasei & Chitando 2011:122), how science can be used in a just manner in this dialogue, and how the role of Western governments and agencies complicates this discourse from an African point of view, to name only a few.

Church

Gender prejudice in the use of biblical texts against same-sex relationships[31]

'Gender and prejudice', according to Gunda (2011:93), 'are two commonly used terms in mainstream gender studies throughout the world, whereby the former is almost synonymous with women or females'. 'Gender prejudices affect not only women but also sexual minorities because they too are largely seen through the lenses of gender' (Gunda 2011:93). This implicates LGBTIQ+ identities. Gunda (2011) looks at the:

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[31] This heading is borrowed from the title of Gunda's article in the *Journal of Gender and Religion in Africa.* For a further perspective on gendered texts (power and language), see Thatcher (2011:17–31, 40–44).

> [*H*]omophobic response to same-sex relationships as a downstream and subtle effect of preconceived gender prejudices, which are buttressed by invoking certain texts from the Bible, especially Genesis 1 and 2. (p. 93)

He (Gunda 2011:93) also 'analyses the gendered language of some of the slur statements used against same-sex relationships' and argues that:

> [*G*]ender prejudices against same-sex relationships are justified and presented as divine through the deployment of the biblical creation narratives. The creation narratives have provided society with a basis for prejudice since they have been interpreted to suggest that God created men and women, suggesting that 'male' and 'female' are synonymous with 'man' and 'woman'. This confusion between sex and gender is behind the gender prejudices against same-sex relationships. (p. 93)

Gunda (2011) proposes a:

> [*R*]e-reading of Genesis 1 to show that the Creator God cannot be limited to two sexes simply because that is what we are comfortable with. It is argued that God is God, because God continues to confound us. (p. 93)

Challenging the church and contemporary thinking about sexuality

The contradiction in the reasoning of many churches regarding homosexuality and same-sex relationships remains the distinction which is made between homosexual orientation and homosexual behaviour. Where the latter is regarded as sin, these churches do not regard the former as such. But can the orientation be harmless if it points to a tendency towards behaviour which is regarded as sinful? The above argument of (church) people who so readily distinguish between orientation and behaviour is problematic and will most probably not stand the test of time. It is reasonably widely accepted today that sexuality is not an isolated area of our existence. It is seen as part of our total being. It is an integral part of our identity – of how we have been 'put together'. In direct opposition to what many religions teach, Edward Wilson (1978:143) suggests that homosexuality is 'normal in a biological sense' and further points out that homosexuality is a human universal. An interesting fact in this regard is that there are not only two sexes. Certain researchers already speak of five identifiable sexes (Fausto-Sterling 1993:20–24). Tables that incorporate the wide range of diagnostic anatomical and physiological sexual characteristics show a continuum of up to 15 transition stages between a heterosexual man and a heterosexual woman (Jost 1970:94–108).

Sexuality is related to our need for physical and spiritual unity with another person, and a human's quest for the deepest form of intimacy. It wants to serve one's being – the person one is. It aims to be the expression of a God-given love which alleviates one's loneliness. It should be granted to all people, regardless of their sexual orientation, reasons Flip Theron (2000:n.p.). In this regard, it is important to realise that one's body is not something that one has, but what one is. A person's sexuality is as much part of that person as his or her heart and brain. It is not all one is, but without that one cannot be truly oneself, according to Botha (2002:31–33). There is thus the inner self and body, reason and desires which are inextricably woven together. To try to unravel and polarise them, as has been done for centuries and is still being done in and by the church, is not only painful, but also brutal. Life before (and for) God can only be a complete bodily life.

Resolutions

Celibacy

How biblical is it to demand celibacy of someone? Isn't it a 'structural error' in reasoning when it does happen, because Paul refers to celibacy as a charisma – a gift of grace from God?

According to Thielicke, a celibate life must never be a ‘forced choice’ (Barnard 2000:108). It is very unreasonable, according to Barnard (2000:109), to ‘demand’ celibacy, except, of course, in the case of anomalous sexual behaviour where another person may be harmed such as in the case of a paedophile.

Brownson reasons:

- While the Old Testament envisions occasional short-term avoidance of sex for the purposes of holiness, it does not envision celibacy as a lifelong calling.
- Jesus, in his commendation of those who have ‘made themselves eunuchs for the sake of the kingdom of heaven’ (Mt 19:12), recognised that God calls some, but not all, to a single life.
- Paul addresses this question extensively in 1 Corinthians 7 in a carefully balanced way, recognising some circumstances under which married people might avoid sex for brief periods of time, but discouraging married people from avoiding sex altogether. Paul invites single people to remain unmarried, but clearly recognises that not all people are gifted with lifelong celibacy.
- The modern awareness of the persistence of sexual orientation thus raises an important question: Are all gay and lesbian Christians whose sexual orientation is not subject to change *necessarily* called to a celibate life? If so, then this stands in some tension with the affirmation – of both Jesus and Paul – that lifelong celibacy is a gift for some, but not for all (Brownson 2013:145–146).

Vines (2014), too, comes to the conclusion that the:

> Church’s explicit requirement that gay Christians commit to lifelong celibacy is new […] the purpose of celibacy […] is to affirm the basic goodness of sex and marriage […] Mandatory celibacy for gay Christians does not fulfil that purpose. It undermines it. It sends the message to gay Christians that their sexual selves are inherently shameful. It’s not a fulfilment of sexuality for gay Christians, but a rejection of it. (pp. 41, 57)

In his rejection of forced celibacy, Paterson (1984) argues:

> It has often been pointed out that the condemnation of all homosexual activity amounts to insisting that all homosexuals are called to chastity. But making universal what Paul considers to be a charism is simply folly [...] Also, the condemnation of homosexual action per se seems to be singularly inhuman. (pp. 45–54)

When celibacy is mandated and not chosen, it cannot be a calling.

Human dignity, marriage and cheap piety

In many churches' resolutions, as indicated above, members are summoned to accept gay people, but they simultaneously do not approve the expression of their sexuality within a permanent relationship. Nevertheless, they are asked to respect the dignity of such people, because human beings are all created in the image of God. However, can one say that gays (queer bodies) are created in the image of God and, then, in one's decision-making with regard to the expression of their sexuality which is essentially part of how they were created, draw a line through that image of God? Does it not affect such people's God-given identity and human dignity profoundly? According to their understanding of the Bible, many churches are of the opinion that only the commitment between one man and one woman could be considered to be a marriage, but such an opinion is based on a heteronormative understanding of the Bible. Where 'hetero' is the norm, 'homo' will be the deviation, says Dreyer (2006:463). This absolutises heterosexual marriage. The fact that only one option is left for the expression of human sexuality (the only alternative being celibacy) is invalid and unacceptable, according to Dreyer (2006). The Bible describes different types of marriage. Over the centuries and across the world, marriage is dynamic, flowing and changing, according to Christina Landman (2010:22–27). There is not just one normal, natural form and/or model of marriage. When human institutions are held up as divine and unchangeable, as we do with marriage, we deceive people and it can cause psychological harm. The Bible does not contain a single explicit prohibition against the dedicated covenantal love of same-sex couples who want to be a family, argue Johnson (2012:115–162), Thatcher (2011:155–188) and Vines (2014:133–148), among others. To give oneself in love to someone, is God-given and that should be respected by allowing these people to unite themselves in marriage.

Many people see gay civil unions as a life option or life-space which is clearly in line with the core intention and values of traditional marriage, and in which people of the same-sex must be given the freedom to make a particular value-driven commitment to each other in which they can raise children who can be baptised. If we do not allow gays this possibility of life, what then do we grant them? Or should they live under some ecclesiastically formulated view of sin? Such churches will seriously have to reconsider their theological and ethical reasoning and underpinning of marriage, according to Johnson (2012:243–251).

Many churches are also guilty of ‘cheap piety’ in their decisions regarding gays (queer bodies) and same-sex relationships. Theron (2000) asks the following question: What understanding of Christian love is it when you deny someone his or her deepest expression of love; that divine gift that just wants to serve our being human and to relieve loneliness and makes us better people? One sees therefore that this is an injustice. Every form of injustice should be regarded as equally important and must be addressed urgently in church decisions. Justice seen is justice done. There does not seem to be any evidence that these churches actually account for the massive literature in various disciplines about homosexuality. The only way for these churches to get out of this dilemma will be to recognise that their decisions on this matter are theologically and constitutionally (in certain countries) untenable, and that, for faith communities, the time has come to give gay couples (queer bodies) full access to the institution of marriage.

Spiritual maturity implies freedom from prejudice. So many of our attitudes rest on narrow-minded suppositions far removed from reality, argues Botha (2002:31–32). Conditional acceptance of gays (queer bodies) remains rejection.

Queer theology

Background

A radical rereading of Scripture that counters heteropatriarchy,[32] heterosexism, heteronormativity, celibacy and the understanding of marriage as between one man and one woman, paves the way towards Queer Theology. A theology of inclusion is queer in its very nature. From a biblical perspective, it constitutes meaning to the embodied experience of sexual orientations of LGBTIQ+ identities to be part of the faith community.

Although gay and lesbian theologies offered reflective space for gays and lesbians to analyse their experience, it, however, failed to offer theological support in the AIDS crisis of 1980s and 1990s (Stuart 2002:65–76). Stuart is of the opinion that this failure to reflect theologically on care and death has hindered the flourishing of these theologies. Queer theology, however, she argues, is the fruit of gay and lesbian theologies. Queer theology is a breakaway from assimilatory practices to heteronormativity towards the celebration and consecration of human sexual diversity. Although Queer Theology is still new, it offers a theoretical and theological framework methodologically to discover new ways in practising theology regarding the full inclusion of LGBTIQ+ persons in the church, and the liberation of the body of Christ from injustices.

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[32] In footnote 4 in their article *When faith does violence: Reimagining engagement between churches and LGBTI groups on homophobia in Africa*, West, Van der Walt and Kaoma (2016:1) provide the following definition of heteropatriarchy: '[I]s a term that intersects the systems of oppression identified by feminist and gender scholars (namely, patriarchy and queer scholars), that is, heteronormativity. Heteronormativity refers to the understanding that heterosexual practice and desire is considered normal and anything deviating from this norm is somehow perverse, impossible or deviant.'

Traditional connotations of the word *queer* invoked adjectives like ‘odd’, ‘strange’, ‘non-normative’ (Thatcher 2011:140). To be queer is to refuse to be aligned with the status quo of binary definitions on identity. Queerness is a rebellion. The term has progressed in meaning through the self-identification of LGBTIQ+ people who defined this term for themselves. ‘Queer goes against the conventional understandings of sexual identity and further deconstructs the categories and formulas that sustain them’ (Dilley 1999:458). Judith Butler (1993:15) ‘asserted that “queer” could not be made into an identity in a similar manner to how “woman” or “homosexual” exist as identities’. It is a term which is ‘contingent and constantly shifting. Queering is not just about highlighting the absence of justice, but it opens up possibilities for “more bodies to matter”’. A queer perspective ‘goes beyond male or female binaries and even beyond gay and lesbian identity politics to an explicit politic of difference and diversity’ (Judith Butler 1993:15).

The words *queer* and *theology* in the same construct disrupt heteropatriarchal Bible reading and ecclesiastical practices that define human sexuality and methods of theology within a framework that, for centuries, subjugated and dehumanised non-normative sexualities, gender identities and expressions. Furthermore, heteropatriachy undergirds disembodiment of human beings that is dualistic in nature. Contrary, to this disembodiment Body Theology, as a theology and method affirms the embodiment of all bodies, in this case queer bodies. Though Body Theology is constituted stands in the continuum with process, liberation and feminist theologies, Queer Theology on the other hand is the embodiment of queer bodies’ critical reflection of their experiences of God in their bodies (West, Van der Walt & Kaoma 2016:2). Cheng (2011:9) defines Queer Theology ‘as people talking about God in a consciously progressive manner, especially in terms of challenging societal norms about sexuality and gender’. It is ‘“talk about God” that challenges and deconstructs the natural binary categories of sexual and gender identity'.

Thus, the method of Queer Theology is to disturb, disrupt and destabilise normativity, and to apply hermeneutics of deconstruction in order to discover meaning. The sources of Queer Theology are Scripture, tradition, reason and experience (Thatcher 2011:33–53). Thatcher (2011:33–53) discusses these sources and the application thereof to speak theologically about sex. Two key principles are of vital importance for Thatcher, namely, (1) 'treat the Bible as a Witness to the Revelation of God in Christ, (2) focus on the development of tradition at least as much as on its repetition' (2011:51–52). Cheng (2011:11–20) describes how these sources, over a few decades of scholarly work from a queer theological method, have added new knowledge on how heteropatriarchy oppresses queer bodies. Queer Theology thus became a hermeneutical lens creating awareness of the intersectional struggle against injustice.

Intersecting Body Theology – towards African Queer Theology?

Queer bodies are the site of reference for their own meaning and understanding of life in communion with God and others. Because Queer Theology is in its developmental phase, a contextual development is of utmost importance. Here Queer Theology, can draw from the wells of black and African Theologies.

The struggle against colonialism, segregation and apartheid in South Africa and Africa united people, especially black people, to liberate themselves from structural subjugation. Prominent leaders in the South African church like Beyers Naudé, Allan Boesak and Desmond Tutu fought against the theological justification of a white domination in the church and state. Their prophetic voices were informed by how they read and understood Scripture, tradition, reason and experience. The site of struggle for Naudé, Boesak and Tutu was freedom and justice for all bodies, irrespective of race, class or gender. The church united against the racial oppression of apartheid.

In the 20th century the embodied experiences of oppression resulted in the formation of black theology and liberation theology. The primary purpose of black theology for theologians, clergy and ordinary members was to 'restore the full humanity of black people and to imbue them with the confidence that they are creatures of God' (Pityana 1994:174, 177) – thereby framing the 'black experience' as a key source of liberation. Black theology derived from America (the civil rights movement and Black Power) and South Africa (the struggle against apartheid and Black Consciousness Movement). Black peoples' experience of racism under colonialism, segregation and apartheid was key. Liberation theology developed in the Latin-Americas out of the socio-political contexts of the poor, whereby the preferential option of God for the poor stands central (Villa-Vicencio 1994:187).

The doctrine of Christology for both these theologies, formed a solid theological basis for them. Christ stands in solidarity with black people (Cone 1975:136) and the poor who are marginalised, destitute and wronged. African Theology, on the other hand 'refers to a theology that holds to essential orthodoxy in relation to the foundational doctrines of the Christian faith'. Furthermore, 'its task must keep, as an important goal, the creation of possibilities for the Gospel to answer questions raised in the interior of the African world view' (Magezi & Igba 2018:4). Here the call for an African Queer Theology (West et al. 2016:4), is correct and timely because of the current inhumane conditions that queer bodies are subjected too.

For the church confessing, Christ is the essence of church identity. The church's prophetic voice and mission shifted to 'confessing Christ is inseparable from following Christ' (Migliore 2004:207). The Confession of Belhar (1986) is a good example of confessing the triune God's creative-redemptive work through Jesus Christ in context of the most vulnerable. Confessing becomes the embodiment of the prophetic voice and witness to subjugation based on race and socio-economic positions. Belhar called for unity, reconciliation and justice under the brutal governance of apartheid South Africa. This embodied resistance led to the theological rejection of the white minority rule.

The church in South Africa played a vital role to restore black people's humanity and the dignity of the poor. Injustices were fought in a non-violent manner, reconciling faith with the everyday life of suffering under the draconian rule of apartheid. However, critique from feminist scholars challenged the phenomenon of oppression as understood by black and liberation theologies. In the early 1990s South African feminist theologian, Denise Ackerman (1994:201–202), in her article entitled 'Faith and feminism: Women doing theology', mapped the task and method of doing theology as feminist theology. Ackerman (1994:201–202) emphasised the experience of women under oppression and how their embodied experience became a theological praxis. The church, in the mid and late 20th century, realised that to confess Christ in context, liberates people from racism, classism and gender.

Sadly, the church who stood against the dehumanising system of apartheid is struggling to reclaim her prophetic voice for the inclusion and affirming of LGBTIQ+ people. The church became the 'oppressor'. The exclusion of LGBTIQ+ people from the faith community ought to invoke an action of solidarity as an intersectional[33] (Simien 2007:265) struggle against oppression. South African theologian, John de Gruchy, in his seminal work *The Church struggle in South Africa* (De Gruchy & De Gruchy 2005:241), argues that the church 'is faced with the challenge of talking with and being shaped by the insights and faith of homosexual Christians, pastors and theologians'. The recognition of the existence of racism and sexism within the church, is the work of black and female Christians, pastors and theologians. Mutua (2011) says that any fight and struggle against the powerlessness that victimises gays and other vulnerable groups must be carried out through the prism of three concepts: intersectionality, multidimensionality and anti-subordination.

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[33] '[I]s an analytical tool that rejects the separability of identity categories, as it recognizes the heterogeneity of various race-sex groups' (Simien 2007:265).

Intersectionality means that discrimination is both vertical and horizontal, and takes place at multiple levels among various identities. Thus, racists are likely to be homophobes and sexists. Multidimensionality suggests that oppression takes place in multiple dimensions. People can be oppressed as women, but also women who are lesbians.

Anti-subordination is the notion that it is futile and hypocritical to fight one form of oppression or discrimination while supporting another form of oppression. Thus, it is hypocritical to fight sexism if we support homophobia. Genuine liberation requires that all oppression be fought on all fronts at the same time.

Finally, societies are judged by how they treat their most vulnerable populations and their minorities, and not how they treat the strong, the wealthy and the powerful. That is why it is odious to exclude gay people from legal protection or to propose the barbaric idea of putting them to death on the basis of their sexual preference or otherwise (Connell 2002:93–108; Mutua 2011:461).[34]

These ‘insights’ are drawn from the multidimensional and intersectional experiences – with the frame of reference, the body, because ‘[h]uman beings’ existence is embodied existence’ (Migliore 2004:142). Thus, embodied experiences expose the subordination behaviour and policies of the church community. Intersectionality becomes the hermeneutical lens for the church to listen to the multidimensional struggle of LGBTIQ+ persons as was the case in liberation, black and feminist theologies.

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[34] For further information on God, Bible, gender and sexuality see Brownson (2013) and Thatcher (2011).

For Christian theology, the body is not strange, but part of its metaphysical narrative (Rogers 1999:17) and tradition (Compaan 2016:187). Traditionally the body was viewed from an essentialist perspective 'as a reality, as a thing, as a subject' and in post-modernity 'as a product and construct of society' (Punt 2005:372). The division of the sexes resulted in that the body itself is being understood as dualistic.[35] For many centuries Christian anthropology was influenced by natural law theology (Migliore 2004:18). Pityana (1994:49) states that the moral and philosophical system of natural law ethics 'deduces rules of moral behaviour from rational observation of natural phenomena'. Thus, sexuality within the frame of natural law is denoted in procreation (Thatcher 2011:182). Many ecclesiological conceptions of sexuality in Africa, especially in Southern Africa, stand firmly in the natural law of sexual ethics – a heritage constituted by 'a conservative sexual ethical mix of our Dutch Calvinism, British missionary piety and up-right Victorianism' (De Gruchy & De Gruchy 2005:236). Colonialism destroyed 'complex African sexual practices and expressions' (Blessol 2012:224) that (in)formed identities of gender and sexuality within various socio-political contexts. Many LGBTIQ+ bodies experience exclusion within their churches as well as the policing of their sexualities from the side of the state.

The struggle against heteropatriarchy and heterosexism consists of an intersectional liberation struggle to decolonise what it means to be a human being in Africa. Ackerman (1994:202) expresses her sensitivity towards the different embodied experiences of black and white feminist theologians,[36] calling this sense of sensitivity 'vulnerability [...] that involves pain' and 'being both oppressor and oppressed'. For the African Church to practise inclusion and affirm LGBTIQ+ sexualities, ordination and blessing of same-sex unions as marriage, indigenous understanding of sexuality that is part and parcel of African human sexuality is essential. Inclusion and affirming LGBTIQ+ sexual orientations in the South African and African Church include a process of decolonisation.

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[35] 'The mind-body dualism was built upon a foundationalist philosophy of meaning, and re-inscribed the person in essentialist categories, even if ironically ascribing permanence to the transcendental mind which replaces the bodily as the basis for immanence' (Punt 2005:372).

[36] 'A critical analysis of white women's place in our society reveals that our experience is one of being both oppressors and oppressed [...] Black women analysing their context and experience reveal the multi-dimensional nature of their oppression, which incorporates race, class gender [...]' (Ackerman 1994:201–202).

It is essential to point out that alongside liberation, black and feminist theologies, embodied resistance by LGBTIQ+ people also took place during the 1960's in America. The Stonewall riots of 1968 led to the rediscovering of the definition of people's sexuality and embodiment thereof within socio-political contexts (Stuart 2002:79). Out of this movement, gay and lesbian theologies flourished, with focus on the body. Isherwood and Stuart (1998:10) are of opinion that '[t]he body is both the site and recipient of revelation'. The church must 'listen to the body's own speech, to think theologically with and through our bodies' (Nelson 1995:46). Practising theology from embodied experiences gave rise to three theological strands. These three strands contributed to the development of what is now called Body Theology in gay and lesbian theologies. Firstly, process thought that describes the teleological movement of natural and rational fulfilment rather than 'dualistic thinking' (Isherwood & Stuart 1998:33–41); secondly, it is about the liberation theology's 'concern with justice as the direction of God who is unfolding through the bodies of individuals, and in the lives of the oppressed' (ibid.); and thirdly, it's about feminist theology that reasons 'individual experience is identified as the creation and touchstone of theology, with the body being the site of experience' (ibid.). '[W]omen and gay men [...] came to understand that the way society viewed their bodies was the site of their oppression' (Isherwood & Stuart 1998:20). The theological impetus of Body Theology is the doctrine of Christology; more specifically, incarnation (Isherwood & Stuart 1998:20).

Through the incarnated Christ, God is experienced as the 'Absolute Other, utterly transcendent' (Nelson 1995:38–60). Furthermore, the incarnated Christ frees masculine bodies from anti-body ideas. Nelson (1995:49) argues that masculinity creates a dualism by 'fundamental lessons of masculinity through separating, through cutting the erotic bonding with our mothers, through identifying ourselves over against anything feminine – including gayness'. He further points out that 'anti-Body Theology disconnects men from feeling the immediacy of body issues – such as racism, violence and environmental abuse' (Nelson 1995:49). Thus, even the suffering and pain of unwelcoming practices towards LGBTIQ+ bodies cannot be experienced by them. Heteronormative unwillingness to stand in solidarity with the body experience of LGBTIQ+ people can be ascribed to power and fear.

The second Christian affirmation is the crucifixion. The crucified Christ stands in solidarity with the oppressed, marginalised and separate – even with LGBTIQ+ people. Christ's solidarity, according to Nelson (1995:50), can be described as 'the holy vulnerability of incarnate sacred presence still entering into the depths of human pain'. The incarnated Christ in the suffering of LGBTIQ+ people exposes the power relations and the guilt of the world. In the third instance, a crucifixion Body Theology advocates for vulnerability. Nelson (1995:54) argues that genital vulnerability of the male testicles establishes sensitive vulnerability against the fear of feminising the masculine body. A crucifixion Body Theology liberates heterosexists' fear of LGBTIQ+ people. Lastly, a Body Theology states that we stand with God through the resurrection. Nelson (1995:50–60) advocates that a resurrection Body Theology stands against death.

African understanding of holism 'stresses interdependence and harmony among people, as well as between human beings and their natural environment' (Richardson 2013:38). Contrary to body-mind dualism, holism challenges the exclusion of

LGBTIQ + persons. African personhood, as argued by Munyaka and Motlhabi (2009:66), is centred in the concept of *ubuntu* and '[r]egardless of their social status, gender and race [and LGBTIQ+ persons], persons are recognised, accepted, valued and respected for their own sake'. *Ubuntu*, as a concept of liberation against the struggle of apartheid, stands now as hermeneutic tool to disturb, disrupt and destabilise heteropatriarchy and power.

From a Christological perspective, holism and *ubuntu* finds theological meaning in the incarnation-crucifixion-resurrection of Christ. Christ's incarnation brings interdependence between human beings. The church's exclusionary practices of blessing marriages and ordination of LGBTIQ+ persons stand in opposition to Christ's redemptive work. Holism and *ubuntu* that define the dignity of all people from an African worldview liberate the normative metanarrative reading of Scripture, tradition, reason and experience beyond confinement. Intersectionality 'queers' the African worldview and pleads for the full inclusion of LGBTIQ+ persons. By 'focusing on experience the body becomes the site of personal redemption and redemptive interdependence' (Isherwood & Stuart 1998:39). Intersectionality, as a method, creates the awareness of redemptive interdependence, simultaneously beckoning towards indigenous theologians to 'queer' Christianity in Africa and culture to (re)discover human sexuality and human dignity of LGBTIQ+ identities. It possibly paves the way towards an African Queer Theology rooted in African worldviews, values, beliefs and practices.

The church in Africa's rediscovery of the indigenous knowledge of human sexuality and practices will help to challenge hetero-power relations as a heritage of colonialism. African queer bodies' identity would therefore not be apologetic, but rather proudly celebrating through diverse cultures, language, virtues and values of authentic human dignity.

Conclusion

Graham Ward (1999:163) ‘proposes that the body of Christ is considered to be a “multigendered body” and, as such, “the body of Christ is queer”’. It goes beyond ‘categories that are confined to gender and sexuality, but becomes the embodiment of a radical love that does away with sexual and gender boundaries’.

According to Thatcher (2011):

> This androgynous nature of the body of Christ could be considered blasphemous. However, the concern is that the Christian church has much to learn about how to ‘perform’ gender by a continuous reflection on membership within the body of Christ, especially seeing that the same body resists the application of all categories of sexual orientations or gender identities – even those considered ‘queer’ or ‘androgynous’. (p. 139)

Furthermore, Peterson (in Motsau 2015) asserts that:

> Queering seeks to challenge the normative social arrangements of identities and subjectivities within the heterosexual or homosexual binary. It can be argued by many lesbian, gay, queer and feminist authors that this heteronormativity maintains the hegemonic order within the church, social institutions and social relations. With that said, queer theory and Queer Theology share a common vision of highlighting the invisible, the unseen – those marginal identities that are considered to be unintelligible to the social matrix of the family. (p. 115)

The incarnation of Christ is a revolutionary move to affirm the lives of people, irrespective of their sexual orientation or gender identity. The church is already queer and is to be inclusive of the queer people in society, because it is part of the amorphous body of Christ (Motsau 2015:125).

PART 5

Ecological ethics

Chapter 5

Blue is the warmest colour: Theology, ethics, water

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Introduction

Fresh water is a hot topic these days. Water has become an important locus for theological reflection. Christiana Peppard's remark (2014:19), quoted above, voices the concern that the availability of fresh water – but also the warming of water, particularly the salt water of the oceans, as a consequence of climate change (cf. pp. 121–129) – require theological reflection. This means doing theology amidst climate change[37] in an era

How to cite: Marais, N., 2018, 'Blue is the warmest colour: Theology, ethics, water', in C. Jones (ed.), *Justice-based ethics: Challenging South African perspectives*, pp. 121–139, AOSIS, Cape Town. https://doi.org/10.4102/aosis.2018.BK77.05

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[37] Northcott and Scott (2014:1) argue that climate change refers to 'the scientific realization that human industrial activities, especially burning fossil fuels, clearing or burning forests and making cement, are taking place on such a scale that they are changing the earth's climate.'

that some refer to as 'the Anthropocene' (Northcott & Scott 2014:4),[38] for '[w]ater is at the heart of the new climate reality' (Peppard 2014:129). How water is portrayed and described, analysed and interpreted, imagined and situated may have serious repercussions for the future – and therefore requires the best that theology can offer – not only as a response to a looming crisis, but also because 'water charts human history' (Peppard 2014:19).[39] In South Africa, water ethics and water stories are no less important. Serious water shortages in South Africa – not only at the time of writing this chapter, but also for the foreseeable future – emphasise the need for theological (re)imaginings of water. This chapter presents contours for such reflection by drawing on the work of three South African theologians: Steve de Gruchy, Ernst Conradie and Robert Vosloo.

(footnote 37 continues...)
'This', they write (2014:1), 'is manifest in more extreme weather, drought, flood, melting ice, rising oceans, and strengthening storms' (Also see Christiana Peppard's chapter on 'Climate Change and Water in the Anthropocene' (2014:115–141).

[38] Christiana Peppard (2014:128) also uses the language of 'the Anthropocene', because this language 'enables us to convey ethical concern about negative effects of environmental disruptions, especially climate change'. Moreover, '[i]t recognizes that the effects are, and will continue to be, unjustly borne by people living in poverty – precisely those who have, for the most part, neither caused these disruptions nor benefited from the industrial processes that led to them.' Vandana Shiva (2002:50 quoted in Peppard 2014:128) writes that '[i]t is the poorest people in the Third World who will be most severely affected by climate change, drought, melting glaciers, and rising sea levels' – which means that '[t]he peasants, pastoralists, and coastal communities will become environmental refugees as rains disappear, crops collapse, and rivers go dry'.

[39] Gary Chamberlain summarises (2008:1–3) this 'looming crisis' as a collection of challenges, 'at the beginning of the twenty-first century the waters around me and around the globe face unprecedented challenges – pollution from agriculture, industry, and human waste; oceans heating up and rising due to global warming; growing populations with increasing demands for clean water and more food grown through irrigation; expanding industries discharging waste into streams and rivers and ultimately the sea; increasing salinity of fresh water; blockage of the natural flow of rivers and dams or diversions for other needs, often preventing once-rushing rivers from reaching the seas.' The title of this chapter is therefore somewhat provocative in that it has in mind the warming of ocean water and the devastating consequences of climate change. It also recalls a French film released in 2013 with this exact title wherein female sexuality, bodiliness and a network of relationships are explored.

However, this requires asking from the outset (Peppard 2014):

> What kind of a thing is water? There is no simple answer to this seemingly straightforward question. Yet how we answer it will shape the face of the twenty-first century, with profound consequences for human individuals, communities, societies, and ecosystems worldwide. (p. 43)

Wading deep waters? Theologies of water

There is no denying that water will become an ever more important locus of academic reflection, including theological reflection – for 'in the coming decades global water shortages' will be 'increasingly dire' and 'increasingly fought over' (Ferris 2008:197). Christiana Peppard (2014:19, 36-51) echoes the concern that 'wars of the future will be fought over water, not oil',[40] and thereby raises important questions: What is water worth? Is water a human right or an economic commodity?

Water is closely connected to peace and justice issues and therefore regarded as no less than a human right; for water itself is 'so basic a need that each person has a right of access to a minimum amount' (Ferris 2008:196). Yet water is simultaneously regarded as a valuable resource for 'economic exchange' (Ferris 2008:36) which complicates 'how societies ought to value water', argues Peppard (2014:36).[41]

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[40] See in this regard the book with the significant title *Water Wars*, written by Vandana Shiva (2002).

[41] This point may require a longer quotation (Peppard 2014:43–44), 'For the past two decades, a debate has been raging [...] about whether water should be viewed primarily as a commodity or as a human right. A commodity is something that can be owned, traded, and sold for profit. To define water as a commodity is to assume that water can and should be owned, that it can and should be sold and traded in the market economy, and that the profit motive is a reasonable component of this process [...] A human right, by contrast, is something due to all people, regardless of their ability to pay. The language of rights suggests equity is far more important than profit; that the commodification of fresh water leads to inequities in distribution; and, therefore, that fresh water should not be valued primarily as an economic commodity [...] Juxtaposing the logic of commodity with the logic

Such questions and such language – including both the view that water is a human right and that water is an economic commodity – assumes an ‘essential connection between access to clean water and human welfare’ (Ferris 2008:197), or between water and human flourishing (Peppard 2014:13). And, indeed, as Ferris (2008) claims:

> [*T*]he academic theological community has a long tradition of addressing ethics and issues of social good [...] [*which means that*] theologians must look, and indeed some are looking, at this emerging crisis and field [*of*] ethical responses that speak to religious communities as well as the larger international community [...] [*Blue theology*] calls for theologians to join the voices that advocate change and work towards solutions locally and globally. (p. 197)

The South African theologian, Steve de Gruchy, would also focus on the theological significance of water towards the end of his life (Warmback 2012:34), particularly in two articles (De Gruchy 2009:53; 2010:188) wherein he grapples with water from his work on sustainability and development. In the first article, entitled ‘Dealing with our own sewage’ De Gruchy (2009:57) points out that ‘[t]here is only one stream of water from which we all drink’ which confronts us with dealing responsibly with our waste.[42] In the second article, entitled ‘Water and Spirit’, De Gruchy (2010:197, 198) elaborates on the insight that ‘[t]here is only one

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(footnote 41 continues...)
of rights reveals that these designations are oriented towards fundamentally different goals, as well as means of achieving those goals. To call fresh water a commodity is to emphasize the goal of profit [...] By contrast, to call fresh water a human right is to emphasize the goal of justice.’

[42] This involves the ‘recognition that environmental constraints are legitimate constraints’ (De Gruchy 2009:62). Indeed, ‘[w]e cannot be free “from” water, from top soil, from clean air, from sewage’ for ‘[w]e all live downstream, and we cannot be free from that reality’ (De Gruchy 2009:62). Steve de Gruchy’s response to this challenge is an ‘olive agenda’: a blend between ‘a brown agenda that focuses on poverty’ and ‘a green agenda that focuses on the environment’, instead of a choice between ‘the cry of the poor’ and ‘the cry of the earth’ – a choice that would be ‘to the detriment of both’, he adds (De Gruchy 2009:58; cf. 2007; also see Ernst Conradie’s article entitled ‘From land reform to poo protesting: some theological reflections on the ecological repercussions of economic inequality’ 2014).

stream of water', and argues that life itself – including fullness of life – is given within the hydrological cycle.[43]

In a four part popular series on a theology of water, Steve de Gruchy writes on such themes as water as life's foundation (De Gruchy n.d.a), water as God's gift (De Gruchy n.d.b), and water as divine symbol (De Gruchy n.d.c). Such theological portrayals of water share three important insights in thinking about water: firstly, that water is a *sine qua non,* 'an essential condition' (Peppard 2014:17, 20); secondly, that water is *sui generis,* 'unique in its characteristics' (Peppard 2014:17, 20); and thirdly, that water is not just limited, but also unevenly distributed (De Gruchy 2010:193; cf. Peppard 2014:32–33). Together these three insights guide the intuition that water has soteriological significance, seeing as it has bearing upon 'the possibilities for human life' (Peppard 2014:32). Yet, there is some variety in the portrayal of theologies of water which invokes different descriptions in the naming of theologies of water.

A first description is *hydrotheology* which Colin Russel (2007:182) describes as 'a natural theology for water'. Among different aims and motivations – among others, situating this kind of theology within 'natural theology' – hydrotheology emphasises 'the importance of water in our world'. As such, hydrotheology is a 'natural theology of water' (Russel 2007:162) that draws upon the work of 18th and 19th century so-called 'physicotheology' (ibid.:164–166). An example of this kind of work is the description of 'hydrotheologie' presented by Johann-Alberto Fabricius (1668–1736), namely that it is 'an attempt through observing the properties, distribution and movement of water, to encourage human beings to love and admire the benevolence of the powerful Creator' (Russel 2007:165).[44]

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[43] This requires a longer quotation from this article (De Gruchy 2010:198), 'There is only one stream of water. What passes through the bodies of humans passes through the bodies of animals, insects, and plants. It flushes through our sanitation systems, flows through the rivers, seeps through wetlands, rises to the heavens to become clouds, and returns to us to nourish us and all living things. There is no life outside of this cycle, and theology has to get real about it.' In short, there is no life without water, argues De Gruchy (2010:198), for water gives life.

A second description is *aquacentric theology* which Steve de Gruchy (2010:198–199) describes as 'a theology that is willing to listen to those traditions that speak of the sacredness of water, of rivers, of wells'. Aquacentric theology becomes a concrete expression in his 'Jordan River motif' which he describes as 'an aquacentric moment in salvation history' wherein 'the crossing of the waters that flow from life (Sea of Galilee) to death (the Dead Sea)' becomes an important ethical turning point (De Gruchy 2010:200). Not only is the Jordan River motif itself about water, in linking 'the *living* water of the Sea of Galilee to the *dying* water of the Dead Sea' (De Gruchy 2009:61, [*emphasis in original*]), but the theological reflection on water is placed within a very specific context, namely, that of 'human choice, human responsibility, human praxis focused on the question of sustainability, of one's descendants living long in the land' (ibid.:62). The choice that he (ibid.:61) refers to is the choice between water of life and water of death, for '[t]his water itself is ambiguous'. Aquacentric theology thereby links ecological theology directly with (Jordan River) ethics – with choices 'about lifestyle, culture, land, economy, and justice' (De Gruchy 2009:61–62).[45]

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[44] Christiana Peppard (2016:416) points out that, in the encyclical *Laudato Si',* fresh water is foregrounded as an urgent contemporary issue and 'papal commitment to the human right to water' is a core concern (p. 435). She (Peppard 2016:421) identifies what she calls 'a hydrological hermeneutic' in this encyclical, which firstly, highlights 'key insights' regarding (fresh) water; secondly, provides a 'map' to 'moral possibilities and fissures' in reflecting upon (fresh) water; and thirdly, 'suggest future lines of inquiry and analysis for Catholic environmental ethics, ecological theology, and moral theory'. Here she again argues (Peppard 2016:423; cf. also 2014:52–67) that, '[f]or the church, the grounding for the idea of a human right to water is theological. Water is a gift from God. It is good of creation that is intended for everyone, without discrimination, across time and space. It is a human right because it is fundamental to the achievement of any and all other rights. It should not be owned or controlled by the few at the exclusion of the many.' In short, Peppard (2014:52) describes fresh water as 'a right-to-life issue for the twenty-first century'. Gary Chamberlain (2008:7) agrees that 'access to water is a fundamental right and not a result of market supply'. See also his chapter entitled 'Rights to Water and a New Water Ethic' (2008:131–153).

[45] See also Christiana Peppard's chapter on 'The Jordan River' (2014:96–114).

A third description is *blue theology*, which Margaret Ferris (2008:195) describes as ‘a theology of water conservation that teaches that all water, salt and fresh, is precious and sacred’. Blue theology is ‘a derivative field of ecotheology’ and therein an ‘emerging theology’ (Ferris 2008:201). As ‘a new branch of ecotheology that is emerging as a leading voice for conservation of all the world’s waters’, blue theology offers both ‘new methodologies of reunderstanding water’s spiritual significance’ and ‘a means towards actions to protect the aquatic environment’ (Ferris 2008:211). Indeed Ferris (2008) claims that:

> [*B*]lue theology identifies water as important and loved by God, both for its intrinsic value and also for its instrumental value to all creatures and ecological systems on earth. Blue theology finds that water is precious to God, and therefore precious to faith communities and should be protected and conserved by human beings. (p. 201)[46]

Theologies of water have been shaped by a number of contextual theologies, including ecological theology, feminist theology and liberation theology in that, according to Margaret Ferris (2008:198–204), a number of ‘influences’, ‘lessons’ ‘themes’ or ‘principles’ shape emerging theologies of water. Yet, in Ferris’ description (ibid.:206), such a theology of water also claims to stand in the traditions of process theology and practical theology (ibid.:208) in that it takes seriously the notions of ‘praxis’, ‘action’ and ‘activism’ (ibid.:203–205, 207–208). In addition to these, ‘blue theology must also be consciously ecumenical and inter-religious’, argues Ferris (2008:208). In short, theologies of water

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46. Steve de Gruchy (2010:199) also draws on Margaret Ferris’ suggestion for a blue theology, and quotes extensively from her earlier work on blue theology in his own reflection on water. Ferris (2006:2) explains the rationale for her suggestion of ‘blue theology’ as follows, ‘The re-evaluation of water through a theological lens is part of what I have termed ‘Blue Theology’, and it is a valuable exercise for both secular and faith communities. For faith communities, examining underlying assumptions about water uncovers the traditional significance of water as shown in the biblical texts and in the Christian tradition of justice. For secular communities, such an exploration is a model of how a community might discover unarticulated yet detrimental assumptions about water. Further, for both communities it is a call to action to devise their own models of value of water – to discover how water is valuable and how it is to be cared for by all communities.’

are concerned with human and ecological flourishing (cf. Peppard 2014:14).

Margaret Ferris (2008:197) also points out that 'bodies of water have been almost entirely overlooked in [ecotheological] debates', and has only recently become the focus for a number of theological studies. Recent theological work on water include such provocative titles as *Dying for water* (McDonagh 2003), *Troubled waters* (Chamberlain 2008), and *Just water* (Peppard 2014), but it may not be enough to field 'the coming crisis of water scarcity and safety around the world' (Ferris 2008:197). However, Christiana Peppard (2014:19–20) warns that 'a good deal of hype surrounds the question of fresh water supply' and that much of this 'hype […] is insufficiently nuanced'. What *is* important to note is that '[f]resh water is a baseline requirement for survival and flourishing – for human beings, societies, civilisations, and ecosystems' (Peppard 2014:20).

Because the task of exploring theologies of water involves not only taking seriously water as a site of theological meaning, but also requires 'a common vocabulary that will enable [us] to understand one another's language' (Conradie 2013:16), ecological theologies arguably provide the landscape for theological reflection on water. This is explored in the next section.

Journey with water?[47] Water and South African ecotheologies

All of us drink from different sources, but the ways in which we blend these sources together may be imagined as various tributaries flowing into a river, that is, from mountain streams and larger lakes.

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[47] 'Journey of Water' is a campaign that was launched in 2017 by World Wildlife Fund (WWF) South Africa. The campaign is concerned with water stress, the availability of water sources, and the reconsideration of water use. More information is available at WWF South Africa (2017).

The journey with water is a journey into ecological theology. As such, it is a journey shaped by different sources (Conradie 2013:8–9). A variety of (South African) ecological theologies is therefore the focus of this section. Yet, it is by no means a given or, for that matter, self-evident *that* churches or theology *could* or *should* contribute constructively within wider environmental discourses. As the South African ecotheologian, Ernst Conradie (2007:228), points out, 'Christianity itself stands publicly accused as one of the root causes of the environmental crisis' (cf. also White 1967).[48] Gary Chamberlain (2008:3) agrees, particularly as this pertains to water. Chamberlain (2008:3) writes that 'we live from earliest years in religious traditions that have been harmful to the earth and water' and which therefore require 'examinations of religious traditions in the hope that they can offer new ways of acting and new worldviews of relationships among humans, non-human users of water, and the earth'. Conradie (2011) says that:

> Why should Christians engage in earthkeeping *as Christians* and from Christian communities? What is the source of inspiration that provide [*them*] with the energy to sustain their efforts despite setbacks and often overwhelming odds? What is the vision that lurks them forward? How do they explain the deepest motivation for their work? What is their theological rationale? (p. 1, [*emphasis in original*])

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[48] Ernst Conradie notes (2007:229) that Lynn White's famous essay, entitled 'The historical roots of our ecological crisis' (1967), has had a profound impact on the work of ecological theologians, and elicited a number of responses to its argument that 'Christianity itself stands publicly accused as one of the root causes of the environmental crisis' (Conradie 2007:228). This is discussed 'in almost every major work in ecological theology' (Conradie 2007:229; footnote 8). More particularly, '[i]n the context of wider environmental discourse, Christianity has all too often been criticised for a form of world-denial, for fostering human alienation from the rest of the earth community and for justifying anthropocentrism' (Conradie 2011:1). As such, ecological theology 'began in the early 1960s in response to the growing awareness of how human economic development was dramatically and negatively affecting the earth' (Ferris 2008:198). In South Africa 'there has been a steady stream of Christian contributions to ecological theology' since the early 1990s (Conradie 2007:230).

In his book entitled *Christianity and Earthkeeping*, Ernst Conradie (2011) explores no less than 19 reasons for earthkeeping – structured as a portrayal of a variety of ecotheological discourses, including the discourses on religion and theology, sustainable development, nature conservation, social ecology, ecofeminism, animal welfare, deep ecology, stewardship, sacramentality, eschatology, oikotheology, and the triune God.[49] In a contribution on Christianity and the environment, Conradie (2007)[50] gathers many of these discourses together into four (South African) theological approaches to environmental degradation[51] which is presented below as a broad overview of Christian ecotheologies in South Africa.

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[49] These are discussed in separate chapters, dedicated to each of these reasons, with the following titles, 'Christianity bears a huge burden of guilt' (Conradie 2011:5–9); 'Local Christian communities can make a major contribution to earthkeeping' (pp. 11–17); 'Earthkeeping is in our own best interests' (pp. 19–28); 'Simplicity is more rewarding than luxury' (pp. 29–37); 'We need to recognise the value of national parks and wilderness areas' (pp. 39–42); 'We need to think of our grandchildren' (pp. 43–45); 'We need to consider the victims of environmental injustices' (pp. 47–51); 'We need to move away from relationships of domination in the name of difference' (pp. 53–58); 'Animals have rights too!' (pp. 59–64); 'We have to show respect for all forms of life' (pp. 54–68); 'The land is more important than any one form of life' (pp. 69–74); 'We are all in this together' (pp 75–80); 'God has given us the command to care for the earth' (pp. 81–94); 'The earth is a sacred gift to us from God' (2011:95–99); 'The vision of a new earth encourages us to care for this earth' (pp. 101–105); 'Caring for the earth exemplifies the need for wisdom' (pp. 107–114); 'We are members of the whole household of God' (pp. 115–122); 'The earth is integral to God's economy' (pp. 123–137); 'God is loyal to this earth' (pp. 139–145).

[50] All further references to Conradie (2007) will only be indicated by page numbers.

[51] These 'dominant approaches' are Ernst Conradie's attempt (pp. 227, 230; cf. 2013) to 'map the terrain' of South African ecological theologies as 'models' or 'ideal types' 'which help to identify some core characteristics' (p. 230) of each of these approaches. However, see in particular the explanatory and qualifying remarks (p. 231, footnote 15) that accompany Conradie's outline of these four approaches, specifically regarding the influence of 'several strands of ecofeminism present in the South African context' (pp. 231, 239–240, footnote 42). Conradie (p. 230) notes that '[i]t is not possible to provide a full review of such contributions here', and therefore he refers interested readers to the annotated bibliography of Conradie and Warmback (2002; Conradie 2007:230, footnote 14; see also Conradie's indexed bibliographies for further research in ecological theology 2001; 2006).

- A first approach is *nature conservation* (Conradie 2007:231–233, footnote 20). This requires 'responsible stewardship of natural resources' (p. 232), and focuses on such issues as the protection of wildlife, game parks, biodiversity, and ecotourism (p. 231). The impetus for this approach comes from Christians' 'love for (unspoilt) nature' and emphasises human responsibility, but may create the impression of 'a leisured middle class' that is 'more concerned about wildlife than about the welfare of other human beings'. Ernst Conradie explains that the ethos of this approach is conservative, in that it focuses on the protection of ecosystems and the management of natural resources. An ethics that gives expression to this approach focuses on the protection, care for and promotion of ecosystems – including the protection of water sources and resources.
- A second approach is *restoration of the ancestral land* (Conradie 2007:233–236, footnote 21). The focus of this approach is 'the living conditions of impoverished rural communities in Africa' and relies upon 'a retrieval of the ecological wisdom in traditional African culture and religion' that recognises and affirms 'the sacredness of life'. This approach values 'interrelatedness, mutual dependence, reciprocity, ecological balance, wholeness, the integrated web of life and, especially, community' – for it recognises and affirms 'the sacredness of life' and the importance of 'cosmic balance'. Conradie describes the ethos of this approach as communitarian, in that it focuses on maintaining 'harmonious relationship[s]' between humanity and nature. An ethics, which is shaped by this approach, values partnership with nature, and is concerned for 'the living conditions of impoverished rural communities in Africa' – including access to and restoration of water resources.
- A third approach is *sustainable development* (Conradie (2007:237–239, footnote 39). This language – 'the dominant

language adopted by entrepreneurs, industry leaders and politicians who are concerned about environmental degradation', notes Conradie – is embedded in 'development discourse', and focuses on such issues as economic growth, efficient resource management, and job creation. An important caution in this approach is 'against expansionist notions of economic growth' and 'the greening of global capitalism'. Ernst Conradie portrays the ethos of this approach as strategic in that it attempts to deal with 'economic scarcity' by attempting to adjust production and consumption patterns for the sake of the survival of human beings and the earth. An ethics that shares in the conviction that limitless economic growth is responsible for environmental degradation, is critical of consumer culture (also in the form of 'the gospel of prosperity') and values frugality – including frugality water use.

- A fourth approach is *advocating for environmental justice* (Conradie 2007:239–241). Within this approach the (unjust) consequences of environmental degradation is in view such as 'the working conditions of people in factories, mines, on farms and in offices' and 'the living conditions of the urban poor'. Environmental justice – or 'ecojustice' – is interested in 'the abuse of power that results in a situation where poor people have to suffer the effects of environmental damage caused by the greed of others', and in particular 'the interconnectedness of the different manifestations of violence (whether political, military, industrial, domestic, gendered, racial, ethnic, or structural'. Human rights abuses and 'the formation of a human rights culture' is in view here. Ernst Conradie (2007:241) depicts the ethos of this approach as activist, in that it 'seeks to express Christian convictions within the public sphere'. However, Conradie warns that an ethics that emphasises *only* the moral vision, which Christianity offers, tends towards 'ethical reductionism' and should take care to avoid 'an anthropological logic' that is only interested in 'the impact of environmental degradation on human communities', to the exclusion of 'concern for the non-human (natural) environment'– including water abuse and water waste.

In short, this collection of approaches, which Ernst Conradie describes (2007:241) as a 'conflicting variety', provide possibilities for (South African) theological reflections on water,[52] but also point towards the necessity of 'a new vision of a sustainable society'. This, however, requires 'dreaming a different world' (cf. Boesak, Weusmann & Amjad-Ali 2009) and thereby journeying together in doing ecological theology (Conradie 2013:4). Stated somewhat differently, this journey is one with a destination, which 'suggests a close correlation between aesthetics and ethics' (Conradie 2013:8). This includes what Ernst Conradie (2011:1) has described as the 'search of an inspiring vision'. As such, the environment – and water, in particular – is a concern for 'public' or 'popular' *imagination* (Conradie 2007:229), which may require theological reimaginings of water itself.

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[52] It is worth mentioning that a number of South African theologians who have written about water – including Conradie (2007), De Gruchy (2009) and Veldsman (2015) – opt for theological reflection on water from the locus of the doctrine of the Trinity, and more specifically the metaphor of the household of God (*oikos*). For Veldsman (2015:7), water represents the fullness of life made possible within the *oikodome*, and therefore recalls soteriological images such as building, healing, restoring, reconciling, making peace and transcending borders. Within the household of God the vulnerable and powerless cannot be refused fresh water, for the triune God is the Giver of Life (Veldsman 2015:7). For De Gruchy (2009:58), '[*t*]he development of the oikos motif' is 'a powerful reminder that the earth is one home for all of us'. Co-habiting 'the one homestead' calls for 'an ethics of sustainability' that aligns with 'the ecological rhythms of the earth'. For Conradie (2007:242), the conviction that the earth is the household of God provides crucial theological reorientation for considering the theological significance of natural resources – including water. Conradie points out (2007:242) that, '[t]he power of this metaphor lies in its ability to integrate especially three core ecumenical themes on the basis of the Greek word *oikos* (household) – which forms the etymological root of the quests for economic justice (the *nomoi* or regulations within the household), ecological sustainability (the *logos* or underlying principles of the household) and ecumenical fellowship (*oikoumene* – participating as members of the whole household of God.' Within this discourse 'the whole household of God is best understood within the context of the whole work of God (creation, providence, redemption, completion)' which is described as the 'economy of the triune God' or the 'economic trinity' (p. 242). See the article based on his inaugural address entitled 'The earth in God's economy' (Conradie 2008) as well as his book with this same title, *The earth in God's economy* (Conradie 2015).

Give me this water! Water, imagination and ethics as optics

Like the river's flowing, the ethical stream shapes the landscapes of our lives. It springs forth from hard rock, cuts deep canyons, carries and deposits the alluvium of our hopes and dreams. Its ripples echo through the soul.

Such an understanding of ethics (Smith 2001:189 quoted in Chamberlain 2008:6) calls for the creation of 'a new water ethic' that is able to account for 'the story of water' (Chamberlain 2008:1–3).[53] Such a 'lived ethic' may require a number of responses – also in the form of ecumenical work done by churches, including the SACC,[54] the WARC,[55] and the WCC.[56] Indeed, the WCC would, already from the 1970s, explore the moral challenges related to climate change – as representing 'a radical challenge to the contemporary belief in the intrinsic relationship between progress, defined as economic growth, and the welfare of humanity and the human habitat' (Northcott & Scott 2014:5–6). This would, for instance, lead to the focus on *Justice, peace and the integrity*

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[53] Ultimately, this calls for an 'earthkeeping ethos' (Conradie 2013:8), because Christian ethics is foundational to addressing the ecological crisis – as 'the contested grounding of Christian ethics in the biblical roots of Christianity and Christian doctrine' (p. 12). Moreover, Gary Chamberlain (2008:4) insists on 'a new ethos around water' that will be able 'to guide our decisions for the present as well as future uses of natural resources'. Chamberlain (2008:8) calls this 'a new water ethos and ethic' – an important distinction between 'a master viewpoint' and consequent reflection upon actions, institutions and character, respectively (p. 9). Stated simply, such a water ethos and water ethics require '[securing] water for all peoples, creatures, and the Earth itself' (Chamberlain 2008:5). Gary Chamberlain (2008:3) prefers to speak about stories instead of story which, for him, includes 'several stories about water – religious stories, scientific stories, stories of people struggling to find safe sources of water and sanitation, stories about the Earth and its needs'.

[54] See *Climate change – A challenge to the churches in South Africa* (SACC 2009).

[55] See *Water – God's gift of life* (Fisher 2006 – WARC).

[56] See *Ripples in the water – Success stories of churches striving for water justice* (WCC 2014).

of creation in Nairobi, Kenya, in 1975 (Northcott & Scott 2014:5),[57] and lead to a number of ecumenical initiatives – including the formation of the EWN.[58]

However, without 'ethical commitment' and the formation of 'the new community' such initiatives ring hollow (De Gruchy 2010:200). As such, the 'Jordan River motif' calls for 'Jordan River ethics' (De Gruchy 2009:60–63). Steve de Gruchy draws specific attention to five ethical principles or implications of Jordan River ethics (De Gruchy 2009:61) that may guide water ethics (2009:61–63; 2010:200): firstly, accepting responsibility for water; secondly, respecting the earth as a communal gift; thirdly, maintaining the legal limitations necessary for living together; fourtly, taking care of one another and the earth; and fifthly, celebrating the gifts made for flourishing. These principles rely on the insight that theological reflection on water cannot *only* contemplate the 'sacredness of water', but must *also* respond to 'the struggle for life' and 'the longing for running water' (De Gruchy 2010:200; cf. Gebara 1999).

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57. Ernst Conradie (2007:228) explains that Justice, Peace and Integrity of Creation (JPIC) was 'an ecumenical response to the famous MIT report on *Limits to Growth* presented to the Club of Rome in 1972' (which would be followed by subsequent reports, such as the 1992 report entitled *Beyond limits to growth*). The 'basic thesis' of this report would be 'that infinite growth is impossible on a planet with finite resources' (Conradie 2007:228). Conradie also lists a number of South African reflections on this WCC project, including Hulley (1991), Kandusi (1991) and Richardson (1992; see footnote 2 in Conradie's (2007:227) article entitled 'Christianity and the Environment' for a comprehensive overview).

58. Steve de Gruchy was involved in the EWN for a number of years and also explains the genesis of the EWN in one of his academic articles (De Gruchy 2010:119), 'The Ecumenical Water Network has come into being in the last few years [...] [and is] an initiative of the World Council of Churches, Lutheran World Federation, World Alliance of Reformed Churches (WARC), All Africa Conference of Churches, Latin American Council of Churches, Church of Sweden, Bread for the World (Germany), Norwegian Church Aid, Church World Service (USA), Kairos Canada and others.' For samples of the EWN's work, see for instance the documents entitled *Water of Life – An invitation to participate in the Ecumenical Water Network* (WCC 2006) and *Ripples in the water – Success stories of churches striving for water justice* (WCC 2014). Other publications include, for instance, a series of sermons on water to accompany the Seven Weeks for Water in 2017 (see EWN 2017a; for more information, see EWN 2017b).

Yet, is it enough to outline such sets of ethical principles? Can praxis alone save us – and the earth? Could the mere insistence on (new) water ethics make a difference? Are modernistic ethical theories themselves not problematic insofar as they distil ethics to rules, laws, and – indeed – principles? Can a chapter on water ethics end here or is there something left to say?

The South African theologian, Robert Vosloo (2004:137, 143), argues that ethics cannot be separated from aesthetics, because (Christian) ethics *are* optics. He (Vosloo 2004:139) points out that Christian ethics cannot be reduced to making choices in light of so-called objective, rational, universally valid rules and laws (as important as rules and laws are) – and therefore calls for a broader understanding of morality wherein the focus is not solely on actions, but also on the person that acts.[59] Yet, this may require *more* than 'searching for an inspiring vision' (cf. Conradie 2011) or 'upholding an alternative moral vision' (cf. SACC 2009), for it may also call for 'conversion of vision' (cf. Vosloo 2004:137). This means that Christian moral life finds expression not only in vision,[60] but also in imagination, for a sophisticated moral imagination is necessary in order to discern ‘icons’ from ‘idols’ (Vosloo 2004:137–138, 141–144). In short, imagination forms, reforms and transforms vision (Vosloo 2004:141).

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[59] Robert Vosloo (2004:140) argues that Christian actions are the consequences or expression of Christian vision. As such, Vosloo (2004:138–140) draws upon virtue ethics and illustrates that there are close relationships between what he calls 'an ethics of observation' or 'ethics of discernment' and virtue ethics (pp. 144–145). For him, this is important, because Christian ethics is not only concerned with *what* we see, but also with *how* we see (Vosloo 2004:145). In a consideration of the relationship between Christian imagination and moral life, the choice of moral vocabulary plays an important role (Vosloo 2004:146). Vosloo (2004:145–146) wants to retain concepts such as *solertia* (the ability to see clearly, to choose well and to do the right thing at the right time), *studiositas* (the discipline of seeing and ascetism of cognition – for the sake of seeing well), and *caritas* (the accompaniment of love – for the sake of seeing rightly). Such virtues form part of the Christian imagination that Vosloo (2004:146) describes and explores in this article.

[60] The SACC document on climate change makes this very point, namely that climate change is 'a matter of moral vision' and therefore '*more* than an ethical issue' (SACC 2009:xiii, [*author's added emphasis*]). Indeed, 'in the context of consumerism Christians have to reflect anew on the dangers of idolatry'; particularly those idols that become 'surrogates for trust in God' (SACC 2009:xiii). The SACC document (2009:xiii), 'explore[s] such surrogates and the dangers of heresy [...] [for t]he very purpose of this document is to confront and expose new ways in which the Christian faith is being distorted amongst ourselves.'

Imagination is not, however, synonymous with fantasy (Vosloo 2004:137) or creativity (p. 138). Neither does imagination signal withdrawal from reality (Vosloo 2004:137) or opposition to rationality (p. 138). Christian imagination is instead grounded in participation, in Christ and through the Spirit, in the life of the triune God (Vosloo 2004:138, 150). As such, imagination is neither accidental nor individualised, but deeply participatory (Vosloo 2004:150): embedded in a faith community (p. 148), shaped by a faith tradition (p. 149) and expressed in faith practices (p. 150). Robert Vosloo (2004:149) mentions reading Bible stories wherein the ‘narrative self’ participates in (Christian) stories and is transformed by ‘the storied practices’ of the church (p. 148). The Bible therein not only requires communal reading and interpretation, which makes it possible ‘to imagine otherwise’, but also shapes Christian imagination by way of stories, images, visions and metaphors (Vosloo 2004:149). Yet, it is as images, namely images of the triune God that we interpret images around us, and live imaginative lives (Vosloo 2004:151). This is the focus of the conclusion of this chapter.

■ Playing with water?

Water is our most precious resource – essential for all living things and for the life of the planet itself.

This insight (Chamberlain 2008:1) marks only the beginning (and not the end) of theological reflection on water. Much work has been done on considering the value and exploring the role of water (Peppard 2014:51). Much has been written about what needs to be done (and not done) in order to care for water and to ensure water’s ‘continued flourishing’ (Shaw & Francis 2014:2). Many questions have been raised around the theological significance of water (Veldsman 2015). All things considered (Conradie 2007:227) '[t]here can be little doubt that environmental concerns will remain a crucial issue for public theology in the (South) African context in the foreseeable future'.

Yet, this does not mean that theological (re)imagining of water such as the (re)telling of water stories, (re)reading of water dynamics and recognition of water figures, has played itself out, for water ethics may very well require hermeneutical insights from theological studies of optics as well as rhetoric.[61] Robert Vosloo (2004:147) offers such an imaginative possibility by proposing the image of the moral self as *bricoleur*, namely artists who gather and play with fragments that they themselves did not create – and moral imagination as moral *bricolage* – wherein such playing with (fragments of) images and visions takes place. Herein the artist becomes a player, imagination becomes interplay and ethics becomes play. This presents theological reflections on water with hermeneutical possibilities.

Such possibilities may include be playing with water stories, water figures and water ethics through exploring different biblical stories wherein (young) women are encountered at wells. Such stories include some of the most important female figures in the Biblesuch as Rebekah (Gn 24:10–27), Rachel (Gn 29:1–12), Zipphora (Ex 2:11–23) and the nameless Samaritan woman (Jn 4:1–42); and this notwithstanding an even greater variety of stories that associate women with water, including Hagar (Gn 21:8–21) and Miriam (Ex 2:1–10, 15:1–19). The recognition that many biblical stories 'would collapse if there were no river, no flood, no well, no pool, no sea, [and] no fountain' suggests that theological reflection on water is both necessary and urgent (De Gruchy 2010:199).[62]

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[61] See, for example my as yet unpublished exploration of the rhetorical interplay between drought, thirst, and the water of life within the encounter between Jesus and the Samaritan woman at the well (Jn 4:1–42), entitled '#rainmustfall' (cf. Marais 2016).

[62] Steve de Gruchy (2010) argues that there are at least five implications for theological reflection on water struggles, water shortages and water deaths: firstly, theologians must do theology in response to the realities of water struggles (pp. 196–197); secondly, theologians

Yet, not only water *itself*, but also figures associated *with* water have played important roles in religious imagination such as mermaids, sirens, water nymphs, water sprites and water goddesses;[63] also in South Africa where the figure of the Zulu fertility goddess, Inkosazana, is of central importance (cf. Barnard 2008:49–65).[64] In many such religious water stories, the encounter between a (water)woman and a man also takes place at sources of water which, resonant with the stories of Rebekah, Rachel and Zipphora, leads to marriage (Gerten 2008:43–44).[65] Perhaps this too calls for playing with water and asking such imaginative questions (Gerten 2008:42–45) as: 'What became of the water sprites?'

(footnote 62 continues...)
must take seriously the interpretive complexities between water, life and death (pp. 197–198); thirdly, theologians must be willing to listen and appreciate all 'water-affirming spiritualities' (including those outside of the Christian faith) (pp. 198–199); fourthly, theologians should recognise that water plays a central role in biblical stories and metaphors (pp. 199–200); and fifthly, theologians who work on water cannot *only* reflect theologically on water, but must integrate 'liberation and creation, economics and ecology, poverty and environment' (p. 200) in their theological interpretations.

63. See Dieter Gerten's historical overview of such mythical figures from antiquity to today, entitled 'Water of life, water of death' (2008). This overview includes sections on 'water in ancient Greek and Roman worldviews' (pp. 34–37), '[w]ater in Celtic and Germanic worldviews' (pp. 37–41), and 'Christianity and the fate of sacred wells and streams' (pp. 41–42).

64. Inkosazana (or Nomkhubulwana) is 'a singular feminine mermaid deity' who is regarded as 'the source of all fertility and water', and is an important figure in 'South African diviner-healer traditions' (Barnard 2008:49). Inkosazana is associated with water – particularly pools, rain, mist and waterfalls (pp. 57–61). She is variously described as a mermaid, water spirit and water goddess (Barnard 2008:60–61).

65. Dieter Gerten (2008:43–44) explains that, '[t]he core theme of mermaid tales from medieval times until the present is the "nightmarish marriage" [...] between an otherworldly female (e.g. a waterwoman) and a human male who is in a state of emergency at the time of the first encounter.' Medieval folktales tell the stories of such waterwomen as Melusine and Undine who inspired the fairytale *The Little Mermaid*, written by Hans Christian Anderson and produced as a Disney film in 1989 (cf. Gerten 2008:44).

PART 6

Economic ethics

Chapter 6

Meaningful economic reform for South Africa – Is there a prescription?[66]

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Introduction

Gharajedaghi (1985) reminds us that development – and, in particular, human development – is not the same as economic growth. This is especially relevant in the context of South Africa and its socio-economic performance since 1994.

How to cite: Roux, A., 2018, 'Meaningful economic reform for South Africa – Is there a prescription?', in C. Jones (ed.), *Justice-based ethics: Challenging South African perspectives*, pp. 143–164, AOSIS, Cape Town. https://doi.org/10.4102/aosis.2018.BK77.06

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[66] Various sections of this chapter include extracts from an amended and updated version of a position paper (Roux 2015) for a National Development Plan Civil society dialogue: Indaba at University Stellenbosch Business School. This position paper has never been submitted for publication in a peer reviewed, credit bearing journal.

Development should be seen as an increase in the autonomous competence of society to sustain itself and be prosperous under changing conditions. This assumes societal aspirations which move beyond the purely economic. In keeping with this approach, Gharajedaghi (1985) identifies five classical societal aspirations (see Table 6.1), the achievement of which may be obstructed by a state of scarcity and/or a state of maldistribution, and/or a state of insecurity. The five aspirations include those with tangible expected yields (e.g. economic and scientific) as well as, importantly, those with intangible yields (e.g. ethical or moral, and aesthetic). The clear implication is therefore that a society cannot develop economically over the long term if, for example, it is found lacking in its search for truth (scientific and education) and in its respect for liberty (political aspiration), for *ethical behaviour* and for beauty (the aesthetic aspiration). Moreover, as these first-order (primary) obstructions interact between one another, secondary obstructions are produced such as alienation,

TABLE 6.1: Human aspirations and the obstructions to the development of societies.

Development societies	**Classical aspirations**	**Obstructions**			
		Primary (first-order)		**Secondary (second order)**	
Dimension	• Expected yield	• State of scarcity	• State of maldistribution	• State of insecurity	
Economic	• Goods • Services PLENTY	• Poverty • Inefficiency	• Disparity • Exploitation	• Fear of deprivation • Instability	
Scientific	• Information • Knowledge • Understand TRUTH	• Ignorance • Incompetence	• Elitism • Illiteracy • Lack of communication	• Obsolescence	
Political	• Influence • Participation LIBERTY	• Impotence • Powerlessness	• Centralisation • Autocracy	• Illegitimacy	• Alienation • Corruption • Polarisation
Ethical/ moral	• Peace GOOD	• Normlessness	• Conflict • Discrimination	• Fanaticism	
Aesthetic	• Sense of belonging • Excitement BEAUTY	• Meaninglessness • Hopelessness • Boredom	• Lack of shared image of desired future • Selfishness	• Fear of loss of identity & individuality • Fear of loneliness and isolation	

Source: Adapted from Gharajedaghi (1985:64).

polarisation, and corruption. These become so endemically entrenched that they cannot be resolved through strategies that merely focus on the primary order obstructions.

The economy of a country can be compared to a railway junction – a place where all the social, political, institutional, technological and natural resource endowments of a country converge to influence people's ability to improve their level of prosperity. These qualities, together with the particular economic arrangement of a country, determine the structure – the supporting framework – within which the economy pursues a cyclical path of recovery and recession.

A sound knowledge of the macroeconomic environment enables us to consider the 'big picture'; to identify external drivers that may lead to change. However, while a knowledge of economics is crucial for planning and strategy, it would be naive, simplistic and self-defeating to assume that economics can exist in a vacuum.

It is therefore important to stress the point that economic performance is not determined exclusively by economic variables. Economic behaviour, economic decisions, economic policy and the outcome of all of these actions are affected by a host of environmental factors. The interaction between these factors produces a web of dependencies – a complex, vibrant, dynamic, ever-changing maelstrom – that ultimately results in either prosperity or poverty, progress or decline, excitement or despondency.

The main objectives of this chapter are reflected in its structure:

- A synopsis of the global environment within which South Africa has to achieve a higher growth trajectory.
- A review of South Africa's macroeconomic performance from the pre-1994 period until today.
- The meaning and implications of being stuck in a middle-income trap.

- The prognosis for the South African economy in the absence of meaningful structural changes.
- The requirements for sustained economic growth and balanced human socio-economic development.
- Concluding remarks.

The contextual and global backdrop

Economic growth is in and of itself not the panacea for all the country's socio-economic ills and shortcomings. Nonetheless, it is generally accepted that a growth path of 6% per annum for a period of at least 20 years is a necessary (if not sufficient condition) to make meaningful inroads with regard to unemployment, poverty and income inequality. Moreover, this target has to be achieved in a global economic environment that is less friendly and more volatile than 10 years ago.

There are, for instance, indications that the global economy has entered a new era of more subdued growth – at least for the foreseeable future. The consumer and government responses to the excesses and over-exuberance, engendered by significant debt accumulation during the first 15 years prior to 2008 and 2009, have brought about slower economic growth in the advanced economies. Many less developed economies are also experiencing more moderate growth as a result of inter alia major structural adjustments (e.g. China), significantly lower commodity prices (e.g. Russia, Nigeria, Angola), and political and economic mismanagement (e.g. Brazil, Venezuela).

Further considerations include the future impact of major demographic changes such as ageing in the advanced economies and rapid urbanisation in Asia and Africa. The former has potentially profound implications for the sustainability of societies where the growth in the number of elderly people is outstripping the annual increase in the number of people of working age. At the same time, the 4th Industrial Revolution is changing not only the nature and duration of work, but possibly also questioning the very meaning of what it means to be human.

Mason (2016) suggests that, because of new technologies, capitalism, as we know it, is in decline and is likely to be replaced by an entirely new socio-economic system: post-capitalism. This utopian global system will be spearheaded not by the organised working class, but by the networked class who will harness zero marginal cost production, use copious amounts of real data to understand, model and test ideas for change, promote collaborative, non-profit forms of work, and ensure that everyone is paid a basic income. In this way, it is suggested, it is possible to create from the ashes of the Great Recession a more socially just and sustainable global recovery.

While there are signs emerging of advanced economies retreating to protectionism and economic nationalism, in the longer term global economic growth could remain robust, as economic production and consumer buying power continues to shift towards less developed economies in Asia, Africa and South America.

South Africa's economy: From stagnation, to mild euphoria, to disappointing reality

The purpose of this section is not to reinvent the wheel, but to rather provide a synthesis of those issues that are co-producing South Africa's current economic woes.

The trials and tribulations of the South African economy in the two decades leading up to 1994 are well known. Sentenced to be an outcast by (most of) the world's major producers, buyers and investors, the economy became inward-looking, unable to enjoy the potential benefits of global trade and transnational capital flows, nor having to contend with the realities and the discipline of global competition. Along with a dwindling domestic appetite for fixed investment and deteriorating terms of trade, the economic growth rate followed a path of 'erratic stagnation', with prices rising at an average annual rate of 14%, government failing to come even close to balancing its fiscal books, the poverty headcount rising and the inequality gap widening.

The advent of democracy ushered in an era of (mild) euphoria at various levels of societal experiences – not least of which the economic dimension. Capital haemorrhaging was stemmed almost overnight, South Africa was able to export and import goods and services without having to contend with restrictions imposed on the basis of moral objections, consumer and business sentiment favoured infrastructure investment and foreign tourists (re-)discovered the country. As a consequence, the next decade and a half saw an elevated growth path and the inflation rate moved to a lower (on average) level. Buoyed by an expanding tax base, the finance minister was able to narrow the budget deficit (at times small budget surpluses were recorded), slash the government debt burden and still provide regular personal income tax relief. To be sure, unemployment remained chronically high, but by 2005 millions of South Africans found themselves in a vastly improved economic position, as economic growth burst through the 5% level, the rand exchange rate strengthened, and interest rates approached 30-year lows.

Although South Africa was fairly immune to the financial shenanigans that were the prelude to the global ‘Great Recession’, the country was certainly strongly hit by the after-shock in the form of the impact on the real economy. In 2009, South Africa recorded a negative economic growth rate, bringing to an end the longest ever recorded upward phase of the business cycle. Western Europe, one of the major ‘victims’ of the Great Recession, is also South Africa’s major trade and investment partner. Economic decline in Europe translated into a significant decline in exports to that region. For an open economy like South Africa that is bound to suppress economic activity. More than 800 000 jobs were lost between 2008 and 2010 (StatsSA 2012:3–3) – the highest proportional job loss in the world. The recovery since then has been sluggish, lacklustre and uninspiring.

The global recession, the ongoing tepid growth in Western Europe, the growth slowdown in China, the significant decline in resource prices and a debilitating drought have, undoubtedly, had a negative impact on South Africa’s growth performance over the last seven years. These external factors are naturally beyond our control. What is more worrying, however, is the fact that these external constraints have highlighted a number of domestic – largely structural – obstacles to growth, development and job creation.

Underpinning the current constraints in the domestic economy is the fact that South Africa has become a deficit nation. Government expenditure exceeds government revenue, imports of goods and services exceed exports of goods and services, household consumption expenditure exceeds household disposable income and the demand for investment goods exceeds the availability of domestic savings. In short, Gross Domestic Expenditure (aggregate demand) has been higher than Gross Domestic Product (GDP) (total output) for a number of years.

As a consequence (SARB, historical series):

- The household debt-to-disposable income ratio has averaged 80% since 2006, compared to a long-term average of between 50% and 60% in the previous few decades.
- The ratio of household savings to disposable income has been negative since 2006 (in 1992 it was as high as 6.1%).
- Total loan debt of national government increased to 51% of GDP at the end of fiscal year 2017, compared to 26% at the end of fiscal year 2009 (SARB, historical series).
- The ratio of foreign debt to GDP was 48.3% at the end of 2016, compared to 18.9% at the end of 2005.
- Fixed investment spending in 2016 exceeded gross domestic savings by 3.4% of GDP (in 2002, savings exceeded investment by a factor of 2% of GDP).

The overarching and cross-cutting implication of the growing indebtedness of ‘SA (Pty) Ltd’ is that the country lives in perpetual hope that its various deficits will be financed by non-residents at an affordable cost. Until about 5 years ago this outcome was generally achieved, as foreign savers found the country to be sufficiently attractive to warrant a meaningful investment in shares, bonds, plant, equipment and other forms of direct investment. But this might have been not so much a vote of confidence in South Africa, but rather a motion of no confidence in the short-term economic outlook then prevailing in the USA, Western Europe and Japan. Today, investors are probably finding it more difficult to formulate good reasons for financing South Africa's fiscal, household, foreign and savings deficits. In fact, early in April 2017, two credit rating agencies decided that the sustainability of South Africa's government was too vulnerable to various social, economic and political forces to justify the retention investment grade status. The new sub-investment ('junk bond') status will have a range of adverse effects on the country's ability to attract foreign investment, generate a faster growth trajectory, create jobs and allocate public funds to the social wage.

Therefore, on reflection, South Africa's relatively robust economic growth performance during the first few years of the 2000s was largely driven by consumer and investment spending which, in turn, was accommodated by rapidly expanding debt levels. The latter are not sustainable; in fact, as both the household and government sectors attempt to restore the integrity of their balance sheets, growth in these sectors is being curbed.

In this regard it is worth recalling a fundamental view of sustainable development, viz., an increase in the *autonomous* competence of society to sustain itself and be prosperous under *changing conditions*. The macroeconomic performance over the last decade seems to reflect, firstly, a continued over-reliance on 'other people's' largesse (i.e. lack of financial autonomy); and secondly, an inability to adopt quickly and efficiently to changing circumstances (e.g. the major changes in the global architecture – the recessionary conditions experienced by our major trading partners). Could this be indicative of a feeling of complacency, or an acceptance of mediocrity? Or is it a lack of awareness of the realities imposed by being a small component of an integrated world and the commensurate rigours and vigour's of competitiveness?

An additional implication of being a deficit or indebted nation is the inherent upward pressure it places on prices – at both domestic and international levels. The rand exchange rate has displayed a secular depreciating trend for more than three decades. Since the beginning of this century this downward trend has also been characterised by extreme volatility – at times, the value of the trade-weighted rand has weakened by 40% within 2 years, and then recovered that loss within the next 3 years. To a large extent, this volatility can be ascribed to ebbs and flows in foreign financial investment. As mentioned earlier, such flows tend to be opportunistic and sporadic, and the value of the rand exchange rate tends to follow suit. A stronger currency therefore occurs more by accident than design, and as long as the country relies on foreign savings to finance deficits, the rand exchange rate will remain vulnerable to the whims of non-residents (of course, if South Africa's domestic savings rate were to be substantially higher, the effects of capital account inflows and reversals on the exchange rate would be far less profound).

Turning to domestic prices, as long as aggregate domestic demand exceeds domestic output, there will be a propensity for inflation rates to flirt, on average, with the upper end of the 3%–6% target range – unless real interest rates are raised to and kept at punitive levels. Moreover, with South Africa's inflation rate being consistently higher than those of our major trade and investment partners, the argument for a systemically depreciating exchange rate is strengthened.

Besides being a deficit nation, South Africa also has to contend with a labour market that is clearly not working. Successful labour markets should, inter alia, contribute to the achievement of efficiency (maximising output), equity (equality of opportunity for all) and growth (increasing employment, productivity and incomes). The realities in South Africa include chronically high unemployment, high and rising labour costs, and only marginal improvements in productivity. These failures are both a cause and effect of below potential economic growth. For instance, the fact that one-quarter of the labour force is not being utilised, means that the economy is nowhere near to operating at full potential capacity, while low growth inhibits the derived demand for labour. If we add to that, the fact that the unit costs of labour in the non-agricultural sector have risen by 180% since 2000, we observe a declining trend in the labour intensity of expansions in economic output. Further underlying dynamics include the legacy of historical misallocations of education resources, and the powerful role played by trade unions and the collective bargaining system which contribute to the rapid increase in the cost of labour. Consider the following combination of figures from the perspective of a potential international investor to gain some inkling of the paradox: The economy and the productivity of labour are stagnating per annum, while wages are rising in excess of 5% annually. The upshot is a continuous erosion of the domestic and international competitiveness of South African produced goods and services.

South Africa is stuck in a middle-income trap

The meaning of and concerns about a Middle-Income Trap (MIT) are gaining traction. A MIT is typically described as a condition, where middle-income countries have (Kharas & Kohli 2011):

> [*B*]ursts of growth followed by periods of stagnation or even decline, or are stuck at low growth rates. Instead of steadily moving up over time, their GDP per capita simply gyrates up and down. (p. 282)

This is in contrast to a steady rise in GDP per capita over time to higher income levels. It is also argued that countries are caught in an MIT, because, with rising wages and declining competitiveness, they are unable to compete with low-income, low-wage economies in manufactured exports or with advanced economies in high skill innovations. Put differently, countries in an MIT are not able to make a timely transition from resource-driven growth to productivity-driven growth (Kharas & Kohli 2011:282).

Felipe (2012:21–23) analyses historical income transitions to determine the number of years that a country has to be in the lower and upper middle-income groups to fall into the MIT. His findings are that a country has to spend more than 28 years in the lower middle-income group to fall in the MIT, and more than 14 years in the upper middle-income group to fall in the MIT.

The implications are that a country that becomes lower middle-income has to record an average annual economic growth rate of at least 4.7% to avoid falling into the lower MIT, while a country that becomes upper middle-income needs to grow at an average annual rate of at least 3.5% to avoid falling into the upper MIT.

Felipe (2012:27–28) categorises 52 middle-income countries in 2010 into three categories, viz. those in the MIT, those at risk of getting into the MIT and those likely to avoid it. For countries in the lower MIT, it is largely a Latin American and African phenomenon; 19 countries (including South Africa) have been there for at least four decades; Botswana and Sri Lanka are borderline cases in the sense that they are at the 28-year threshold; South Africa is expected to be in the lower MIT for another two decades; and Brazil, Colombia, Iran, Jordan, Panama, Peru, Sri Lanka and Tunisia could graduate to upper middle-income status within the next 10 years if their income, per capita growth rate recorded between 2000 and 2010, is maintained.

Kharas and Kohli (2011:284) point out that ‘the continuation of the very strategies that help the countries grow during their low-income stage prevents them from moving beyond the middle-income stage’. It therefore makes sense to compare the growth strategies necessary for low-income economies with those needed for middle-income economies. According to Kharas and Kohli (2011:285) the major difference between the growth strategies of low-income and middle-income countries is that the latter focus more on demand. Often, in middle-income countries, traditional exports cannot expand, because wages are higher and competitiveness declines. This means that export growth requires the introduction of new production processes for new markets. This, in turn, requires an understanding of the quality and price preferences of the global market. Because this is a daunting task, most firms often start by developing this understanding in domestic markets. If successful, they can then develop into global brands. It therefore appears that a stagnating middle class (and, by implication, a skewed concentration of income) stunts growth in middle-income countries.

Also important in middle-income countries are innovation and product differentiation. All in all, domestic demand and new export demand are key drivers of growth in middle-income countries, while a transition must also occur towards service sector firms. Thus, in order to avoid becoming trapped, middle-income countries need to develop, inter alia, modern and agile institutions for property rights, capital markets, venture capital and competition. This has to be complemented by a critical mass of highly skilled people able to innovate.

The prognosis: Business as usual

In the *short-term* economic growth in South Africa is expected to be lacklustre and below par, as exports remain sluggish (due to the tepid global growth performance), and domestic consumers continue to restore the ‘health’ of their balance sheets. Even the low-key forecasts by, for instance, the World Bank, require a normalisation of labour market conditions. Furthermore, domestic constraints are expected to play heavily on growth with economic performance continuing to underperform against most emerging market economies. On the positive side, recoveries in key export markets, such as the USA, should mitigate to some extent the slowdown in China. Nonetheless, the current account deficit is expected to remain high, partly as a reflection of the structurally low level of savings.

Moreover, the risks to outlook remain high. These include:

- Continued uncertainty about the future direction of policies.
- Insufficient progress in securing the security of energy supply.

- Labour relations tenseness.
- Rising interest rates in the USA.
- The slowdown in growth in China (with the corresponding implications for commodity prices).
- Negative investor sentiment, due to, inter alia, policy uncertainty, the ANC leadership struggle, and the apparent inability or will to stem the tide of state capture.

In the *medium term*, an annual growth path of 6%–7% would go a long way towards alleviating poverty and towards reducing unemployment. However, given the vast chasm between the conditions in the First and Second Economies, there is uncertainty about the ability of the market economy alone to effect trickle-down effects that will close the gap.

If, by 2020, there has not been a substantial increase in the pool of domestic and foreign savings, accompanied by a discernible improvement in the quality of the labour force, the economy is destined to muddle along the path of growth mediocrity, stuck in a MIT with very limited redistribution of wealth and income. Poverty and unemployment become entrenched, and spending power is confined to a relatively small group of middle class consumers (more of whom will be black Africans).

Alternatively, a well-managed economy, able to inspire foreign and domestic investment by virtue of an attractive, relatively crime-free and stable business environment inhabited by productive, motivated and appropriately educated and skilled workers, could generate economic growth rates of 7% per annum or more. In this case, a meaningful redistribution of wealth and a burgeoning middle class group can be expected.

Future socio-economic success will clearly rest largely on the nature and application of economic policy in the years that lie ahead. One of the greatest challenges facing policy-makers over the next few years, especially while economic growth is sluggish, is to avoid the temptation of creating the illusion of wealth creation by resorting to macroeconomic populism, for example extravagant government expenditure and artificially low interest rates. The success of attempts to 'spend your way into growth' will be cut short by the accompanying hyper-inflationary tendency and the total distortion and disruption of the allocation of scarce production factors. Sooner rather than later, draconian policy measures will have to be introduced to prevent economic decay and disaster.

The prescription

Back to basics

South Africa is living beyond its means in the sense that various deficits are being incurred, giving rise to growing levels of indebtedness. Not only are these deficits becoming more and more difficult to finance, their existence is putting continued upward pressure on a range of key prices in the economy – the general price level, the cost of foreign exchange and the cost of credit remain unaffordably high because of the fundamental disequilibria that seem to be entrenched in the economy. At the most elementary level of analysis, it follows that the solution to restoring equilibrium (and therefore achieving sustainable growth) is to lower domestic demand and/or raise domestic production.

Reducing aggregate demand: Arithmetically logical, but practically unlikely

One way of narrowing the gap would be to reduce one or more of the components of aggregate demand. The major ingredient of total demand is personal consumption expenditure by households. However, it seems unlikely that consumers will willingly spend less on goods and services, especially in light of the growing number of middle-income consumers and their attempt to reduce their asset deficits. As far as gross fixed capital formation (fixed investment) is concerned, any decline in spending would be profoundly regrettable – if anything, a meaningful increase is called for in order to improve the productive capacity of the economy. That leaves government consumption expenditure. Here, a reduction is probably justifiable, based on economic efficiency reasons, but inexpedient for socio-political reasons. There are, nonetheless, strong arguments to be made for a reprioritisation of government spending and/or the more effective spending of tax revenue. The public sector wage Bill, for example, accounts for some 40% of government's non-interest spending or 12% of GDP, while in 'requisitioning' 30% of the profits and salaries of the private sector, government is denying the market the opportunity to be as efficient as it possibly could be.

A sustained campaign of deliberate austerity could be, at the very least, politically unpalatable and injudicious (although the future allocation of resources and the improved efficiency of the spending of those resources – especially in respect of some dimensions of government expenditure – needs to be well thought out).

Raising aggregate supply: Better use of existing production factors

Therefore, on balance, a decline in aggregate demand seems unlikely. The other option for restoring some sense of equilibrium is to raise aggregate supply, that is, expand production at a faster rate than the growth in aggregate demand.

In the most fundamental sense of the word, a country's ability to expand its productive capability is determined by the quantity and quality of its production factors. If a country is operating on the PPF it is achieving production efficiency, that is, society is getting the most it can from its scarce resources. Should a country not be on the PPF, it is clearly under-utilising its resources. This is where South Africa is. Therefore, as a first step towards expanding production, bold and, at times, unpopular steps need to be taken to ensure that the majority of resources are mobilised to produce goods and services. A prime example in this regard is labour. At present, the labour market and its mechanisms are clearly failing dismally – in accordance with the narrow definition, some 5.9 million active job-seekers (StatsSA 2018:1) are languishing in a state of unemployment, as various measures and mechanisms impede the achievement of labour market equilibrium. A more liberal labour legislation framework is required to not only make it easier and more attractive to employ labour, but also to enhance the competitiveness of our labour force.

The same general ideas can be applied to entrepreneurship. When allowed to do so, entrepreneurs (and especially small business entrepreneurs), as they apply their innovative, creative and risk-taking capabilities, mobilise and galvanise the other production factors (natural resources, labour and capital) into meaningful and productive action. But in South Africa, various obstacles impede the entrepreneurial spirit. These include inadequate financial support, restrictive taxes and bureaucratic 'red-tape', inadequate entrepreneurial education at primary, secondary and tertiary levels, and physical infrastructure constraints. In short, small business owners have to contend with a high tax burden, an often militant workforce and 'unfriendly' legislation.

Thus, as a first step towards achieving supply-demand equilibrium, the country's existing resources need to be used more efficiently. The quest for this goal is bound to be unpopular, because a trade-off is implied between efficiency and equity. It will not be easy to sacrifice the latter (equity) in a society characterised by inequality and a growing resentment by the poor towards the relatively better-off members of society. The government would, for example, probably deem it unthinkable to reduce the number of civil servants and social grant recipients and thereby run the risk of losing voter support. In addition, any relaxation of labour legislation would be seen in some circles as a move towards an exploitative neo-liberal paradigm.

Growing productive capacity: Becoming more competitive

The next step would be to shift the PPF to the right, that is, to expand the productive capacity of the economy by either acquiring or creating more resources and/or further enhancing the productivity of the existing production factors. The latter includes becoming more competitive. For the past number of years, the combination of high wages and falling competitiveness in South Africa has resulted in the country, finding it more and more difficult to compete against low-wage low-income countries. At the same time, we are not able to compete against high value-adding high-income countries. Consequently, South Africa has been de-industrialising for the past decade. The country's export penetration ratio is treading water at a disappointing 30% of GDP (compare this with the ratio of global exports of goods and services to global GDP of almost 50%).

South Africa's competitive deficiencies are well known. A recurring theme in virtually all analyses of the economy is that of education and training being inadequate, ineffective or inappropriate, and therefore less productive than in most of our trading partners and competitors. This lead, inter alia, to rapidly rising labour costs – the growth in average wages tends to overshoot the increase in productivity by a considerable margin. The longer-term solution is to radically transform the education sector to ensure relevance and enhanced productivity. This transformation could include new curricula, increased autonomy for schools, paying teachers what they are worth and diluting the role played by unions. The short-term solution to low productivity is, at the very minimum, wage moderation – wage increases in excess of the growth in the economy and the growth in productivity are simply untenable.

The competitive advantage of nations is also rooted in innovation. In this regard, South Africa still relies too heavily on its natural resources to generate some degree of wealth and the technology content in products or processes is relatively low.

Technological know-how is often acquired as opposed to being generated domestically, and there is a strong domestic focus. Various indicators of technological competitiveness potential show that, while South Africa fares better than most countries in Africa, the country does not hold up well to countries elsewhere at a similar stage of development. South Africa needs a policy and attitudinal revolution that emphasises an integrated approach to utilising the intellectual potential of the nation through the application of advanced technology and a high degree of networking that creates competitive advantage through the entire value system.

Escaping from the MIT

As pointed out earlier, South Africa is in a MIT. Typically, countries find themselves in a MIT by continuing with the very strategies that helped them grow during their low-income stage. It therefore makes sense to compare the growth strategies necessary for low-income economies with those needed for middle-income economies. Some of the generalised characteristics of rapid growth in low-income countries include the following (Kharas & Kohli 2011:281–289):

- The labour force migrates from low productivity to high productivity activities (e.g. the movement of surplus agricultural labour to become industrial wage earners).
- Rapid urbanisation growth.
- The availability of jobs is crucial. This accentuates the importance and attraction of an export-led strategy (in, for example, manufacturing in East Asia or tradable services in India).
- Diversification – building domestic production capabilities in most goods and services.
- By saving or borrowing enough, they can accumulate sufficient capital to build infrastructure – both physical and social.
- Political leadership marshals and deploys resources effectively.

After comparing the failures, recorded by many Latin American countries, with the successes recorded by some East Asian countries, Kharas and Kohli (2011:281–289) identify three critical transitions to avoid the MIT, viz.:

- From diversification to specialisation in production.
- From physical accumulation of factors to productivity-led growth.
- From centralised to decentralised economic management.

Although South Africa is one of the first countries outside the traditional core (North America, Western Europe and Japan) to have reached middle-income status, it has arguably failed to adjust its growth strategies accordingly. For instance, while the South African economy has benefited in the past from diversification, it has largely failed to specialise in production. The latter is necessary to countervail the current South African reality of rising wages and declining cost competitiveness which result in an inability to compete with advanced economies in high skill innovations or with low-income, low-wage economies in the production of manufactured goods. Unfortunately, there is limited evidence of meaningful specialisation in the South African economy. For instance, only 6% of South Africa's merchandise exports are comprised of high technology goods. This compares unfavourably with an average of 20% for middle-income nations and 32% for the East Asia and Pacific region (World Bank 2017:Table 4.4).

An important component of a middle-income growth strategy is an emphasis on total factor productivity growth. This requires a concerted effort to direct all forms of education to discovery; to educate for a knowledge and innovation economy. The shortcomings in and of South Africa's education system are well known. The fact that the country's tertiary enrolment rate is only 19%, compared to a world average of 36% and an upper middle-income average of 47% (World Bank 2017:Table 2.8) or that South Africa is ranked last for quality of maths and science education in the 2016 and 2017 *Global Competiveness Report*

(World Economic Forum 2016:324–325), clearly impedes the country's ability to accumulate a critical mass of professionals able to take the country into the knowledge and innovation era.

One of the most important and uncomfortable lessons for South Africa is that middle-income growth strategies need to focus on demand (as opposed to the supply side focus that is typical of low-income growth strategies). This requires a mindset change about social programmes and a realisation that poverty reduction itself does not generate large consumer markets, and the investments in education needed to sustain economic growth. Thus, social policy should target the middle class through, for instance, low-cost housing for first-time home buyers and programmes that ensure that recent graduates get suitable employment (Kharas & Kohli 2011:281–289). Necessary transitions therefore include specialising in production, innovation (through retuning the education system for a knowledge economy) and decentralising policy-making. There also needs to be a particular strategy aimed at enlarging and growing the middle class, although this might come at the expense of poverty programmes. Above all, political leadership is required to sustain the ambition to grow faster, even when it seems that the elite are the biggest beneficiaries.

■ Conclusion

The few thoughts and ideas above merely reflect an attempt to scratch at the surface of the issues involved. To point out that failure to transform the essence of our way of thinking about the South African economy will guarantee, at best, a steady slide into perpetual mediocrity. One of the risks of mediocrity is that it offers a comfort zone for the elite who will continue to prosper and thrive in the current economic dispensation – but at the expense of the millions of South Africans stuck in poverty, unemployment and low-wage jobs. The country's economy has, in some ways, shown remarkable resilience in the wake of periodic barrages of economic broadsides. We somehow managed to weather the isolation storms and, in the first 15 years of democracy, the macroeconomic performance was satisfactory. The problem now is that the speed of democratic development has overtaken the speed of economic reform, creating a plethora of unmet expectations. It is now time for meaningful economic reform, aimed at, inter alia, generating a large pool of appropriate and marketable skills, remunerating labour in accordance with international rates (as determined by scarcity and productivity), incentivising savings (to finance investment and reduce the country's reliance on foreign savings), improving the effectiveness and efficiency of state spending and fostering an entrepreneurial revolution.

But, arguably, the most pressing requirement for economic transformation is a change in mindset – a move away from a psychosis of entitlement (as opposed to empowerment). South Africans need to be aware of the realities of global economics. As harsh as it may sound, success in the 21st century is at least partly about 'survival of the fittest'; no one owes us (South Africa) a living; no one owes anybody a job. Wealth does not just happen – it has to be created through hard work, industriousness and tenacity. And there is no 'quick fix' – large booming goals are not achieved overnight.

One of the biggest concerns regarding the economic growth and development of South Africa is the risk that the current feeling of despair translates into a pathological state of mediocrity and hopelessness. It is worth considering that never before has a period of economic stagnation not been followed by a phase of recovery and growth – although the timing, strength and duration of the latter is not predictable. So, while, in the short run, we are in survivalist mode, it is also important not to be caught napping when the economy does recover. It is therefore a time for debt consolidation (private and public), for enhancing efficiencies and productivity, and for honing those managerial skills needed to convert innovative ideas into commercial opportunities. It is a time for scanning the environment and exploring new markets – internationally, in the rest of Africa and at home. As we look beyond and through the current sobering situation, we should remind ourselves that many investors want a positive story. We should remind ourselves that South Africa boasts a number of important strengths. These include the following:

- An upper middle-income economy.
- Among the 30 largest in the world.
- Widely-respected and progressive legal framework.
- Recent confirmation of the sanctity of the constitution.
- Sophisticated and respected financial infrastructure.
- Diversified economy.
- Monetary policy sanity prevails.
- A nascent window of demographic opportunity.

Above all, we need to visualise the longer-term picture and not only fixate on the current economic woes and turbulence. The importance of appropriate skills development, well-functioning infrastructure, an entrepreneurial revolution, and visionary political, corporate and civil society leadership cannot be emphasised enough. If these issues are addressed in a systematic and systemic fashion South Africa could rise above its current malaise of economic mediocrity.

Therefore, bold and visionary leadership, at both the governmental and corporate level, is required above all. Leadership has to be bold enough to have the courage of their convictions to make unpopular choices and visionary to be able to make decisions now with longer term outcomes that are not immediately discernible.

Chapter 7

Health and brokenness: Aren't we all clay jars? An ethical reflection on health and brokenness

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Introduction

Talking about the Life Esidimeni[67] tragedy (Raborife 2017; cf. SAMA Communications Department 2017):

> On 01 February, Health Ombudsman, Professor Malegapuru Makgoba, revealed that at least 94 patients had died after being moved from the Life Esidimeni facilities to 27 non-government

How to cite: Van Niekerk, P., 2018, 'Health and brokenness: Aren't we all clay jars? An ethical reflection on health and brokenness', in C. Jones (ed.), *Justice-based ethics: Challenging South African perspectives*, pp. 165–192, AOSIS, Cape Town. https://doi.org/10.4102/aosis.2018.BK77.07

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[67] 'Esidimeni means "place of dignity"' (Capri et al. 2018:153).

> organisations across the province in 2016. They died of thirst, hunger and cold. The department cancelled Esidimeni's contract as part of cost-cutting measures. Gauteng Health Member of the Executive Committee, Qedani Mahlangu, stepped down in the wake of the scandal. In February, Makgoba told Parliament's portfolio committee on health that the death toll would continue to rise after more than 100 patients were reported to have died. Makgoba said his office was continuing to receive data from the public since his report on the disastrous move was made public on 01 February. His findings included that the 27 Non-governmental organisations (NGOs) were under-resourced, under-financed and ill-equipped to take on the influx of psychiatric patients. (p. 11)

In the meantime, 144 patients, who had initially been well cared for by the privately controlled Life Group, have died. Esidimeni is, however, more than a story of medical negligence and abuse; it is a socio-political narrative of utmost cruelty against persons who only count once they die (Capri et al. 2018:153).

The 'Esidimeni-massacre' in Gauteng, South Africa's wealthiest province, delves deep into the seriousness of the disparity discourse. It justifies the existence of suspicion about corruption, mismanagement and theft in the ruling party, the ANC. The ANC, with a rich history in the struggle for justice and equity for all and an ethos of *ubuntu*, is being contaminated and captured by forces of self-interest and greed under President Jacob Zuma's[68] rule. The people of our country are ill-served by him and his cadres. But it would, of course, be naive of me to put the full blame for the delivery of a broken healthcare system on a bad regime, because health systems are diverse and complex.

Meanwhile, the activism of the TAC has shifted from being mainly HIV and AIDS-related to resisting the dysfunctional public health service (Low 2015:3). The health service crisis clearly poses an ethical dilemma: the dignity, justice and integrity of God's creation is at stake. The TAC, with its successful track record and other social agents for change, also need the support, if not the partnership, of committed persons and agencies, for example Faith-based Organisations (FBOs) and others who are inspired by their faith to work for the right to proper healthcare and human dignity that every person deserves. According to Benn[69] (2011):

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[68] Mr Jacob Zuma resigned as the president of South Africa on 14 February 2018.

> The faith community should be a major voice using all possible means to advocate for equity and health at national and international levels, paving the way for a just world order. (p. 14)

The church, as a community of faith, should always be a church for the other (Bonhoeffer 2010:589; cf. Jonker 2008:70). It should be a church for the world (Hoekendijk 1966:41; cf. Jonker 2008:62). A relevant and faithful church would also be a church for the poor and the sufferer (Bonhoeffer 2010:589; cf. Jonker 2008:71), and a church that follows God's example in acts of compassionate justice to the vulnerable and marginalised (cf. The Confession of Belhar 1986).

A contextual, public and transformative theology advocates the empowerment of people 'who experience discrimination and marginalisation within the church and society' (WCC 2012:153). A theology that develops in response to people's existential questions (Rahner in Smith 2015:1–13), matters.

The church should be concerned about the state of our public healthcare system and ought to listen to the cries of our people. A reflection on South Africa's 'broken' healthcare, which raises ethical concerns, follows.

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[69] 'Christoph Benn is a physician [...] with several years of experience in Tanzania [...] He is currently the Director of External Relations and Partnerships at the Global Fund to Fight AIDS, Tuberculosis and Malaria in Geneva' (Cochrane et al. 2011:xiii).

■ Inadequate public healthcare

The inequality and discrimination of the healthcare system in South Africa is well known. 'Accessible, affordable, and quality healthcare is not as available to many South Africans as it should be' (Nel 2017:3). Most South Africans are familiar with the poor public healthcare on offer. Especially those who are most vulnerable and have first-hand experience of the sub-standard state system are on the receiving end of the maltreatment often provided. The 'Esidimeni-massacre' substantiates not only the overall health crisis, but also reflects the intensity and seriousness of the unjust and sometimes inhumane health service offered. People are dying owing to both insufficient healthcare and carelessness (Capri et al. 2018):

> Countless Esidimenis are currently happening to people who are still alive. The extent of neglectful and abusive care will only come to light once they also die of starvation, dehydration, cold and infection. Abominable as the crisis is, it is our (current) high-water mark of an ongoing silent catastrophe which implies that abuse of the living matters less, if at all, than being neglected to death. (p. 153)

Negative reports on local healthcare such as '[l]ong queues, medicines shortages, rude staff, undignified facilities' describe it well and is unfortunately coupled with the fact that 'many users of the public healthcare system simply just accept it as the way things are' (Low 2015:1). These snippets are from a report on a township in the Western Cape, a province with a clean audit of 100% for the year 2015/2016. Even there, patients are 'used to be treated in an undignified manner' (Low 2015:1). It further states that:

> [*E*]ven as the Minister makes the 'test and treat' announcement and as the world applauds, there will be many clinics in this country without key medicines. There will be out-of-order ambulances gathering dust in quiet parking lots. (p. 3)

It is not only most state clinics that are in a poor operational state, but many state hospitals countrywide are also in a crisis situation (cf. Mayosi & Benatar 2014:1344). A nurse at the Elim Hospital in Limpopo said (Mukwevho 2017):

> The situation [...] is very poor. Patients are being treated like animals. If you move around the wards you will see many of them are naked. The hospital is also very dirty – like the hospital does not have cleaners. (n.p.)

Coovadia et al. (2009:817) list various factors in sketching both dysfunctional healthcare in South Africa and the needs that should be addressed:

- Health policies which still contain evidence of 'colonial subjugation, apartheid dispossession, [and] the post-apartheid period', and the combined effect of epidemics of communicable and non-communicable diseases.
- A health system which reflects discrimination based on race and gender; the legacy of the migrant labour system and the consequent (and general) 'destruction of family life'; income disparities, and 'extreme violence'.
- Huge health challenges faced by the health system – and inherited by the new government – when apartheid ended in 1994.
- 'Macroeconomic policies fostering growth rather than redistribution' maintaining 'economic disparities between races despite [...] expansion of social grants'.
- 'Failures in leadership and stewardship and weak management', resulting in the inadequate implementation of often good policies aimed at transforming the public health system into a comprehensive national service.
- Failure to put in place the 'pivotal facets of primary healthcare'.
- Inadequately resolving the crisis in human healthcare resources.

Our country has already celebrated 23 years of democracy and freedom. Modern legislation is being implemented which confirms the dignity and protection of our citizens and which also presupposes justice and equality. The Constitution compels the state to promote progressive health rights (Coovadia et al. 2009:824).

South Africa has, in fact, made a serious effort to restore social justice and equity to the victims of apartheid by implementing numerous policies, for example 'progressive and far-reaching health policies' (Rispel 2016:17; cf. Mayosi & Benatar 2014).

> Yet, the health and well-being of most South Africans remain plagued by a relentless burden of infectious and non-communicable diseases, persisting social disparities and inadequate human resources to provide care for a growing population with a rising tide of refugees and economic migrants. (p. 1344)

Rispel (2016:17; see also Coovadia et al. 2009:831–832) identifies three problem areas or factors she calls 'fault lines' as reasons why South Africa's health system fails so many people:

- Tolerance of ineptitude as well as leadership, management and governance failures.
- The lack of a fully functional district health system which is the main vehicle for the delivery of primary healthcare.
- An inability or failure to deal decisively with the health workforce crisis.

According to Rispel (2016:17), these 'fault lines' undermine patients and health professionals, as well as implementation of policies, and worst off are patients who have little say over adversarial experiences and inadequate care. Healthcare workers also suffer: upholding their professional code of ethics and practising good medicine turn out to be difficult without support from management and with too few staff and gaps in the system.

Coovadia et al. (2009:817–818) remind us that, while South Africa is seen as a middle-income country in terms of the economy, in terms of health statistics it fares worse than many lower-income countries. Rated according to the Millennium Development Goals baseline, set in 1990, child mortality has increased instead of declined in 12 countries only – South Africa is one of them. At 69 deaths under the age of 5 years per 100 000 live births, South Africa 'outranks', among others, Peru (25 deaths), Egypt (35 deaths), Morocco (37 deaths) and Nepal (59 deaths) (Coovadia et al. 2009:817–818).

Despite the fact that 8.5% of South Africa's GDP, approximately R332 billion is spent on healthcare, the health services outcome is poor if compared to a similar middle-income country such as Brazil (Rispel 2016:18). Only half of the money is spent by the public health sector to cater for the poor (84% of the population) – the other half is spent by the private sector (Rispel 2016:18; cf. Mayosi & Benatar 2014:1345–1346). Only 30% of the country's doctors serve more than 40 million people in the national public health sector, while the other 70% of doctors serve 8 million people in the private health sector (Mayosi & Benatar 2014:1344).

The majority of South Africans find themselves in a position of vulnerability. This is due mainly to socio-economic living standards which have a detrimental effect on their health and well-being. The relationship between health and wealth is both striking and multifaceted (Mayosi & Benatar 2014):

> When extreme poverty affects a large proportion of the population, as in South Africa, health is predominantly affected by a lack of access to the basic requirements for life – clean water, adequate nutrition, effective sanitation, reasonable housing conditions, access to vaccinations, good schooling, and the childhood and adolescent nurturing that, with the availability of jobs, set the scene for improved health and longevity. At less severe levels of poverty, improved access to basic and then more sophisticated health care adds to the prospect of healthier lives. (p. 1344)

Our country consists of huge pockets of vulnerable and broken communities. This is clearly visible in the main cities and towns, but is most acute in the less visible and often difficult-to-reach rural areas. For example, according to the Vulnerable Groups Indicator Report (Statistics South Africa 2015), 85% of children – aged 17 years or younger – do not have access to a medical aid. The figure is even worse at 95.9% for children living in rural areas. Furthermore, public health is mostly not easily accessible and also limited in rural areas.

The incongruity in the provision of healthcare is a main ethical issue. 'At the basis of these discrepancies is the inequality between nations and within nations. South Africa is a good example of such inequality' (Nel 2017:1). South Africa's health crisis is, however, not unique – poor public health is universal. Cochrane, Schmid and Cutts (2011:xvi), inter alia, compassionate researchers in health and religion, reflect extensively on the public health crisis of sub-Saharan Africa and elsewhere which exists despite the incredible development in scientific and health-related research and expertise over the previous almost two centuries. Rhetorically, they ask: 'Why do so many people in so many places face so much ill health when, as never before, the knowledge and the means to deal with it are available?' (Cochrane et al. 2011:xvi). Cochrane et al. (2011) first focus on the extrinsic problems and limits of public health:

> In any specific historical and geographic context, a number of basic, outside factors are required to attain the goal of universal health, such as the provision of clean water, shelter, food, safety, sound community structures and the like. Also required are exceptionally able human planners with clear and impeccable ideological perspectives and thinking, brave enough to see off any opposition, and with access to the required physical resources. The lack of these factors creates 'extrinsic problems', making clear what lies outside the limits of public health. (p. xvi)

Secondly, but most importantly, they (Cochrane et al. 2011) reflect on the intrinsic restraints on public health:

> These are the limits of the current consensus and inherent restraints of official thinking and practice. It includes that central sources and resources integral to the initial aims – those dubbed as the 'religious'. (pp. xvi–xvii)

The affinitive, systemic, cognitive and metaphysical or spiritual are often suppressed. They propound that it has been the practice for some time that, in setting the ideals of public health thinking, the religious (more generally, the subjective) is restricted, largely by exclusion, from the agenda. Some leaders have indicated this might have been a mistake and needs correction – but there is no indication how this turnabout would proceed.

In spite of growing secularisation, it is significant that, among the 84% of the world's population who consider them to be religiously affiliated, the established belief in caring for those in need thrives (Olivier et al. 2015:1766). According to the Pew Research Centre, every congregation is an entry point to care, along with informal and volunteer community-based initiatives. In one instance, it was found that 9000 volunteers informally supported 156 000 children in six African countries (Olivier et al. 2015:1766). Interestingly, in various African languages 'religion' and 'health' are synonymous concepts. For example, in SeSotho the word *bopelo* refers to both religion and health (Cochrane et al. 2011 in Van der Merwe 2016:591), while placing the 'individual body' within the social context (p. 592). Nel (2017:1) reminds us that '[t]he views of the WHO[70] already represent a sound ethical framework for health. From a theological point of view it is difficult to improve on that.'

■ The role of the faith community in health and brokenness

It would seem that history is repeating itself. In the same way as thousands of years ago, recognition is again accorded to faith and worship – which have been returned their rightful positions in terms of healthcare. From the earliest days, it was clear that there were organic connections between healthcare and communities of faith such as in examples of sick people visiting Egyptian and Greek temples to be healed (Winslow et al. 2016:186). In the history of Judaism, health and healing have been put into words in the holy books as a direct manifestation of what it means to be created in the image of God (Winslow et al.

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[70] 'Health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity' (WHO 2006). Article 1 of the WHO reads: 'The objective of the World Health Organization shall be the attainment by all peoples of the highest possible level of health' (Nel 2017:1).

2016:186). If all people were created in God's image, it presupposes equal rights and care for all. According to the traditions of hospitality, practised by Abraham, not only the elite had access to healthcare – it was available to all (see Gn 18:1–33; cf. Kim 2015:91; Nouwen 1975:66). Originally, the word *healing* was closely connected to 'wholeness', 'welfare' and 'holiness' (Bosch 1990:52). In the world of the antiquity, healing meant the return to an all-encompassing state of wholeness or bliss (Bosch 1990:52). It is also to this wholeness that the concept of *shalom* of the Old Testament gives expression – referring to physical health, peace of mind, healthy human relations, social justice and peace with God (Bosch 1990:52; cf. Harris, Archer & Waltke 1980:930–931; WCC 2012:16). This concept of being healed from having been broken – as in broken-hearted, crushed or shattered in spirit – has had a place in the traditions of Judaism to this day (Winslow et al. 2016):

> Judaism continues to hold wholeness and completeness (shalom bayit) at the center of its teaching and practice. Shalom is realised through faithful, loving-kindness (chesed). Important dimensions of contemporary Jewish life include the concepts of repairing what is broken in the world (tikkun olam) and whole-person care for the sick (bikkur holim), remaining mindful of the abiding promise: 'For I am the LORD who heals you' (Ex 15:26, New Revised Standard Version). (p. 186)

The Christian faith follows in the Jewish tradition as it was articulated in the Old Testament. The connections between faith and the delivery of healing remain strong (Winslow et al. 2016:186). It is in the life of Jesus' inclusive justice and love, hospitality, healing and salvation that God's preferential option for the poor and vulnerable is embraced. Jesus did not have a theory of distributive justice, but from his teaching and healing ministry it was clear that the core value of his love extended beyond justice to everybody, beyond any boundary, to include all (Benn 2011:13; cf. WCC 2012:154–155).

From the beginning, the Christian church was, to an exceptional degree, deeply moved by people who were physically or spiritually unwell and, as we know, she gathered to her bosom all victims of circumstances beyond their control (Bosch 1990:51). Cochrane (2006) writes:

> Christianity has a long history of care for people; healing is an important part of the life and work of the Jesus of the gospels, and medical missions were a significant part of its spread across the world. (p. 60)

The growth of Christianity led, among others, to organised and institutionalised healthcare as a ministry of faith (Winslow et al. 2016:186). The roots of our modern hospitals are to be found in the Early Church's ministry of healing (Bosch 1990:51). This ministry illustrated the all-encompassing salvation (Bosch 1990:51). The Early Church lived a 'Gospel of love and charity' (Von Harnack in Bosch 1990:51). 'The new language on the lips of Christians […] was the language of love. But it was more than a language, it was a thing of power and practice', according to Von Harnack (Bosch 1990:51).

By the 4th century AD hospitals were coming into existence in cities, of which the Basilicas, founded by St. Basil of Cappadocia in the year 369, was the best known (Winslow et al. 2016:186). During the Middle Ages, monasteries and convents were both a place of healing and a place where an all-encompassing ministry was practised (Bosch 1990:51).

The religious impulse to provide hospitality to those in need continued with the development of monastic orders throughout the Middle Ages. Monasteries and convents often included facilities that were designed to give both physical and spiritual care to the needy. For example, the Alexian Brothers risked their own lives in order to provide care for victims of the Black Plague in Europe (Winslow et al. 2016:186).

In time, hospitals became independent institutions (Winslow et al. 2016:186). During the Protestant Reformation, with its focus on purely spreading the word of God, this meant that, in terms of the church's ministry, sickness and healing were marginalised, according to Bosch (1990:51).

However, the ministry of healing continued. In the 19th century, hospitals were established by both Catholics and Protestants, primarily for the poor. At that time, the well off were usually treated in their homes by their private doctors and nurses, and even surgery was performed in private homes (Wall in Winslow et al. 2016:187).

The public health tradition that started in the 19th and 20th centuries was primarily inspired – and continued – by the work and commitment of Christians, primarily in Great Britain, Switzerland and the USA, by way of the social gospel (Cochrane 2006:60–61). It is therefore not strange that the WHO's huge jump during the 1960s towards a primary healthcare system had its origins in the work of Christian medical missionaries (Cochrane 2006:61).

In South Africa, at the height of apartheid, the 'backbone' of the healthcare system in the homelands (Bantustans) were the not-for-profit mission hospitals (Coovadia et al. 2009:825–826). The state took over control of these hospitals in the 1960s and 1970s (Coovadia et al. 2009:825–826). Bosch (1990:54) provides a tender portrait of a mission physician, Gerrit ter Haar, who had joined a hospital in the Transkei in the late 1950s. This was a time when a white person's word was law, and a white mission doctor could have ruled a hospital as though it was his private kingdom. But when the hospital became a government hospital, Ter Haar stayed and was forced to give up his power. In 1986, Ter Haar (Bosch 1990) wrote:

> I honestly believe that having no power in a worldly sense is to my advantage as a modern missionary. I have often complained about it, but I have come to the realisation that it is to my advantage. When I no longer have power to do what I want to do, I am dependent on the [...] Holy Spirit [...] I cannot force my way. It is a gentle way. (p. 54)

The apple does not fall far from the tree, as the saying goes, and in this case, Ter Haar's son, Reynier ter Haar, is the medical director of Nkhoma Hospital in Malawi. This is a hospital that sets the desired trend for medical care as it was understood by those who had established the first hospitals in the earliest of times. 'The hospital and nine health centres belongs to the CCAP church and as such the final authority lies with the church leadership' (Ter Haar 2017). Ter Haar (2017) continues:

> But we fall under the government, have to register our hospital and staff with the nursing and medical counsels of Malawi. We are together with other Christian hospitals and clinics responsible for about 37% of medical care in Malawi. Our long term commitment is quality care, compassion for our patients, discipline with awareness about grace, service not for earthly rewards, the motto of the hospital is serving with love and care. (n.p.)

Today there is a renewed recognition of the value of faith-inspired entities of health, better known as FBHPs by most healthcare role players. It is particularly pleasing that from a policy level during the past decade, 'increased attention has been paid to faith-based entities engaged in health' (Olivier et al. 2015:1766). Faith-based Health Providers (FBHPs) are important role players in several African countries and are predominantly to be found in fragile or destabilised health systems (Olivier et al. 2015:1766). Cochrane (2006:59) states, '[i]n the midst of enormous challenges threatening the public health systems in sub-Saharan Africa, FBOs are making a substantial contribution to the health of communities'.

According to Olivier et al. (2015:1765), FBHPs have maintained their strong presence in many low to middle-income countries despite the end of colonialism and huge changes in healthcare. They have, however, been ignored by the world of research and policy for decades when the focus shifted to public health provision, but also because of the mistrust that had developed from controversies surrounding, especially traditional faith-based healthcare provision which, at times, was coupled with proselytising. However, over the last decade, there has been a renewed push from organisational, state and other agencies for developing a better understanding of FBHPs.

The magnitude of diversity in faith-inspired entities involved in health and healing can be gleaned from the following examples:

- Faith-based community organisations and NGO's in their thousands – at 20% of all agencies involved – are acknowledged to have responded to the challenges posed by HIV care (WHO 2004).
- Basic self-provided estimates of health facilities show a similar scale of involvement such as the Salvation Army's 73 hospitals, 56 specialist clinics, 135 health centres and 64 mobile clinics that operate in 124 countries.
- Various Christian health associations operate and represent thousands of hospitals and clinics in sub-Saharan Africa.
- The Adventist Church operates 173 hospitals and sanatoriums, and 216 clinics and dispensaries worldwide.
- The Catholic Church operates more than an estimated 5300 hospitals worldwide (Olivier et al. 2015:1766).

There is concern that the FBHPs do not know of one another or join forces. Their actual scopes, assets and challenges are unknown. In the words of James Wolfenson, President of the World Bank, 'half the work in education and health in sub-Saharan Africa is done by the church [...] but they don't talk to each other, and they don't talk to us' (Olivier et al. 2015:1765). Cochrane (2006:62) has similar sentiments about FBHPs in Africa, claiming '[*w*]hat is known is fragmented and often ambiguous'. As a result, the African Religious Health Assets Programme (ARHAP, today known as IRHAP) was established with its driving force the Health Desk of the WCC (Cochrane 2006:62). In conjunction with practitioners and researchers in Southern Africa, the main objective of the ARHAP is (Cochrane 2006):

> [*T*]o address the gaps in our understanding of 'religious health assets'. This is in order to contribute a greater intelligence for a more mature response on the part of people of faith to the challenges, and to provide insight for decision makers into how such 'assets' may be drawn more effectively into public health systems and practices. (p. 62)

A shift was made from a problem-based focus on limitations and deficits to a more constructive focus on assets. This approach has its origin in the theory and practice of transformational community development, and is known as the ABCD.[71] Cochrane (2006:64–66) makes a distinction between 'tangible' and 'intangible' RHA's. Religious health missional ministries have quantitative and qualitative assets, similar to community development that I had been involved in for decades. Obviously, quantitative assets are more easily measurable. For example, it does not require much effort to make a count of broken people who need help, but to determine the extent of passion and compassion of health workers is a different matter. When Cochrane (2006) contemplates on intangible RHA's, he states:

> Beyond tallying mission hospitals and care units for orphans, there is a growing realisation, both theoretically and as a result of practice, that a new paradigm for the understanding of the relationship between religion and health is necessary. RHA's are important beyond their quantity and similarity to 'secular' health systems and networks. What makes RHA's different from other health associations, institutions or structures lies in what is not visible, viz. in the volitional, motivational and mobilising capacities that are rooted in vital affective, symbolic and relational dimensions of religious faith, belief, behaviour and ties. (p. 65)

There is a sense of this intangibility found in a newspaper article of the political commentator, Matthew Parris (2009), in which he has given the impact of Christian faith in Africa a markedly favourable testimony. Parris, who describes himself an atheist, has been impressed by the remarkable contribution of Christian evangelisation in Africa. While secular NGOs, government and international projects have limited impact, Christian faith brings a change to people's hearts, and spiritual transformation (a rebirth) follows, according to Parris. Humanism is the fruit of Christian faith (Van Niekerk 2010:n.p.).

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[71] The characteristics of successful community initiatives were studied by John McKnight and Jody Kretzman of the North West University, Illinois USA. The success of development initiatives correlates with the extent to which the talents and abilities, present in a community, is emphasised. The Asset Based Community Development approach to development evolved from these findings and the process is described in their publication *Building Communities from the Inside Out: A path toward community assets* (Van Niekerk 2006:13; cf. Cochrane 2006:62).

Leslie Swartz describes himself as a secular Jew and atheist. As a professor of Psychology who gives training to members of organisations for people with disabilities in basic research skills, Swartz (2013) shares a personal learning:

> [*F*]aith (and this was not a faith consumed in an authoritarian way, but a faith struggled with by the people who had experienced religious exclusion) may be part of what sustains people, and provides a safe and nurturing environment for people whose lives are far more precarious than mine. (p. 90)

Therefore, faith in him as the trainer and the relevance of spirituality for the trainees, could not be ignored during training (Swartz 2013:90).

In the next section, I will focus on the impact and influence of the embodiment of God on the cosmos and human nature as well as the spiritual impetus and intrinsic value it could have on the discourse of healthcare and a just, liberated, healthy and equal humane South African society. God's *kenotic* love in Jesus the Christ should be regarded as an important intangible health asset. The peculiar attitude of Jesus does not reflect a spirit of greed, predacity, demand, entitlement or fixation (Phlp 2:5), and is a summons to many people (Smit 2017:10). Over centuries until today this Christian attitude has rubbed off on them and inspired them for extraordinary service of compassionate justice and healing.

The presuppositions which lead this second part of the chapter are 'the Christian faith is an "incarnational" faith' (Behr 2015:79); Christianity is 'a religion of the body' (Creamer 2012:341); and Karl Rahner's remark '[t]he statement of God's *Incarnation* – of his becoming *material* – is the most basic statement of Christology' (Johnson 2015:139).

■ The embodiment of God

God's involvement with the cosmos through the ages, reaches a climax with the dramatic incarnation of Jesus of Nazareth (Naudé 2004:188; cf. Bauckham 2015:32–33). It is through the incarnation that Jesus not only becomes the presence of God, but also God's representative on earth (Gregersen 2012:235). Jesus makes God comprehensible and human (Du Plessis 2003:133) – he is the clearest picture of God (Conradie 2006:236–237). Incarnation comprises 'God's self-embodiment and God's self-identification' (Gregersen 2013:253).

Furthermore, according to the Gospel of John (1:14), the *Logos* [Word] became *sarx* [flesh] and lived among us. The Danish systematic theologian, Gregersen (2015b:2), refers to the 'incarnate Christ' as the 'embodied *Logos*': 'God's own Word or Logos (the eternal Son) assumed "flesh" in Jesus of Nazareth' (Gregersen 2015b:3). 'Flesh' means 'material, perishable, vulnerable, finite, the very opposite of what is divine' (Johnson 2010:n.p.; cf. Louw 2008:398). The Hebrew word for flesh, *basar*, has the meaning of 'a weak, transitory and mortal creature' (Harris et al. 1980:136; Wolff in Manenschijn 2002:362). According to Moltmann (2015:127), *basar* is best translated with 'life' as in the phrase *kol basar* [all flesh]. Gregersen (2015a:ix) translates it as 'from grass to human persons' (see also Gregersen 2015c:228–229). In Isaiah 40:6–7 *kol basar* means 'whole humanity'[72] and in Genesis 6:12 it is translated with 'everything that lives' (Manenschijn 2002:362). God's incarnation in Jesus assumes the nature of all that live (Moltmann 2015:128). According to Gregersen (2015b):

> God thus became a human being (not only a man), a social being who lived with and for others in a sinful world (not an autistic individual), a living being vulnerable like sparrows and foxes (not just a member of *homo sapiens*), a material being made out of stardust and earth (not bringing with him a special heavenly flesh), thus susceptible to death and disintegration. (p. 7)

God does embrace all that live, not only humans; 'God assumes the whole vulnerable, mortal nature in his becoming human, in order that it may be healed, reconciled, and glorified' (Moltmann 2015:128). Incarnation is thus not limited to a human issue;

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[72] '*gehele mensheid*' in Dutch.

nowhere in the New Testament it is stated, 'God became human' (Gregersen 2015b:226; 228). But the embodiment of God needed a representative of the human species as 'anchorage'. As far as we know, only human beings could take 'a self-reflective relation to God as the source of all there is' (Gregersen 2015b:226). Humans also have the capacity to be mindful of their surroundings as well as the potential to have just concern for other living beings (Gregersen 2015b:226).

The scope and depth of Christology have led Gregersen (2015b:8) to the development of the provisional concept of 'deep incarnation'. An evolutionary Christology has developed from influences of, inter alia, Karl Rahner, Thomas Torrance and Jürgen Moltmann (Gregersen 2015d:371–372). Gregersen (2015c) finds it vital:

> [*T*]hat the Son of God shared the heights, breaths, and depths of the human condition, and that he did so as one who was genuinely grounded in the physical and biological conditions of material beings. (pp. 226–227)

Gregersen (2015c) unpacks the concept of deep incarnation:

> God's own Logos (Wisdom and Word) was made flesh in Jesus the Christ in such a comprehensive manner that God, by assuming the particular life-story of Jesus the Jew from Nazareth, also conjoined the material conditions of creaturely existence ('all flesh'), shared and ennobled the fate of all biological life-forms ('grass' and 'lilies'), and experienced the pains of sensitive creatures ('sparrows' and 'foxes'). Deep incarnation thus presupposes a radical embodiment which reaches into the roots (*radices*) of material and biological existence as well as into the darker sides of creation: the *tenebrae creatonis*. (pp. 225–226)

Deep incarnation puts the accent on the uniqueness of Christ. Deep incarnation broadens the anthropocentric scope with the focus on 'biocentric' and 'cosmocentric' facets of Christology. It relates Christ with ecology and science (Johnson 2015:133). It is important to note that this incarnation theology is not pantheism (Bentley 2016:2). According to Bauckham (2015:32), 'God is not incarnate *in* all other reality, but he is incarnate *for* all other reality.'

The inspiring, creative perspective of the radical embodiment of God, on the one hand, makes God's liberative presence in and intimate relation to life intense, it gives divine value to the quality of living and provides ethical signposts to a just and transformed society. On the other hand, God's radical presence in flesh, makes God part and parcel of nature's vulnerability, pain and suffering. In the face of all malevolence, Jesus the Christ as creature, embraces God's whole creation personally and directly (Gregersen 2015b:7).

In a discussion on incarnation, Gregersen (2015b) states that:

> Incarnation, here, means to understand human and creaturely conditions from an internal firsthand perspective, and not only from a lofty third-person perspective beyond the engagements, struggles, passions and anxieties of being a human-in-the-world-with-others. (p. 8)

The emphasis of Jesus' ministry is dignity and compassion to all living. God's concern for 'all bodies, not only those that are beautiful and full of life but also those damaged, violated, starving, dying, bodies of humankind' (Johnson 2015:145) is reflected. This concrete 'self-identification' of Jesus is God's exceptional 'act of loving solidarity with all people' (Bauckham 2015:33). God's love in Jesus for people goes beyond the daily routine of living beings. Jesus is mainly found on the edges of what is regarded as politically correct, at the margins of society, with the needy and downtrodden, the poor and sick, and ending up at the fringes of Golgotha on a cross.

The actions and deeds of Jesus pay attention to physical well-being, and the acts of healing strikingly emphasise Jesus' concern for 'people's bodily suffering' (Johnson 2015:143). God assumes in Christ, the incarnated, to embrace humanity in all its comprehensiveness to consecrate and to heal its brokenness, according to Gregory of Nazianzus (Speidell 1987:250). Jesus, the 'incarnate humanity', dwells on earth as the curer of our humanity, according to Athanasius (Speidell 1987:250). Partaking in the pain of people, Christ gives ointment to those tormented, and liberty and wholeness to those who suffer (Webb 2012:199).

Through the incarnation, the 'vicarious humanity' of Christ is brought about 'in which God graciously summons us to participate' in the acts of healing (Speidell 1987:251). God's love for the whole cosmos and God's solidarity with humanity bestows dignity on all living. This has ethical implications to believers: They come to be the partners of God in God's divine care for creation (Johnson 2015:140). Through God's incarnation in Jesus, the identity of the church is made visible in an 'incarnational lifestyle' by which the followers of Christ consciously make themselves 'vulnerable for the sake of others' (General Synod of the Dutch Reformed Church 2013:7).

Kenotic love of Jesus, the broken Christ

Jesus' suffering not only on the cross, but also during his earthly life, forms a central dimension of the redemptive nature of the incarnation. It is a poignant illustration of Christ's solidarity with the suffering: '[I]n the suffering of Christ, God meets us where we are, a meeting that restores us to ourselves and orients us with compassion for others' (Webb 2012:199). According to Mercedes (Webb 2012:199), the concept *kenosis* suggests the generation of power towards another. In the context of the incarnation, the self-emptying of Jesus is thus understood as 'the giving of the self *for* another' (Webb 2012:199). This *kenotic* attitude is like inhaling life-giving oxygen to the followers of Christ; it fills them with the capacity to liberate themselves of self-centredness, by being available for the other and live a life of self-giving love. Or, as Mercedes (Webb 2012:200) contemplates, in *kenosis*, Christians find their identity. '[I]n encountering the self-giving Christ, our own identity is fulfilled through self-giving' (Webb 2012:200).

According to the liberation theologian, Jon Sobrino (Speidell 1987:251), Jesus is the 'pathway to liberation'; he is the one who '*becomes* the Son of God' to show us 'the way of the Son, the way one becomes Son of God'. The primary test put by Jesus to his followers, then, is to duplicate his way of being in themselves and in their lives (Speidell 1987:251). Leonardo Boff (Speidell 1987:251) pictures believers to be the followers of Christ who has already reached the goal. According to him (Speidell 1987:251), '[t]he imitation of Christ [...] connects us to Christ "and allows him to act in us"'.

The feminist theologian, Wendy Farley, employs the metaphor of a door when contemplating on the suffering of Christ (Webb 2012:203). Farley's reference to suffering as 'a door to Christ' should not be seen as an instruction of imitating the suffering of Christ; it is rather an announcement of Christ's involvement in the agony of human life (Webb 2012:203). According to Farley (Webb 2012:203), 'Christ does not invite us through this door so we can be like him. He stands at this door, so he can be like us.' There are feminist theologians who are suspicious of the claim of salvation through Jesus' suffering and self-sacrifice, because of its potential justification of oppression and the abuse of women (Webb 2012:199). They highlight Jesus' solidarity as well as Jesus' 'embodiment of inclusion and justice' (Webb 2012:199), with the marginalised, the oppressed, women and the poor. The redemptive value of Jesus' incarnation and suffering is denied. Jesus' way of living resulted in his violent and tragic death by the imperialist power (Webb 2012:199). Alternatively, other feminist theologians hold different views. For example, Johnson (2015) puts the emphasis on the crucified God in loving solidarity with the suffering of people:

> The end of Jesus' life in death and resurrection provides yet another chapter in the astonishing narrative of God's immersion in matter. No exception to perhaps the only ironclad rule in all of nature, Jesus died, his life bleeding out in a spasm of state violence. Theology has always seen in the cross the love of God writ large: the Son of God entered into suffering 'for us'. Contemporary theology is replete with the idea that in Christ God suffered not just once on a certain Good Friday, but suffers continuously through history, in solidarity with the ongoing agony of the human race. Crosses keep on being set up in history. Ecce homo: behold the human being, with tear-stained, starving, tormented faces. The crucified God suffers with human beings, and will continue to do so until we take all the crucified peoples down from the cross. (pp. 145–146)

The wisdom teacher, Qoheleth, who lived approximately 300 BC (cf. Ogden 1987:15), employs the metaphor of a 'golden bowl on a silver string' (Ec 12:6) to describe the precious value of life. But there comes a time, he warns, that the cord will break, letting the bowl fall to pieces and everything will be meaningless (Ec 12:8). In Christian faith the importance of the preciousness of life and the well-being of everyone is recognised, and most Christians believe that eternal life is already lived in the physical form. Jesus says that everyone who follows him, has eternal life (e.g. Jn 3:16, 6:47). According to Deist (1990:n.p.), this 'eternal life' refers to the quality of life at present and not to something speculative to be gained some day after death. Eternal life has all to do with how followers of Christ choose to live now – to what extent they become the image of God and, in so doing, a manifestation of God on earth (Deist 1990:n.p.). The crux of eternal life-living is to protect the golden bowl of life from dropping, and if it drops, to be picking up the pieces and putting them together again. The healing of the broken requires an attitude of self-giving love that finds expression in passion and compassion. On account of Christ's selfless attitude of servitude, he has become the name above all names (Smit 2017:10).

However, selflessness comes 'unnatural' to being human. The cost of Christian discipleship could be too high if control is to be resigned. For those who believe, the winner takes it all – there could be no power in weakness.

The faith, health and wealth dilemma

As astonishing as biomedical technology and pharmacological innovation may be, these advances in medical science often come at a costly price. As a business enterprise, the medical industry inevitably turns individuals into clinical trials, diagnoses and pharmacological prescriptions, and success is quantified in terms of profit. Sadly, the church could also be lured into the mindset of enterprise. Personal narratives of brokenness and healing become unspoken (Winslow et al. 2016):

> [*T*]oday's health care increasingly runs the danger of losing its charitable soul, devolving into yet another commoditised industry. The distance from the ministry of healing to the health care industry is great. It is not measured in years or miles but in the way people understand the essence and meaning of what they are doing when they care for the health of another person, and why such care is offered. (p. 189)

The increasing cost of medical aid is disturbing, but linked to the complexities of actuarial science. The fact remains that it has become increasingly difficult for beneficiaries of the private health system to pay their medical aid premiums. Nel (2017) explains:

> Health care as a discipline is for several reasons even more sensitive to inequalities in society. Health care inflation rises constantly above the average inflation rate of countries. [...] There are multiple reasons for it. The health care community (with society's blessing) chose for a scientific medicine, it make health sciences part of the scientific and technological revolutions. (p. 1)

The infographic (Figure 7.1) indicates the price of medical care in South Africa at present, and a projection of cost in 2026 (Fin24 2017:n.p.):

In South Africa the private medical service is structured in a commodity model (Nel 2017:3). Private healthcare 'is a service like any other service in the market place. Healthcare providers pursue their own interests and that of their investors' (Nel 2017:3).

The South African religious community is challenged by the development and implementation of the NHI legislation.[73] 'The attainment of universal health coverage (UHC) is a complex

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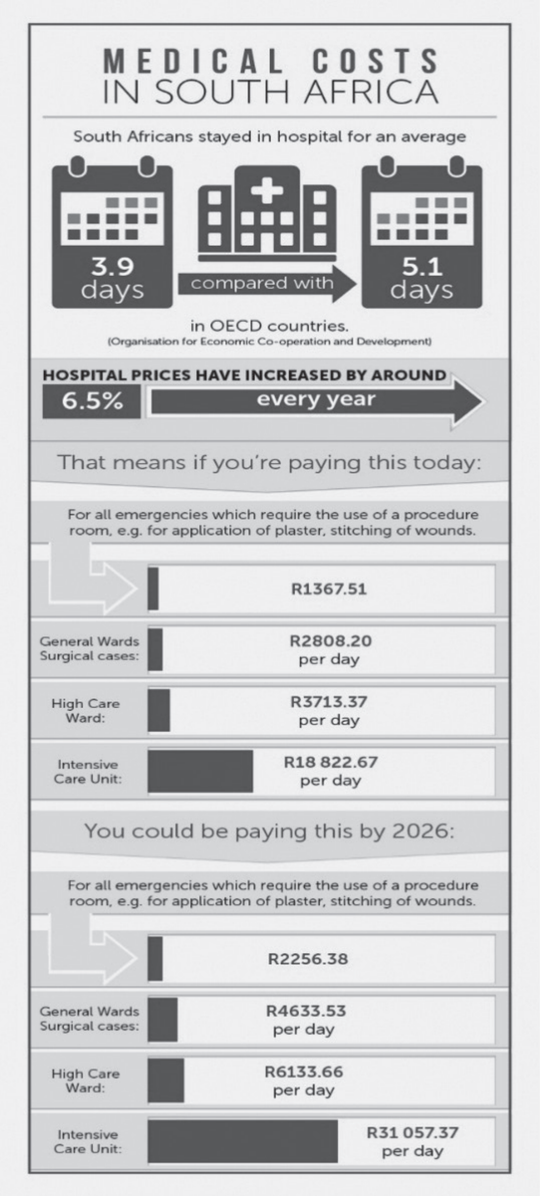
[73] 'The National Health Insurance White Paper was published by the Department of Health in December 2015. The purpose is to "pool funds to provide quality, affordable health services irrespective of socio-economic status." Through the NHI the right to access to healthcare for everyone will be reached' (Nel 2017:3).



MEDICAL COSTS IN SOUTH AFRICA

South Africans stayed in hospital for an average

3.9 days compared with 5.1 days

in OECD countries.
(Organisation for Economic Co-operation and Development)

HOSPITAL PRICES HAVE INCREASED BY AROUND 6.5% every year

That means if you're paying this today:

For all emergencies which require the use of a procedure room, e.g. for application of plaster, stitching of wounds.

R1367.51

General Wards Surgical cases: R2808.20 per day

High Care Ward: R3713.37 per day

Intensive Care Unit: R18 822.67 per day

You could be paying this by 2026:

For all emergencies which require the use of a procedure room, e.g. for application of plaster, stitching of wounds.

R2256.38

General Wards Surgical cases: R4633.53 per day

High Care Ward: R6133.66 per day

Intensive Care Unit: R31 057.37 per day

Source: Fin24 2017.

FIGURE 7.1: The price of medical care in South Africa at present.

process, but a necessary one which has been enshrined as one of the Sustainable Development Goals' (Gray & Vawda 2016:4). Churches should participate in the discourse of the viability of the proposed NHI. Through the NHI, the right to access to healthcare for everyone will be reached. Somebody needs to pay for the service, however. The implementation of the NHI is complex (cf. Mayosi & Benatar 2014:1349). Nel (2017) clearly states:

> The funding of the NHI is problematic. Only two percent of the South African population is estimated to pay more than half of income tax. According to the South African Revenue Service, 57% of SA's personal income taxes are paid by 480 000 high-earning individuals. The fact that medical schemes will cease to exist under the NHI and direct access to high-quality private healthcare is not a certainty in this system, raise serious concerns among this group. The private medical sector spends more than R160 billion rand a year (Johan Serfontein, Free Market Foundation Health Policy Unit) in the economy. Many people are employed by this sector. Withdrawing this sector from the South African economy will have a drastic impact. (p. 3)

The religious communities, for example the SACC, should participate in the realisation of an inclusive national health system for every person. Nel (2017) proposes an ethically sound healthcare vision:

> What we need is a common purpose and vision for health care. A vision that is ethically inclusive of all the people and that is ethically responsible (sustainable) in terms of the resources of the country. This vision should include all the role players. Building trust between role players and encourage working for the greater social good of everybody. A road map for the future that is built on collaboration between the public and private sectors. (pp. 3–4)

From the perspective of Christian faith, the threat, associated with the unbelievable growth in the prosperity gospel, is more disquieting than the cost of medical insurance. The preaching of the prosperity gospel is widely spread and its influence the largest growing in sub-Saharan Africa among faith communities (Chilenje 2013:13; Kroesbergen 2013:6; Zulu 2013:28). 'This faith movement gives hope to the people, mostly the marginalised or hopeless' (Chilenje 2013:11), by offering health and wealth from God as a right (Gbote & Kgatla 2014):

> The basic teaching of the prosperity Gospel is that God wants believers to get rich or healthy, but he cannot bless them unless they first send money known as 'seed faith' to their spiritual leader or pastor who tells them about the plan. (p. 1)

Obviously the promise of attaining riches and of health guaranteed will be attractive to those who are destitute. However, it seems that most prosperity preachers are running their 'churches' as fundraising for their own interests. It is not strange to find the preachers extremely wealthy, in comparison with their supporters (cf. Gbote & Kgatla 2014:7).

A great concern is the fatalism the prosperity faith advocates and creates among marginalised people, that is, the ill health and poor persons whose 'faith' is not strong enough to overcome Satan's power. The shameless, non-compassionate and judgemental attitude among some proponents of prosperity faith towards the poor and needy, raises serious ethical concerns.

This movement has a different understanding of the embodiment of God and the *kenotic* love of Christ. According to the movement's theology of the cross, 'God put our sins, illness, and poverty on Him so that we may [be] able to enjoy the blessings of our salvation' (Walker in Chilenje 2013:16). Paul's belief in the cross of Jesus, seen as a power in weakness (2 Cor 12:9), is clearly absent in their faith. People do not follow Jesus in the hope of getting something out of it, they follow Jesus because of who and what Jesus is (Bosch 1990:53). The prosperity movement does not follow Jesus as the one who 'rejects power and privileges, identifies himself with the poor, takes upon himself their vulnerability and allows himself to be broken and crushed' (WCC 2012:154).

■ Conclusion

'[N]one of us is whole, at least not yet. We are a damaged, broken, and wounded lot', writes Hernandez (2006:112) when reflecting on Henri Nouwen who has been known as the wounded healer. I have started this chapter with the 'Esidimeni-massacre' and provided analyses from researchers on the dysfunctional healthcare system. I have focused on the detrimental effects of poverty on health and well-being. I have touched on the expense of healthcare and insurance. Poor or rich, healthy or ill – we all are part and parcel of a broken society. Furthermore, every one of us is vicariously exposed to risks associated with the powers of nature and viruses. We are all clay jars that easily break (2 Cor 4:7). 'Our bodies are prone to disease and disability; they are fragile and mortal' (Van Niekerk 2013:151).

I have reflected on the influence and importance of faith on health and healing since the 'beginning'. I have contemplated the way in which affordability of medical treatment and the appeal of the prosperity gospel confront believers with the ethics of health and brokenness. I have also focused on the advantages of faith in public health and well-being of human nature. The embodiment of God is indicative of his relatedness to the material world (Myers 1999:46). Christian faith is embodied faith which takes the bodies of humans seriously. Its mission is to fight for a dignified health service and equal justice (cf. WCC 2012:153–154). Healing is all-encompassing, as De Gruchy (Bosch 1990) explains:

> A concern for health cannot be separated from a commitment to social justice and transformation. Hence the connection in the Bible between social-justice and 'Shalom'. A healing ministry requires a prophetic-critical ministry; the one without the other distorts the Gospel of judgement and grace. (p. 57)

Bosch (1990:54–57) pleads with the Christian church to turn into a 'healing community'. The ministry of healing goes beyond trained medical practitioners and faith healers. It also involves the church, congregations and members. When Christians take up the call to a ministry of healing, the reality that we live in a sick society is acknowledged (Bosch 1990:56). Sadly our post-apartheid society still contains the same elements that Bosch (1990:56) referred to as 'a sick South African society' – tension, mistrust, corruption, fear, hate, bitterness and uncertainty.

We are called to a ministry of putting people at ease, helping one another to accept their fellow human beings, to be honest with them and being instrumental in changing fear and hate to trust and love (Bosch 1990:56). This is the act of *kenosis*, of self-giving love.

I mentioned before the diversity and complexity of healthcare, and that the same applies to faith's influence on and involvement in healthcare (Olivier et al. 2015):

> [*A*]lthough religion is described mainly as a positive value, when theology mixes with health-service policy, negative health effects have been noted, most strongly documented in relation to sexual and reproductive health. However, the slowly emerging evidence on FBHPs suggests that they are not simply a health systems relic of a bygone missionary era, but still have relevance and a part to play (especially in fragile health systems), even if we still know little about exactly how they function. (p. 1772)

To conclude, I realise that to strive for a liberated, equitable, humane and healthy South Africa is a complex and diverse goal, but I refuse to be fatalistic. Therefore, I adopt a Christological and ethical perspective of God's embodiment and *kenotic* love. These are the important and unique values that would enrich the discourse on health and brokenness. They are also descriptive of the Christological hermeneutical lens through which I approach and sincerely hope to stimulate the discourse on healthcare.

PART 7

Political ethics

Chapter 8

Borders, belonging and human rights in South Africa

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Introduction

The Preamble to the Constitution of the Republic of South Africa (1996) begins with the promising words: 'We, the people of South Africa [...] [b]elieve that South Africa belongs to all who live in it'; yet, we are very aware of how far our country is from attaining the ideals of the Constitution. In December 2016 a new political party was registered with the Independent Electoral Commission. The South Africa First party, led by Mario Khumalo, hopes to drive foreigners out of South Africa. Khumalo sees xenophobic violence as a reaction to the government's failure to address the issue of immigration (Davis 2017). Around the same time Khumalo formed the party, another group – the Mamelodi Concerned

How to cite: Cilliers, J.-A., 2018, 'Borders, belonging and human rights in South Africa', in C. Jones (ed.), *Justice-based ethics: Challenging South African perspectives*, pp. 195–221, AOSIS, Cape Town. https://doi.org/10.4102/aosis.2018.BK77.08

Residents – planned a march against foreigners and immigration which contributed to xenophobic attitudes (and some violence) in the area (Davis 2017). These examples of xenophobic attitudes are not unique as we very well know. Recent years have seen an increase in violence, often fatal, directed at foreigners in South Africa. The widespread xenophobic violence in 2008 and 2015 destabilised the country and confronted us with an ugly truth: South Africa does *not* belong to all who live in it.

In South Africa, anti-immigrant attitudes have been on the rise since 1994 (see Southern African Migration Project 2001; 2008), with the majority of South Africans adopting a 'South Africa First' policy (Nyamnjoh 2006:37). The rise in xenophobic or anti-immigrant sentiments is not unique to South Africa. Migration is increasingly becoming a central issue in political debates, campaigns and commentary worldwide.

The migration of people is and has always been a fact of life, and the causes of migration are multiple. Some flee warfare, some seek riches and some merely seek food to feed their children. When thinking or speaking about migration, it is wise to remember its multifaceted nature. It would be unwise to assume that there can be a single, overarching response to global migration or a simple solution to the problems it might bring. Migration calls up questions of emigration (should we leave?) and immigration (should we welcome 'them'?); questions of inclusion and exclusion, belonging, identity, hospitality, and assimilation.

Migration in South Africa is an equally complex reality. The country is host to millions of seasonal migrants, documented and undocumented immigrants, refugees and asylum seekers. There is no doubt that the presence of these individuals puts a strain on South Africa's limited resources. Foreigners, especially those from other African countries, are mistrusted, feared, discriminated against and even killed. They are accused of exacerbating the unemployment crisis by taking citizens' jobs, committing crimes (especially relating to the drugs and arms trade), and they are seen as parasites on service delivery, healthcare and education systems (see Nyamnjoh 2006 for discussion). The country's treatment of foreigners and its immigration policies have earned it the reputation of an aggressive state which 'lives up against, rather than with, its neighbours' (Vale 2002:10).

This situation is not only a threat to the lives and well-being of foreigners in South Africa, but to the country and its citizens as well. Xenophobic attitudes are, for the most part, directed at foreigners from other African countries (Nyamnjoh 2006):

> Xenophobia is racist in its application; victims are predominantly black and are targeted for their very blackness where skin colour has always served as an excuse for whole catalogues of discriminatory policies and practices. (p. 49)

Individuals are identified as foreigners based on markers such as their skin colour ('too dark' to be South African), hairstyles and accents. The result of this unreliable method of identification is that citizens are often identified, targeted and victimised as foreigners (Nyamnjoh 2006:51).

The xenophobic violence, which so often erupts in South African communities, not only endangers the lives and property of everyone in that community, but it also poses a very real threat to the political and economic stability of South Africa and to the survival of its democracy. The South African Bill of Rights is the cornerstone of the country's democracy; yet, the values it enshrines – 'the rights of all people in our country [and] the democratic values of human dignity, equality and freedom' (The Republic of South Africa 1996:7) – are betrayed by the injustices perpetrated against foreigners and 'foreign looking' citizens. In blaming foreigners for taking jobs and stealing resources, blame is also deflected from the guilty parties. Scapegoating foreigners serves as a smokescreen to sweep local economic, political and social issues under the rug. As Sisonke Msimang (2017) pointed out in a recent lecture:

> [*T*]he problem of xenophobia, and the ways in which it is particularly directed at African migrants, is a function not so much of economic pressure, as it is of political failure. (n.p.)

Many citizens are denied meaningful political, economic and cultural representation for reasons other than immigration: the economic inequalities that still remain even after apartheid, a corrupt state and global capitalism, to name a few possible reasons (Nyamnjoh 2006:230).

What is needed to fight crime, unemployment or disease is not more stringent immigration policies, closed borders or a foreigner-free society, but rather a return to or a cultivating of the democratic values, emphasised in the Bill of Rights which would '[cultivate] a South Africa of greater equality and justice, so that ordinary South Africans can access their citizenship in more meaningful ways without having to scapegoat migrants' (Nyamnjoh 2006:79). How to do this is less clear and beyond the scope of a single chapter to discuss, and finding a solution to the socio-economic problems citizens face, is not the aim of this chapter. The focus is rather on the precarious situation in which foreigners find themselves and how to remedy it. A good place would be to start rethinking our notions of belonging, citizenship and foreignness. This chapter will deal with two areas in which this should take place. Firstly, with regards to our state's borders and the accompanying notion of nationhood; and secondly, with regards to the rights enshrined in the Constitution within the context of a universal human rights regime.

Achille Mbembe (2015) sees xenophobia as a form of 'national-chauvinism' and, indeed, it often rests on an idea of foreignness or the idea that someone does not belong on this side of the nation's borders. South Africa's borders take on a special meaning – a physical separation between the 'superior' South Africa and the 'inferior' Dark Continent (see Nyamnjoh 2006 for a discussion on the racially charged prejudices South Africans hold towards other African nationals). In my first section, I will question whether a country's borders should be seen as a fixed divider between 'us' and 'them' or 'insiders' and 'outsiders'. There are, to my mind, at least three reasons why we should question nationalist assumptions that rely on the idea of fixed or closed borders: firstly, their ever-changing nature; secondly, in South Africa, specifically, their colonial roots; and thirdly, the (perhaps controversial) question whether democratic self-determination is, in fact, democratic. The final point will be the focus of the section, and drawing on Abizadeh (2008) and Carens (1987). I will show why the power of states to determine their own borders is limited and why the exclusion of individuals should be justified to those individuals.

The second assumption, which I will question, is that the rights, contained in South Africa's Constitution, are only applicable to citizens. On the contrary, these rights should be seen as human rights and should therefore be guaranteed by the state for everyone in South Africa (as, indeed, the preamble to the Constitution implies). This situates the Constitution and the democratic state within the international human rights regime which further limits the sovereign power of states. The question then arises how a modern democratic state should resolve the tension between its sovereign rights and its commitment to human rights and cosmopolitan norms. Benhabib (2004; 2006) suggests 'democratic iteration' as a means to mediate the tension, and to make cosmopolitan norms relevant and applicable to particular contexts such as the norms regulating membership to a political community or a state. Along with Benhabib, I argue that we need to rethink our membership norms and make membership more readily available to foreigners to protect them against xenophobic discrimination or attacks.

This chapter will offer no solutions or final answers to questions on migration, immigration or refugeehood. The aim of the chapter is neither to give a comprehensive account of migration-related issues in South Africa nor an empirical account. My aim is merely to cast light on certain assumptions which, if left unquestioned, are unjustified, exclusionary and potentially dangerous. It should be read as the first step or a small step towards a rethinking of our national identity – of borders and notions of belonging, and of the foreigner in our midst.

Borders and belonging

It is easy to assume the naturalness of borders from the inevitability of borders. Every distinction drawn, in all areas of life, is a border or an act of inclusion and exclusion. We erect borders between species (a cat cannot be a dog), between academic fields, musical genres, and cuisines. The mistake we make is in thinking that this inevitability implies that all borders are necessary, natural or set in stone. While a cat cannot be a dog, a brief consideration of the other examples, mentioned above, indicates that borders can be flexible or porous. We can, for example, conceive of a piece of music that combines elements of pop and jazz. It may be pointed out that these kinds of distinctions differ in important ways from the distinctions or borders drawn between states. I do not deny this. However, there are important reasons why the borders of states or political borders can and should also be questioned. Firstly, even the briefest overview of world history should convince one that there is nothing 'set in stone' about the borders of any state. Secondly, the borders of South Africa are a legacy of colonialism and apartheid. Thirdly, borders of a democratic country are often seen as an expression of the people's democratic right to self-determination; yet, it is not clear that the exercise of this right is truly democratic.

The first two points are straightforward. From a historical perspective, it seems unreasonable to assume that there is anything permanent or necessary about state borders. Even in areas where states had relatively homogenous populations, as with European nation states before the European Union and large scale immigration, the borders were formed through war, conquest and political alliances, and, consequently, they changed relatively frequently (one need only think of the territorial evolution of Germany during the 20th century). South Africa's borders are no exception.

The political shape of South Africa, and indeed Africa, is a product of colonialism and the 'Scramble for Africa' when African territories were subdivided by colonial European powers with no regard to existing territorial boundaries. These borders remained intact after liberation, even when regarded as 'artificial borders' (Nkiwane 1993:67). The creation of artificial states, most often through colonisation, but also through post-war treaties, throws together or divides ethnic, tribal and religious groups with no consideration of the individual groups' aspirations (Alesina, Easterly & Matuszeski 2011:245). While there have been some attempts at succession from the colonially defined states (the short-lived Biafra or, more recently, South Sudan), in many cases the colonial borders are not only kept intact, but held sacrosanct (Alesina et al. 2011:251). Kwame Anthony Appiah (1998) argues that even the idea of 'Africa' is a product of colonialism and the European imagination. For most of human history, the peoples of Africa did not think of themselves as 'African' (Appiah 1998):

> [*T*]hrough the long ages of human cultural life [...] most people in the continent have lived in societies that defined both self and other by ties of blood or power. It would never have occurred to most of the Africans in this long history to think that they belonged to a larger human group, were defined by a shared relationship to the African continent [...] Only recently has the idea of Africa come to figure more importantly in the thinking of many Africans and those that took up this idea got it, by and large, from European culture. (p. 256)

Appiah's point is not that we should no longer think in terms of 'Africa' or 'African', but that we should be aware of the history behind the idea and the danger of thinking of 'Africa' as a unity with a homogenous culture: '[T]he central cultural fact of African life, in my judgement, remains not the sameness of Africa's cultures, but their enormous diversity' (Appiah 1998:257). Similarly, we should recognise that African states' borders are, for the most part, products of colonialism. Furthermore, as we should question the idea that there is some essence or unity underlying 'African' culture, we should also question the supposed unity of nations (be it Nigerian, South African or Rwandan). Each state in Africa is home to a diversity of cultural groups and many of these groups were crossed by the colonial borders. These complexities pose a serious challenge to the simplified nationalist discourses of 'us' and 'them', 'South African or citizen' and 'foreigner'.[74]

Taking this into account, South Africa, as a territory, is 'the product of Western imaginings' and '[t]he power to carve out South Africa as a distinctive space was [...] an act of great violence and force' (Vale 2002:15). The borders have more or less remained the same for the past century, following the joining of the British colony to the Boer Republics after the South African War. This carving out of South Africa's territorial boundaries 'was patently linked to understandings of race superiority and spurred forward by the irresistible arguments of the purse' (Vale 2002:15). If the decolonisation project is to be taken seriously, it should also account for this colonial and apartheid legacy. The space and idea of 'South Africa' should be questioned and the idea of a South African identity should be questioned. Given the high prevalence of xenophobic attitudes and violence across all sectors of South African society, it seems that this questioning is not really taking place.

To my mind, these two brief points should at least convince one that one should be sceptical of arguments that rest on assumptions that borders are, in any way, natural, permanent or neutral such as anti-immigration arguments for closed borders. However, there is a more serious challenge to my claim that borders should be questioned: The sovereign right of the state and, related to that, a people's right to democratic self-determination. These two rights are often called upon to justify immigration control. Benhabib (2005:673) says that whenever an individual or group of people crosses a border into a democratic state, we are made aware of the 'constitutive dilemma' at the heart of our liberal democracies: the tension between the state's right to sovereign self-determination, and universal human rights principles.

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[74] Nationalism has, of course, played an important role in anti-colonial liberation struggles (see Fanon 2004 for a discussion in this regard). In South Africa, the post-apartheid nation-building project aimed at creating unity between the separated and antagonistic groups. While the intention behind calls for a unified 'rainbow nation' was well meant, it had two serious negative effects: firstly, it lead to a rise in xenophobia (see Nyamnjoh 2006); and secondly, it obscured many of the existing racial and hierarchical inequalities between citizens (for a recent criticism and discussion, see Gqola 2017:18–24).

Sovereignty and democratic self-determination[75]

Democratic self-determination refers to the right democratic citizens have to decide on the structure and future of their society. Immigration inevitably impacts that future: 'decisions about whom to admit, how many to admit, and what the terms of admission should be are all important matters for a democracy to decide' (Miller 2016:154). Political communities are established through acts of self-determination, when a group of individuals decide to become a people. In so doing, the 'people' erect a border between them, the insiders, and those not included, the outsiders. This act of self-determination is an act of inclusion and exclusion which is justified to those included, as it expresses their common will, but importantly not to those who are excluded (Cilliers 2014:138).

Democratic states as self-determined communities hold two ideals: firstly, self-governance; and secondly, a territorially circumscribed nation-state (Benhabib 2005:673). Within its own borders, the state is the 'final and absolute authority in the political community' (Hinsley 1989:1). Benhabib (2009) refers to those who argue for absolute sovereignty as the sovereigntist territorialists, of which there are two broad categories: nationalist and democratic. Nationalist sovereigntists emphasise a people's right to self-determination, understanding 'the people' as a homogenous entity (an ethnos). The state's law is an expression of the people's will, legitimated by the right to self-determination.

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[75] This section is based on the author's research (Cilliers 2014) she did during her MA at Stellenbosch University.

For democratic sovereigntists, ‘the people’ is not an ethnos, but rather a demos (a people or political community which does not necessarily share a culture or ethnic nationality). In this view, laws are legitimate if, firstly, the people are both ‘the author and the subject of its laws’ (Benhabib 2009:693); and secondly, there are ‘clear and recognised public procedures for how laws are formulated, in whose name they are enacted, and how far their authority extends’ (Benhabib 2009:693). Benhabib’s distinction between nationalist and democratic sovereigntism echoes, for her, Hannah Arendt’s distinction between nationalist claims and popular sovereignty. Nationalism, often connected to the idea of an ethnos, can repress difference as it ‘introduces categories of unity and homogeneity into the political sphere’ (Cilliers 2014:29), whereas popular sovereignty refers to ‘the democratic self-organisation and political will of a group of people who are not necessarily of the same nationality or community’ (Cilliers 2014:29). Both these forms are present in South Africa. While certain groups (far right Afrikaners, for example) have nationalist dreams, the South African citizenry could be seen as a demos which wilfully organised itself into a nation in 1994.

If democracy is fundamentally a government by the people and that government has a right to determine membership to the people and entrance into the territory, it may seem that the case is closed. South Africans think of themselves as insiders, of foreigners as outsiders, and of the country’s border as the dividing line between the two groups. However, we should not forget one important detail: in the act of self-determination or any subsequent expression of membership norms, those who are excluded from the group can, by definition, not partake in the act or the expression of such norms (Cilliers 2014:98). Abizadeh (2008) argues that the existence and control of democratic states’ borders need to be justified not only to those who are included (as is commonly held), but also the people who are excluded:

> First, a democratic theory of popular sovereignty requires that the coercive exercise of political power be democratically justified to all those over whom it is exercised, that is, justification is owed to all those subject to state coercion. Second, the regime of border control of a bounded political community subjects both members *and*

> *non-members* to the state's coercive exercise of power. Therefore, the justification for a particular regime of border control is owed not just to those whom the boundary marks as members, but to non-members as well. (p. 45)

The theory of popular sovereignty holds that political power can only be legitimately exercised if it is justified to the people over whom it is exercised, but also by the people, in a way that views them as autonomous and equal beings (Abizadeh 2008:41). For Abizadeh, this includes those who were excluded without having a say in the matter, otherwise those borders would not be truly democratic. Either democracies have to reject their unilateral right to control their borders or they have to democratically justify the control and closure of borders to foreigners. Abizadeh's justification for this claim is the unbounded nature of the *demos.* The *demos* can, in principle, include anyone and should therefore justify its exclusions (Abizadeh 2008:38).

He shows how the three main approaches in contemporary political theory (the Rawlsian, the Nozickian and the utilitarian) can support the idea of open borders. I will focus on his discussion of Rawlsian justice, as this illustrates the impact one's nationality or place of birth has on one's lived experiences. While Rawls (1993:41) assumes a closed system in which immigration is not an issue, Carens suggests that Rawls's liberalist approach can be applied to a broader context. In the Rawlsian system, two main principles of justice are decided upon from behind the 'veil of ignorance': firstly, a principle guaranteeing equal liberty to all; and secondly, a principle that would only permit inequalities if they were to the advantage of the least well off in the society (the difference principle) (Carens 1987:255). Behind the veil, the effects of natural and social contingencies (such as one's race or gender) are nullified. Rawls does not include nationality or place of birth in the category of 'natural and social contingencies', but Carens (1987:256) argues that being a 'citizen' or an 'alien' is also morally arbitrary:

> [*W*]hether one is already a citizen of a particular state or an alien who wishes to become a citizen – this is the sort of specific contingency that could set people at odds. (p. 256)

If we want to arrive at fair principles of justice, we should therefore also exclude knowledge of our membership (or non-membership) to any specific polity. We should 'take a global view of the original position' (Cilliers 2014:35). Furthermore, states cannot restrict immigration on the grounds of birthplace and parentage (which determine one's citizenship).

In pointing out these challenges to states' sovereignty, right to self-determination and territorial boundaries, I am not suggesting that we should do away with borders. There are many reasons why a single world state is undesirable (discussed below). Nor am I suggesting that South Africa should radically restructure its borders or somehow determine its borders through a process of direct democracy which includes all of humanity.[76] This would be, to say the least, impractical. I merely wish to draw attention to the changing and fluid nature of national boundaries, and the need to constantly justify such boundaries to those affected by them. This, especially, needs to happen when people, who are already situated within our boundaries, are excluded from meaningful membership and participation, and violently so, by the ideas of nationhood, belonging and identity those boundaries shape. As Nyamnjoh (2006) writes:

> [*No*] boundaries, no matter how taken for granted, are permanent. This is a source of both constant hope and constant worry, as it keeps alive the tensions of inclusion and exclusion, from the most local to the most global levels. (p. 25)

I turn to this tension in the next section.

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[76] For a critical discussion of Abizadeh's position, see (Miller 2010). Miller disagrees with Abizadeh's claim that borders are coercive, in the sense that they serve as impediments to the autonomous movements of individuals (see also Abizadeh 2010). For Miller (2015), this does not mean that states have no duties towards (potential) immigrants – at the very least, the state has a duty of care toward those at its borders seeking entrance. Analysing Miller and Abizadeh's positions in depth is beyond the scope of this chapter. Abizadeh's position is given to highlight the tension inherent to democratic borders and as a challenge to our thinking about borders.

Citizens' rights and human rights

There is a final constraint on the right of a democratic state or people to control its own borders: cosmopolitan right. Democracies, as mentioned above, face a constitutive dilemma between sovereignty and self-determination, on the one hand, and universal human rights, on the other. The international human rights regime is founded on the idea of the moral equality of all human beings or moral cosmopolitanism. Moral cosmopolitanism is founded on the idea that, even given our differences of language, culture, nationality, or religion (Kleingeld 1999):

> [*A*]ll human beings share certain essential features that unite or should unite them in a global order that transcends national borders and warrants their designation as 'citizens of the world'. (p. 505)

Because we share certain basic characteristics, we are equal. Every person, as an individual, has equal moral status with every other person. Every person 'has global stature as the unit of ultimate moral concern and is therefore entitled to equal respect and consideration no matter what her citizenship status' (Brock 2011:455). This does not mean that communities and states do not matter in a cosmopolitan world. They just do not matter exclusively – they are not 'ontologically privileged'. They do not have, to use Brock and Brighouse's (2005:4) formulation, 'ultimate value'.

This moral cosmopolitanism then also forms the basis of South Africa's Constitution and specifically the Bill of Rights. All the rights, contained in the Bill, are attributed to 'everyone', except the right to political rights (Section 19[1]), the right not to be deprived of one's citizenship (Section 20) and freedom of trade, occupation and profession (Section 22). The claim that South Africa belongs to *all* who live in it or that the Bill protects the rights of *all*, is a cosmopolitan claim. Those who live in South Africa are not only accorded these rights because of the Constitution. South Africa is a member of the United Nations and therefore subject to international law and treaties. Such laws and treaties limit the sovereign rights of states, especially when it comes to how non-citizens (e.g. refugees) can be treated. This then sheds light on the second assumption that we need to rethink: We need to think of the rights, contained in the Bill, not as citizens' rights, but as *human* rights. We need to recognise that foreigners also have the right to life, dignity, safety, and so forth.[77] Yet, these rights, as universal rights, also have to be adapted to our local context. This section deals with the mediation between universal or cosmopolitan norms and particular contexts.

Kwame Anthony Appiah (2006:163) identifies three fundamental problems with a world state. Such a state would, firstly, easily accumulate uncontrollable power; secondly, be unresponsive to local needs; and, finally, reduce the variety of institutional experimentation. States curb each other's power, which is needed when a nation perpetrates injustices against its own citizens (as in apartheid South Africa) or against other nations (as in warfare). In a world state, no corresponding recourse exists (see Nussbaum 2006:313).

Democratic iteration: A new normative map

The tension between cosmopolitanism and sovereignty is not one that can be solved by going one way or the other, but one that should be mediated. Human rights and cosmopolitan norms are necessary to curb the power of democratic states (e.g. to prevent them from mistreating refugees); yet, these rights and norms have to adapt to or respond to local needs. Benhabib (2004; 2006) offers a possible model of mediation between sovereign rights and cosmopolitan norms.

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77. It should be noted here that not even citizens have full access to their rights and that this indeed leads to frustration and anger when foreigners arrive in our midst, as they are seen to be competing for the same rights and resources (see Nyamnjoh 2006 for discussion). The articulation and enshrinement of rights in legal documents, such as the Constitution, by no means guarantees that people will have access to those rights (and accompanying privileges) or that they will be able to exercise their political rights. This is another reason why xenophobia in South Africa can be seen as a political failure, as it is the expression of a citizenry deprived of their rights and political voice.

However, international law and theories of cross-border interaction are still based on the Westphalian model (see Fraser 2008:46). It is for this reason that Benhabib (2004:6) calls for a new ‘normative map’. Migration, as a global phenomenon, especially calls for this. Globally high levels of migration render our traditional understanding of borders inadequate, especially when dealing with the question of membership. Both international and domestic law cling to the traditional model of sovereign nation states, especially where the movements of (im)migrants are concerned. The upshot of this is that many people are left stateless, unprotected, or labelled ‘illegal’ – an indication that our current normative tools are inadequate.

In a Westphalian world, citizenship of a nation state is the primary, if not only, form of political membership. National citizenship is constituted by, firstly, a collective identity (usually ethnicity); secondly, the privilege of political membership; and thirdly, entitlement to social rights and benefits (Benhabib 2006:45). These three constitutive elements of citizenship are increasingly becoming ‘unbundled’, leading to what Benhabib (2004:4) calls ‘disaggregated citizenship’. Porous or open borders, accessible international travel, the globalisation of trade and information-sharing, and immigration and emigration all influence the changing national identities. Even closed political communities are influenced by the wider world through electronic and social media (Cilliers 2014:91). National identity is no longer the sole or often even the primary defining factor of an individual’s identity (see Sen 2006).

Benhabib’s proposed that a ‘normative map’ is a reconceptualisation of the contradiction or tension between human rights norms and sovereignty. Benhabib (2004:19) proposes ‘democratic iteration’, a process which mediates between cosmopolitan norms and sovereignty. Democratic iteration falls within the framework of a discourse or communicative ethics. Benhabib relies on the Derridean notion of ‘iterability’ to explain how we can possibly reinterpret cosmopolitan norms, democratic values and cultural or political symbols. 'Iterability' suggests that, when we repeatedly use a concept or symbol, we do not simply reproduce its 'original' usage, but rather, '[E]very repetition is a form of variation [and every] iteration transforms meaning, adds to it, enriches it' (Benhabib 2004:179). Democratic iteration is defined as (Benhabib 2004):

> [*C*]omplex processes of public argument, deliberation, and learning through which universalist right claims are contested and contextualised, invoked and revoked, throughout legal and political institutions as well as in the public sphere of liberal democracies. (p. 19)

Deliberative or argumentative processes take place in public institutions such as legislatures, the judiciary and the executive, but also in 'weak' publics such as the media (especially social media) and civil society organisations. The authoritative original – in this case, cosmopolitan human rights norms – is resignified and 'transformed through the dynamic interaction between official legal texts and informal processes of democratic engagement' (Botha 2013:841)

Benhabib (2006:48) sees democratic iteration as a form of jurisgenerative politics, a term she borrows from Robert Cover (1983:4) who argues that legal institutions are inextricably linked to 'the narratives that locate it and give it meaning'. Cover (1983:18) identifies the radical dichotomy between the social organisation of law as power, on the one hand, and law as meaning, on the other. Meaning is born from social activity, and therefore it can never by fully controlled. Due to this, meaning always has the potential to destabilise power. This unstable dichotomy creates the potential for a jurisgenerative politics. The powerful write and enact the laws; yet, the 'uncontrolled character of meaning' (Cover 1983:48) gives subjects some freedom to interpret the laws. In this way, the demos is the subject and author of the law.

Importantly, the jurisgenerative process can be positive or negative. A positive, creative process expands the meaning of rights claims and nurtures the political authorship of individuals, thus allowing them to make it their own, relevant to their situation, by democratically deploying them (Benhabib 2006:49). Botha (2013:842) questions whether such a process would not perpetuate existing inequalities, given that those with a democratic voice – that is, those that are able to participate – are not the ones who are excluded. They are already members of the democratic state. I return to this issue below.

The question of membership of the demos or the 'politics of membership', is precisely the site of this jurisgenerative politics. The answer to this question determines who is included in the demos, and who is excluded. In authoring laws, the demos draws distinctions between 'us' and 'them', 'insiders' and 'outsiders', and 'citizens' and 'non-citizens', thus automatically disenfranchising some people. The distinctions are kept in place by the erection of borders. Benhabib (2004:21) argues that these distinctions and borders are 'fluid' and 'negotiable'. Democratic iteration enables us to constantly redefine belonging, which gives us the possibility of including those once excluded and seeking entry. Benhabib insists, however, that democracies do require boundaries (or borders), as long as such boundaries are fluid, porous and continually justified through the process of democratic iteration. A demos can, in theory, expand its boundaries of belonging to include those previously excluded, as those boundaries are not prescribed by a specific culture or ethnicity. The demos' identity can be defined and redefined through an unending process of constitutional self-creation (Benhabib 2004:177). The cosmopolitan or universal norms contained in the constitutions of many democratic states in reality often only apply to the state's citizens. In the case of South Africa, not even this has happened. Many citizens are deprived of or prevented from exercising their basic rights. Where membership status remains unresolved, these norms remain unrealised. It is precisely in these two areas – disenfranchised citizens and excluded foreigners – where the identity of the demos should be defined, renegotiated, bounded, unravelled, circumscribed and rendered fluid (Benhabib 2004:178).

Benhabib (2004:183–212) provides several examples of democratic iterations which illustrate how transforming citizenship promotes the coexistence of people from distinct cultures with different and often contradictory values and how the process of democratic iterations allows us to mediate the tensions created by these differences (for discussion, see Cilliers 2014:102–104). What her examples show us is 'the ways in which identities, the "symbols" of those identities and the meaning of human rights can be reappropriated and resignified' (Cilliers 2014:104).

In South Africa, multiple examples of such democratic iterations, large and small, can be named. One can think of the renaming of university buildings during the #FMF protests (Blignaut 2015), the other Fallist protests (Booysen 2016), the renaming and resymbolisation of national holidays (South African History Online 2014) and, perhaps the most important example for our purposes here, the writing of our constitution (Botha 2013:842). The latter example is directly relevant to the question of migration and membership. In the following section, I will discuss the potential of a process of democratic iteration to alter our ideas of membership, belonging and foreignness. If, as Benhabib claims, identities can be resignified, it is conceivable that our idea of who belongs in South Africa or who carries that identity can become more fluid.

Membership norms and ideas of foreignness

A change in the national identity of South Africans would reflect the membership norms of the country. As discussed, the prevalence of xenophobia in South Africa indicates that the country's populace is not of the opinion that foreigners are welcome inside its borders – let alone as members of the South African political community. However, the sheer number of people crossing South Africa's borders forces us to seriously consider the question of membership. A brief look at the country's asylum system will illustrate this point. From 2006 to 2011, South Africa was the host country with the highest number of asylum claims. In 2013, South Africa received the third highest number of asylum claims (following the USA and Germany), with 70 000 asylum claims made (United Nations' Refugee Agency [UNHCR] 2014:3), and in 2015 tenth highest, with 62 200 claims (UNHCR 2015:40). From 2008–2010 the country handled around 200 000 asylum claims per annum. After the closure of several refugee reception offices, the number of cases handled decreased sharply in 2011 (Cilliers 2014:3).

While membership to South Africa by no means guarantees one's flourishing or even safety, it does offer slightly more protection than non-membership. This is especially the case in South Africa where non-members or even, at times, certain members[78] are subjected to not only criminal violence (faced by all South Africans), but also xenophobic violence.[79] That physical violence causes a moral harm, seems evident. However, xenophobia also manifests in other ways: 'ordinary exclusions, hierarchies, and indignities' (Kim & Sundstrom 2014:26). Xenophobia includes negative attitudes and beliefs about foreigners. The moral harm in xenophobia, according to Kim and Sundstrom (2014:24) lies in the fact that it excludes some individuals from the 'civic mainstream' which remains a precondition for social goods such as individual agency, possibilities of political action, recognition of identity and the possibility of forming public relationships with people and institutions. They therefore see xenophobia as a form of 'civic ostracism' (Kim & Sundstrom 2014:26).

A crucial aspect of civic ostracism is 'the attribution of the cultural alienness of a subject or the felt sense that the subject does not rightly belong to the nation' (Kim & Sundstrom 2014:26). This is important. As I mentioned at the beginning of this chapter, xenophobia is not only directed at those who are foreign, but also at those who seem (look, sound) foreign. Research has shown that South African citizens' negative attitudes towards foreigners are rationalised by sets of stereotypes that rest on specific ideas of what it means to be a South African or a foreigner (SAMP 2001:15). When we rethink membership, we therefore need to do so on two levels: firstly, legally and institutionally; and secondly, in terms of our beliefs of who does and who does not belong.

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[78] For example, foreigners with citizenship or permanent residency.

[79] For a distinction between criminal and xenophobic acts of violence, see Muchiri (2016).

With regards to institutional membership: Benhabib (2004:135) argues that a sovereign state cannot deny membership in perpetuity. States may stipulate criteria that have to be met to become a member, but the criteria may not be of such a kind that membership can be permanently denied. Importantly, with 'membership' Benhabib does not mean 'citizenship'. Benhabib is arguing for a more general human right to membership. She (Benhabib 2004) sees it as:

> [*A*]n aspect of the *principle of right, i.e., of the recognition of the individual as a being who is entitled to moral respect, a being whose communicative freedom we must recognise*. (p. 142, [*emphasis in original*])

National citizenship is no longer necessarily the sole basis for the ascription of rights, given the existence of international organisations and treaties which protect universal rights, transnational bodies such as the European Union, and the disaggregation of citizenship (Benhabib 2004:143). Le Roux (2009:372) shows how the disaggregation of citizenship is already present in South Africa's Constitution with certain rights attached to everybody, while others are limited to citizens. These factors, Benhabib (2004:172–175) argues, would allow for membership on different levels: the sub-national, the national, the supranational and the global; thus, enabling political participation for non-citizens in their country or area of residence.

Le Roux (2009) offers an example of how democratic iteration, here understood as the interpretation and application of the

Constitution, can open the way for political participation by non-citizens. He (Le Roux 2009:372) refers to several important Constitutional Court cases in which membership norms contained in the Constitution were contested and given new meaning, for example a court ruling that refugees who had not yet entered the country can be beneficiaries of the rights in the Constitution, or that the reservation of jobs for citizens violated the Constitutional rights of refugees. These rulings, however, only applied to the rights attached to every human being and not to political rights. While this would provide more security to migrants and refugees – the rights to equality, human dignity, freedom and security of the person are included, for example – it does not yet give migrants or refugees a political voice (as Benhabib would argue).

The question of who deserves the right to vote has also been debated and contested at the Constitutional Court. Le Roux (2009:373) disagrees with the court's 2009 decision to non-resident citizens who permanently emigrated to vote in general elections.[80] The issue with this ruling is that it extended the right to vote to people who are no longer directly affected by the laws and politics of South Africa, but still want to 'feel' part of the country. This while non-citizen residents who are directly (and often violently) affected by the laws and politics of the country cannot vote or hope to be represented in government. Le Roux (2009) writes:

> The right to remain engaged in the political processes of a state and to have a say in the making of its laws cannot be acquired as a reward for continued national patriotism [...] it can, democratically speaking, only originate as a precondition of being subject to the jurisdiction of that state, its courts and its laws. (p. 24)

Le Roux raises an important point (which, incidentally, continues the process of democratic iteration started in the courtroom). There does seem to be some unfairness in granting voting rights to non-resident citizens based on nostalgic or diasporic patriotism; yet, not allowing it for non-citizen residents who will be 'directly subject to the jurisdiction and the violence of the law' (Le Roux 2009:397). Whether neither, both or only the latter group should be granted the right to vote (as Le Roux ultimately argues) cannot be debated here.[81] However, this debate serves as a vivid example of the continuing process of interpretation (of existing human rights norms) and creation (of new membership norms) that Benhabib proposes.

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[80] His argument has an in-depth engagement with the court cases in question, but due to limited space I cannot repeat it here (see Le Roux 2009).

Membership on some level would or could extend political rights to foreigners in South Africa. As mentioned, the democratic decisions made by a people has an impact on the lives of those who are excluded from the people. Similarly, the decisions made by the South African citizenry and the democratically elected government affects, often negatively, the lives and well-being of foreigners living here. 'Illegal' foreigners are especially vulnerable, as they have no recourse or place to go if they are the victims of violence – they cannot go to the police or any other authority, as this will bring them and their 'illegal' status to the attention of the authorities. There is a shortage of channels through which immigrants can communicate their grievances (Nyamnjoh 2006:37). Extending political membership to sub-national or local levels can, in part, help work against this. This requires that we reconsider our membership norms through a process of democratic iteration.

The other sphere in which membership norms should be rethought is that of individual beliefs and attitudes. As has become clear, many South Africans hold the belief that they *belong* in South Africa, while foreigners don't (regardless of legal status or of what the Constitution and other institutions may say). Kim and Sundstrom (2014:26) acknowledge the 'pluralist' nature of xenophobia – it can take an institutional or agentive, individual form. Institutional xenophobia can be direct (with discriminatory laws) or indirect (where the laws seem fair, but their interpretation and application is unjust). If one sees the law as an expression of the will of the people or the product of a jurisgenerative practice, it becomes clear why it is crucial to not only focus on changing institutions, but also effecting change in people's beliefs about foreigners 'not belonging' and about themselves as 'belonging'.

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[81] As I pointed out above (with reference to Abizadeh), non-residence does not mean that a state's laws have no effect on an individual outside the state's borders.

It is here, I believe, where Benhabib's notion of democratic iteration, which she perhaps does not emphasise enough, has potential. Benhabib has been criticised (Waldron 2006:84) for overemphasising the institutional and underestimating the impact of quotidian interaction on the emergence and codification of cosmopolitan norms. Waldron argues that mundane interaction – travel, commerce, interactions in the streets and in communities – more effectively entrenches cosmopolitan norms than a bottom down or institutional approach would. Waldron seems overly optimistic. I do not deny that everyday interactions can, in some contexts, increase tolerance. Appiah (2006:76–77) argues that social change is the result of a gradual change in how we see things which in turn is 'the consequence of our getting used to new ways of doing things'. To illustrate, he cites the increased tolerance of gay and lesbian individuals in Europe. However, it is not clear to me that this is necessarily the case in South Africa. The Rwandan genocides and the Bosnian war serve as glaring examples of people who lived side by side for ages, turning against one another. In South Africa, xenophobic violence erupted in communities where foreigners have been living and interacting with locals for years.[82] Research on intergroup relations has shown that increased contact between different groups effectively works against prejudice and promotes inclusion if the following conditions for interaction are met (Kumar, Nancy & Karabenick 2011):

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[82] Jonny Steinberg's *A man of good hope* (2015) illustrates this. The book tells the story of a Somalian man who came to South Africa as a refugee and who made a living through spaza shops. Time and again, he would be the victim of xenophobic violence at the hand of his customers – some of whom he came to know very well.

- equal status among groups
- intergroup cooperation
- pursuit of common goals
- personal acquaintance
- intergroup friendships
- a social climate which supports intergroup contact. (p. 352)

Everyday interactions have the potential to work against prejudice, even xenophobic prejudice, in the right conditions. It is, however, clear that the conditions above are not met in many South African contexts. While personal relationships and friendships can be encouraged, we cannot rely on quotidian interactions alone. Such interactions, *combined* with institutional change, would have a larger impact.

One challenge to democratic iteration remains: Botha's question, cited above, of whether democratic iteration could potentially entrench existing exclusions, given that foreigners are prevented from participating in the process (due to being physically excluded or not given a political voice). To put it differently: if communicative freedom (Benhabib's term) is denied, how can those excluded, participate in a process of communication to ensure that they gain communicative freedom? I will make two brief suggestions of how this is possible: firstly, representation (Benhabib's proposed solution); and secondly, grassroots protest action.

The process of democratic iteration, as a form of discourse ethics, faces the problem of scope (Benhabib 2004:13). Those who cannot participate (such as young children) or who are excluded, need to rely on representatives to voice their interests. Foreigners would need to rely on individual politicians, NGOs, civil rights organisations and sympathetic citizens to give them voice. As with any form of representation, there is room for misinterpretation and mistakes. There will always be a gap between the representative and the represented. However, organisations like the Institute for Justice and Reconciliation or the Scalabrini Centre in Cape Town attempt, and with some success, to do this through organising discussions, marches, and legal help and representation for refugees.

Despite Benhabib's focus on institutional measures, her examples of democratic iteration (2004:183–212), specifically the scarf affairs, show that there is room in her theory for democratic iteration through protest. One recent societal development has changed the nature of protests: social media. While there are valid reasons to criticise 'hashtag activism', it is undeniable that social media has the potential to give voice or communicative freedom on an unprecedented scale. Through social media campaigns, activists and causes can garner support from across the globe within hours. Social media played a crucial role in the recent student protests – to the extent that many of the protests in South Africa and globally are given a hashtag name (#RhodesMustFall, #FeesMustFall, #RememberKhwezi, #BlackLivesMatter). This voice-giving potential should not be underestimated. Protest action also holds the potential to change minds, beliefs and narratives while also often effecting institutional change.

■ Conclusion

Despite South Africa's strict immigration laws, the high levels of xenophobic discrimination and violence, and despite the Department of Home Affairs' inadequacies, the South African government remains the largest asylum body in the world with an estimated 1 057 600 asylum seekers, outranking even the UNHCR (2015:44). This is a conservative estimate, as South Africa does not report on the numbers of unaccompanied children seeking asylum (UNHCR 2015:44). Migration is and has always been a fact of life. Laws prohibiting immigration, policies which ensure that asylum is not granted, and even walls erected between countries will not prevent people from crossing borders if the conditions on their side of the border are bad enough.

Democratic states have to find a humane solution which respects human rights norms.

The treatment of foreigners in South Africa by the state, the police or citizens, is often not humane. This poses a threat to the safety of everyone within South Africa's borders as well as to the social, political and economic stability of the country. It is imperative that we address the issues of immigration, refugeehood and xenophobia in ways that do not incite violence or fuel hateful prejudices. I have suggested two areas which we need to rethink or critically analyse: South Africa's borders (as a dividing line between us and them, and a determinant of belonging) and our ideas about rights. I have shown why we cannot use our borders as an argument to keep others out, because the origins of South Africa's borders are questionable as is their seemingly democratic nature. The claim that borders need to be democratically justified to those excluded by them is, perhaps, not one that is widely accepted. This question therefore offers fertile ground for further study.

To ensure the safety and well-being of foreigners in South Africa, their human rights have to be guaranteed. This cannot be done while citizens (who are often also disenfranchised and consequently resentful of foreigners wanting a share) view the rights in the Bill of Rights as citizens' not human rights. Human rights, having a universal character, limit the power of sovereign states. This leads to a tension between sovereignty and cosmopolitanism – one which I (following Benhabib) suggested we mediate through a process of democratic iteration: formulating and applying universal rights in such a way that they answer to local needs. This would ensure that foreigners have rights, while not taking away the democratic voice of citizens.

The discussion then leads to the question of membership as a right that can be extended, and as a product of being 'allowed in' and seen as belonging. Democratic iteration allows us to rearticulate membership norms to be more inclusive. Reform on the level of membership norms would lead to institutional reform, which in turn could ensure that foreigners are more protected and secure. Democratic iterations and reformulated membership norms would not only enable foreigners (specifically vulnerable ones such as refugees) to gain entry to the state; these strategies could also extend political membership of the state to them through giving them access to and a voice in political processes. Whether this is possible and how it is to be done, should perhaps be investigated by policy-makers and legal scholars, and not a philosopher.

The limited scope of this chapter did not allow for an in-depth critical analysis of Benhabib's position. Benhabib has, for example, been criticised for not providing a new normative map, but merely a reformulation of old universalist ideals (see Honig 2006). I have briefly considered these criticisms elsewhere (see Cilliers 2014), but there is room for further study to see what is practically possible, how effective grassroots activism can be in bringing about change both in institutions and in people's beliefs and whether cosmopolitan norms can be reiterated in such a way that they become responsive to contexts other than the European – as is my hope for the South African context.

Chapter 9

Decolonising[83] knowledge: Current conversations on racism, identity and decolonisation within the higher education sector in South Africa

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How to cite: Van Rooi, L., 2018, 'Decolonising knowledge: Current conversations on racism, identity and decolonisation within the higher education sector in South Africa', in C. Jones (ed.), *Justice-based ethics: Challenging South African perspectives*, pp. 223–246, AOSIS, Cape Town. https://doi.org/10.4102/aosis.2018.BK77.09

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[83] The term *decolonisation* has an array of interpretations in academic and public circles. Due to the focus of this chapter the author deliberately chooses to use this term to point towards the current discourse and the complexity of the term.

Introduction

On the 27th of April, South Africans annually celebrate Freedom Day. This day commemorates South Africa's first democratic elections held on 27 April 1994 that heralded in a new era in our nation's (hi-)story. Twenty-three years later, a new generation of South Africans, the so-called born frees, have entered the higher education spaces and job markets of South Africa and the world. It is clear that this generation of young South Africans, like many before them, have a different outlook on the future and possibilities of our country.

Nowhere does this play out as clearly as in the #FMF protests, discussions and deliberations that took place from 2015 onwards. Although the higher education space has seen many changes since 1994, including mergers between institutions, a considerable growth in student numbers, restructuring, turmoil and racially charged incidents, it can be argued that the student protests, formed in 2015 and 2016 under the broad banner of the #FMF movement(s), are perhaps the most significant protests that came from the ranks of the youth in post-apartheid South Africa. The significance is found on two levels. On the one hand, it directly impacts on the higher education sector – on how we govern, what we teach and what the impact of this sector is and should be on South Africa. On the other hand it impacts on the political sphere and dynamics in South Africa. As will be argued in this chapter, the impact of #FMF, as such, is ongoing and will continue to impact on the mentioned levels.

In this chapter I will explore the reasons behind and the impact of #FMF in more detail. The notions of student massification, decolonising knowledge, curriculum renewal and the role of universities in a democratic dispensation in the context of (South) Africa will receive specific mention.

In the final instance, attention will be given to the possibilities created by #FMF and how these possibilities can perhaps positively impact on active citizenship and post-apartheid politics in South Africa. I will argue towards what can perhaps be a beneficial outcome of the protests, discussions and deliberations on South Africa by highlighting the future impact of universities on our nation.

A broad overview of the higher education sector in post-apartheid South Africa

After the end of apartheid, the higher education space in South Africa changed dramatically. Given the multitude of education systems and structures reserved for the specific racial or cultural groups in South Africa the first democratic government consolidated, integrated, merged and, such as in the case of education colleges, closed down a number of institutions. This in itself changed the higher education space dramatically. Aligned with its apartheid policies, South Africa previously had universities reserved for white, black, Indian and mixed race[84] citizens.[85] Post-apartheid, the environment makes a distinction between Historically White Institutions (HWIs) and Historically Black Institutions (HBIs) of higher learning.

Today the higher education sphere in South Africa boasts with traditional universities (with a focus on teaching, learning and research), universities of technology as well as a growing TVET sector. The public higher education sector in South Africa consists of 26 universities differentiated into 11 general academic (learning, teaching and research oriented) universities, nine comprehensive universities and six universities of technology.[86]

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[84] In the context of South Africa the term coloured is used as a historic classification of a race group. It is thus uniquely used in this context and should thus not be confused with the term 'mixed race'.

[85] The same applies to technical colleagues, training colleges and schools.

[86] For an overview of the sector see Statistics on Post-School Education and Training in South Africa (2015).

Directly linked to the economic realities of South Africa the resources of the various institutions differ dramatically and so does the direct financial investment of the national government. As such, the higher education sector is characterised by inequality. Nuraan Davids and Yusif Waghid remind us that, following the post-1994 mergers in the higher education sphere and here, specifically, how it played out between 1996 and 2005, students flocked to the better resourced universities, thus leaving a lower number of enrolled students at the historically under-resourced institutions (Davids & Waghid 2016:n.p.). With the increase in the number of higher education institutions and in light of changing funding models, it remains to be seen how this will play out in the future.

As is the case in many other countries, the autonomy of the universities, in relation to the government, always comes to the fore. One should remember that South Africa's top universities are all government subsidised and private institutions enrol only a small number of students. However, the idea of autonomy and academic freedom has been part of ongoing debates around policy changes and implementation, funding models and appointment processes, among others, within the higher education sector.

A further, and perhaps the largest, change in the higher education sphere is the ongoing process of massification at our institutions. Massification in the context of higher education refers to a mass increase of student numbers enrolled at institutions. South Africa follows a worldwide trend. Or, as Luescher (2016)[87] notes, the:

> [*O*]ngoing process of higher education expansion in Africa has involved an increasing commodification and privatisation of higher education, including the establishment of new public institutions and the mushrooming of private institutions. (p. 27)

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[87] For an overview in numbers of the massification process on the African continent, see Luescher (2016:31–32).

All over the continent higher education is being transformed from a privilege of the few to the right of many (Luescher 2016:33). This stands at the heart of massification as it plays out in higher education, specifically in the so-called developing world.

In the context of South Africa it had two apparent implications, namely a growth in the number of students at our universities that, among others, had, as effect, shifts in institutional cultures, specifically at the HWIs. The other direct implication is the perceived role of universities in the country, and here the impact of universities on society, also through graduates, is highlighted.

South Africa has specifically seen a dramatic growth in the number of black students at our universities. With massification tends to come commodification. In the context of South Africa, a university degree can be seen as a ticket into the middle class unlike any other educational or experience related industry (Southall 2016:119).

Table 9.1 highlights the enrolment numbers at universities and technicon's between 1993 and 1999 in South Africa (Council on Higher Education in South Africa 1998/1999:15).[88]

By comparison, the following table (Table 9.2) shows the total number of enrolled students at South Africa's public universities, technicon's and comprehensives between 2009 and 2014 (Council on Higher Education in South Africa 2014:3).

TABLE 9.1: Highlights of the enrolment numbers at universities and technicon's between 1993 and 1999 in South Africa.

Higher education sector	Years					
	1993	**1995**	**1996**	**1997**	**1998**	**1999**
Universities	193 000	252 000	260 000	261 000	260 000	245 000
Technicon's	96 000	126 000	140 000	153 000	152 000	141 000
Total	**289 000**	**378 000**	**400 000**	**414 000**	**412 000**	**386 000**

Source: Council on Higher Education in South Africa 1998/1999:15.

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[88] The data for 1994 is not provided in this specific source. The reason is unknown.

TABLE 9.2: Total number of enrolled students at South Africa's public universities, technicon's and comprehensives between 2009 and 2014.

Enrolled students	Years					
	2009	**2010**	**2011**	**2012**	**2013**	**2014**
African	547 686	595 963	640 442	662 123	689 503	679 800
Mixed race	55 101	58 219	59 312	58 692	61 034	60 716
Indian	53 629	54 537	54 698	52 296	53 787	53 611
White	179 232	178 346	177 365	172 654	171 927	166 172
Unknown	2131	5858	6383	7608	7447	8855
Total	**837 779**	**892 943**	**938 200**	**953 373**	**983 698**	**969 154**

Source: Council on Higher Education in South Africa (2014:3).

The tables show towards a dramatic growth in the number of enrolled students at our universities since 1995. This number is still increasing.

As is to be expected, the worldwide effect of massification in higher education impacts on the shifts in the institutional cultures of institutions and perceived roles of universities in society. This is particularly true in societies where the doors of higher education are opened to marginalised groups as is the case in South Africa and on the rest of the African continent (Van Wyk 2009). Political shifts, economic challenges and a higher level of unemployment puts further pressure on the higher education environment, as it is believed that this sector is perhaps in the best position to allow young people the opportunity towards economic stability.

Shifts in institutional cultures at universities in South Africa are specifically true at HWIs. In the context of South Africa where, due to the apartheid system, the legacy of HWIs and HBIs has, as a consequence, specifically experienced a growth in the number of black, mixed race and Indian students at the HWIs. Given the deep-rooted nature of institutional cultures, specifically at universities, this shift has, at times, gone hand in hand with institutional efforts of self-renewal and protests (in various ways and forms), specifically at the HWIs. These shifts have also been connected to transformation at the mentioned institutions and has gone hand in hand with the notion that an increasingly diverse staff cohort at the institutions, should feel welcome (Van Wyk 2009:339).

Luescher (2016:34) notes that an increase in the diversity of the student population has as outflow a clear view of differences in the student body linked to, among others, class, race, gender, ethnicity, ideology, et cetera – all forms of gender politics that have a direct impact on campus politics. This sense of difference (identity politics) at times leads to friction among students on our university campuses. Numerous examples of this come to mind, for example the Reitz incident at the University of the Free State in 2007 and the Black Facing incidents at the University of Pretoria and Stellenbosch University in 2014.[89]

It is in light of a growth in numbers (massification), deliberate shifts in institutional cultures and a renewed understanding of the value of a university degree (commodification) in times of economic decline in South Africa that the #FMF movement should be understood. What we should also understand is that the mentioned movement was not the first wave of student protests in post-apartheid South Africa. Due to its impact, it should, however, be seen as the most impactful thus far, as it, among others, shook the South African government (Booysen 2016:1).

Chikane and Godsell (2016) go one step further when they note the following:

> In South Africa, two levels of problems, permanent throughout the history of HBIs, began to be reflected on HWI campuses. One level was the problems of poverty: students lacking food, transport, housing and books, on campuses where many staff still expected students to have middle class resources. The other level is the problem of students who are now ostensibly welcomed on HWIs campuses, but discover that they still have no agency or identity. Their delight at getting through the gate changed to despair and anger as they realised that their outsider status and inability to change things, or event to act, remained unaltered. (p. 60)

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[89] See in this regard the Report of the Ministerial Committee on transformation and social cohesion and the elimination of discrimination in public higher education institutions compiled by Prof. Craine Soudien (2008).

For the conversations to allow for the possibility of deep change at our institutions, it is important that academics and professional support staff take note of this. An understanding of the mentioned reality should however not mean the voice of the minorities (white, mixed race and Indian students) should be drowned out of debates and discourses that affect all students.

South Africa’s universities often resemble university models and identities similar to those of the so-called Western world. Given the roots of our institutions of higher learning, this is understandable. But in the post-apartheid reality and in a space where we want to stay relevant to the challenges of our time, we will have to renew and deliberately change our institutional outlooks and characters, or as Ramphele (2008) notes:

> It is to be expected that institutions founded by white males for white males would have very strong male cultures. Academic institutions worldwide reflect an ethos flowing from the dominant roles that men have played as students, teachers and researchers. In South Africa’s case, our socio-political history has left a deep imprint on the higher-education landscape. Racism, sexism, and authoritarianism are deeply imbedded in the cultures of many institutions. Changing these cultures requires systematic processes to minimise the risks of driving undesirable elements underground. (p. 210)

Any conversation about transformation in the sphere of higher education at our public universities should understand and critically engage with the historical realities of the institution(s). It is perhaps exactly because we did not realise this that the impact of #FMF has been more powerful and relevant.

■ Understanding the #FMF era

#FMF should be understood as a deliberate attempt of students to create agency and to bring about change in order to bring about a better dispensation, specifically for groups at our universities that are marginalised and denied open access to the resources, opportunities and possibilities. This was done mainly through protests, conversations and policy shifts linked to, among others, student fees, the outsourcing of workers at universities, gender-related matters, changes in institutional cultures, intersectionality, language exclusion and changes in the curriculum. The movement and its effect played out differently at the various higher education institutions in South Africa. Although the issues of fees and access to institutions of higher learning stood central in the movement, it clearly was not only about the increase in student fees.

Davids and Waghid (2016:n.p.), among others, help us to understand that the #FMF era was not the start of fee-related protests in South Africa. In their understanding, the latest wave of student protests mostly took place at HWI's and, as such, received more media attention as the impact of the protests where more directly felt (Davids & Waghid 2016:n.p.). Although this might be true, it remains important to understand, value and interpret the #FMF era also because of its possible impact not only on the higher education sector, but on South Africa as a whole.

According to Booysen, #FMF grew from the #RMF movement at the University of Cape Town (Booysen 2016:2). This gave rise to a multitude of 'variations of Fallism' over a period of time, including university specific movements such as #OpenStellenbosch, #TransformWits, et cetera (Booysen 2016:2–3). She (Booysen 2016:2–3) agrees that the #RMF and #FMF should be seen as a continuation of a series of protests against financial exclusion at HBIs over many years.

The South African #FMF movement is not unique by any means – neither in terms of its intended outcomes, its foci, nor in its structure. In this regard Booysen (2016) notes the following:

> In line with (these) international-left trends, the entwined #RMF-#FMF (like their new black consciousness left 'antecedent' of half a century earlier), membership range from small numbers of arsonist militants to a radical peaceful mainstream, and many thousands of moderates (including silent moderates). Almost all participants are under forty. They do campaigns rather than constitute organisations,

> and often fragment within months. While in real-time touch by social and digital media across the country #FMF comprises campus-wide movements that integrate a host of campus-specific organisations, rather than being national in specifics. (p. 12)

Ample examples of the abovementioned were witnessed during #FMF protests on various university campuses in South Africa in 2015 and 2016. Booysen's comments were made early in 2016 and relate to the first wave of protests in 2015. However, the second wave (in 2016) of protests had a very clear and deliberate national focus and strong links between universities. Students across the country pushed towards a national shutdown of universities in an attempt to put even more pressure on government to resolve their grievances. For a period the South African news was dominated by scenes of arson and violence at our university campuses as students rallied and pushed for a response from the national government, the SAPS and private security companies brought in by various universities.

#FMF protests and conversations also signalled the end of conversations about transformation and led in the era where stakeholders realised that they themselves should work towards transforming South Africa's universities (Chikane & Godsell 2016:57). As such the old understanding of gradually working towards transformation, driven by university management structures at our institutions, came to a halt, or as Chikane and Godsell (2016) note:

> The university unrest of 2015 can be traced to the continued use of tempered discussions as proxy conversations for transformation. These conversations maintained the status quo. For students, the proxy conversations took the form of race discussions or workshops, university admissions policy debates and the nature of SRC and management interactions. For academic staff, the discussion took the proxy of employment equity targets, academic tenure and the ever-present argument about quantity vs quality. For workers on campus the discussions were about negotiating outsourcing agreements. (p. 57)

Of further note is the fact that, at the core of the campus-wide movements, there was no link between the broader movement and mainstream political parties. This seems to be deliberate, perhaps also in an attempt to reject the idea that post-apartheid politics can fully comprehend and address the current challenges (specifically of the youth) in South Africa. Political parties responded and tried to rally behind students, but time and time again this was rejected with discontent on university campuses. This could be seen in the reaction of students to political party representatives trying to meet with them at university campuses during the #FMF protests as well as during a student-led march to Luthuli house in 2015.[90]

It should be remembered that protests, and specifically student protests, are not unique to South Africa (Van Rooi 2016). It is thus important to place student protests in South Africa within Africa and the global context of student protests. In this regard, Hewlett et al. (2016) make an important observation:

> The post-independence period in Africa, from the 2000s to the present day, is characterised by two main driving forces towards higher education and their consequences for student protests. The first set of drivers, external to Africa, includes globalisation, with African universities linked to the wider global communities, liberalisation, privatisation, and regime change. The second set of drivers, internal to the fast-changing dynamics of Africa, includes increasing poverty, inequality, access challenges, social change, the politics of multiparty democracy and the emergence of different culturally, socially and politically driven student movements. (p. 156)

The topic of transformation at our university campuses has changed considerably after #FMF. The old debate about maintaining standards versus transformation seems to have lost its value, mostly also because the idea of what we strive towards has changed. The norms of excellence has shifted to the extent that it is understood that transformation is no longer a nice-to-have non-essential element of change. True transformation is seen as a necessary way to enhance the excellence of higher education institutions. This not only applies to the value of research outputs at our institutions, but also to how we impact society and to the specific attributes that students leave institutions with.

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[90] In this regards see ENCA (2015).

However, (radical) transformation cannot be driven in a rigid manner. Ramphele (2008:197) reminds us: '(*F*)or many activists transformation means replacing the old order with a new one, which for them amounts to replacing white male dominance with greater representation of black people'. As such we will have to continue to find new ways to engage on the topic of transformation at our institutions of higher learning in South Africa. As will be noted in the section below, the decolonisation process might, however, help us in this process.

Black consciousness and decolonising knowledge

At the heart of the #FMF philosophy stands the idea of thinking new and differently about how knowledge is produced and shared in a realm where Africa and blackness stand in the centre. As such, the notion of decolonisation (of knowledge, spaces and attitudes) and black consciousness takes in centre stage in debates around and requests for institutional renewal. The impact of the movement, as a whole, placed, in the centre, the experiences of young black adults (black bodies), in particular at HWIs (Chikane & Godsell 2016:58).

According to Booysen (2016:13), the #FMF movement has ideological roots connected to the Black Power Movement in the United States of America and the Black Consciousness Movement in South Africa. It is therefore no wonder that the names, slogans and ideas of, among others, Franz Fannon, Achille Mbembe, Steve Biko, Ngugi wa Thiong'o, and others popped up regularly in slogans and discussions during the #FMF protests. As such, students wanted to rediscover post-colonial thought through the work of black consciousness scholars. Whether students always interpreted the mentioned notions correctly, specifically in a historical sense, can be debated. This debate is continuing post #FMF with prominent South African and international academics, including Jonathan Jansen, adding their voices to the necessary debate. However, it was clear that the #FMF period led in a new discovery of the notion of what Biko (2004) describes as follows:

> [*I*]n essence the realisation of the Black man [*sic*] of the need to rally together with his [*sic*] brothers [*sic*] around the cause of their operation – the blackness of their skin – and to operate as a group in order to rid themselves of the shackles that bind them to perpetual servitude. (p. 53)

At the heart of the decolonisation debate and processes stands the project of curriculum change and renewal at most universities in South Africa. Post #FMF, this conversation and process remains ongoing. Given the nature of academic processes, it has become clear that defining decolonisation and bringing about curriculum changes, linked to this notion, has become part of 'normal' curriculum renewal processes at most institutions. However, many scholars would agree that the forceful nature of the protests put the notion of curriculum renewal and a deliberately decolonial review of curricula at the centre of a conversation that would, most probably, otherwise not have had the depth of current conversations and processes. Stellenbosch University, like other universities, has formulated reports and policies that guide the curriculum renewal conversations (SU Decolonisation Report by Stellenbosch University 2016).

The curriculum renewal process cannot take place in isolation from other on-campus experiences. In this regard institutional values, changes in institutional cultures, symbols on campus, gender and class discrepancies, et cetera form part of the conversations. Nyamnjoh (2016) states the following:

> An intersectional approach to decolonisation is of critical importance, one that takes on board how hierarchies premised on factors beyond race – factors such as gender, class, ethnicity, nationality, geography and generation – render more complex and layered the form decolonisation should take to be meaningful to all and sundry social categories seeking it. (p. 135)

According to Chikane and Godsell (2016:59), it is of interest to note how the process of curriculum renewal actually brought together the process of radical curricular transformation, black consciousness and radical black feminism. For the first time in post-apartheid South Africa, a debate of intersectionality came to the fore – a conversation that will not only continue on our university campuses, but also in the public domain in general – at least in the foreseeable future.

The process of decolonisation cannot only be a 'project' within the higher education space. It must become part of our national discourse in order for us to redefine the South African idea, our interrelatedness as well as our future outlook as a country in the south of Africa. As a nation we are starting to see signs of a larger conversation emerging in public spaces. Nyamnjoh (2016:130) reminds us in this discourse that we will have to critically evaluate the notion of decolonisation, aligning it to African values. In the process of decolonisation, Nyamnjoh (2016) poses the following questions:

> When is decolonisation more than simply opening up to engage with African and South African issues, knowledge and epistemology? What reason is there to quibble about making knowledge production focused on South Africa and Africa, and therefore not imply that it thinks, teaches and relates to the world from the vantage point of being South African and African? What manner of transformation is sufficiently accommodating of the complexities and nuances of being South African or African […]. (p. 131)

As was seen during the #FMF protests, the notion of decolonisation often became a tool used to disempower others and thus, at times, denying a variety of voices and opinions around this topic to emerge. This has and can continue to lead to a discourse, imbedded in identity politics where the 'victim' stands against the 'oppressors' in a new type of power hierarchy, counter to the ideals of decolonisation. Nyamnjoh (2016) sounds a stern warning when he notes the following:

> Blackness as an attribute of being a particular type of human, whether ascribed, achieved or imposed, is not the monopoly of any particular

> African country, nor of the continent. It calls for a conceptualisation and articulation of the decolonisation of knowledge production and consumption that is carefully nuanced to provide for the complex intersections of race, ethnicity, geography, class, gender and generation. Even at our most legitimately aggrieved, we cannot afford to resort to the zero-sum games of dominance of the oppressors, as this would only compound our subservience and predicament. (p. 137)

More is of the opinion that, should we truly want to understand and value the idea of black consciousness, we should understand its roots and manifestations, specifically in Africa, the Caribbean and the United States of America (More 2014:177). He also reminds us that, at its heart, black consciousness:

> [*F*]ocuses (on) black resistance to white racism and white supremacy, black racial solidarity, group self-reliance, pride in black (African) heritage, black self-love, de-alienation and de-colonisation of the black mind, black cultural and racial identity. (p. 177)

Perhaps, unlike other institutions and structures in the South African society, the education institutions, and specifically institutions of higher education, currently have the opportunity to start a deep discourse about what it means to be African in the context of South Africa. Our universities can lead the way in guiding us to create the spaces to deliberate around this topic that can have as outcome a stronger self-value and a society that refocuses on its rootedness in Africa. This, of course, is not to say that universities should be the only voices in this debate. It also is not to suggest that public universities are the obvious beacon of change as outcome of the discourse in South Africa. I rather want to suggest that institutions of higher learning create the platforms for South Africans, on and off our campuses, to debate, discuss and deliberate on the mentioned matters. This will not only enhance the role that our public universities can play in society, but it also allows our universities to transform themselves through the voices of those outside of its visible and invisible borders. For this debate to have a meaningful impact not only in discourse, but also in practice, it should allow all voices to be part of and remain part of a discourse that can deepen the social cohesion of our society.

New African universities?

Most, if not all universities in South Africa pride themselves in being fully part of Africa, while also being directly linked with the realities of the global world. The idea that our universities are new, African spaces are becoming a common credo in the vision statements of institutions. But what does this mean? How should we start to unpack this?

Although this notion does not necessarily stem from the #FMF philosophy, it has found new meaning in recent debates about Africanness, blackness and knowledge production and sharing, and how our public universities fit into the context of Africa and the global world. A recent article by Wim de Villiers (2017:n.p.), Vice-Chancellor of Stellenbosch University highlights the fact that universities should indeed engage with the terms *decolonise* and *Africanise*, because it directly links to what it means to be a university in the context of South Africa today. De Villiers (2017) notes the following:

> At the heart of the conversation the relevance of universities in acknowledging African knowledge, in relation to western knowledge, and how (if at all) our universities produce relevant graduates that can serve South Africa, with its contextual realities, while also delivering well-rounded global citizens (with the skills to navigate the global world) is tested. To be rooted in Africa means to be firmly connected to our continent and bearing fruit for the benefit of its people. (n.p.)

As such, it should be understood that our African groundedness allows us to interact with other societies, worldviews and contexts and that this is of specific importance when it comes to delivering graduates that can serve a multitude of contexts.

From the abovementioned, it also becomes apparent that public universities in South Africa can evaluate their identities by critically engaging with the notion of decolonisation. The intended impact will not only be on curricular renewal, but also on changes in institutional culture(s) and values, and, in the end, also on the attributes our graduates leave our campuses with. As mentioned previously, the notion of changing or expanding the institutional cultures of our universities stand at the heart of needed, necessary and continued processes of transformation in the higher education sector in South Africa post-apartheid.

For African universities to take their place as world class universities, we will have to continuously reconsider our structures, curriculum, outputs and, of course, the students we deliver. As such, any conversation on decolonisation must also take into account the fact that institutions of higher learning are, at the same time, both local and global. Public universities will have to remain relevant, as various factors, including the world of work, will continuously influence our contexts. Never has what is taught and how we teach at universities been more relevant. Over the ages, this has been contested in everlasting debates about the role of universities in society. Whatever the outcomes of this swaying and sometimes dividing debate, the ever-changing job market will continue to influence our universities.

It is exactly at this juncture that the #FMF movement challenged our thinking around liberal market-related values and output-driven cultures. Southall (2016) reminds us that, like schools, universities enforce the values of a capitalist system as she notes the following:

> Today, while the top schools and universities make much of their pursuit of personally liberating models of education, they join the lower tiers of the system in almost universally gearing their practice to the instrumental end of enabling their learners and students to enter the capitalist job market. (p. 123)

This is a reality that we cannot escape and, as such, it should be fully part of any debate and discourse about decolonisation, institutional cultures at universities as well as the place and role of universities in the context of Africa. The debate about fee-free education will thus almost always be met with the rules and limits of the capitalist realties of our context. To what extent this can be challenged, remains to be seen. Perhaps, more importantly, this debate will allow South Africans the opportunity to engage with its almost split 'two nation' realities that face us on a daily basis – a haunting reality of our post-apartheid society. Here, the role of higher education in bridging, dividing and creating opportunities for everyone and not just for a section of our population, will remain high on the agenda.

Chikane and Godsell are of the opinion that this deliberate process of finding our place and role as universities in the context of Africa, as it plays out in staff, student and worker discourses, actually stands at the heart of the #FMF protests (Chikane & Godsell 2016:55). As such, the #FMF movement has guided universities in South Africa in a process of self-renewal. If done correctly, this can indeed have as outflow university spaces, curricula and graduates that resemble something of what the 1994 dream of a new South Africa wanted to attain. These universities can also inspire graduates to fulfil a meaningful role in a complex society, both locally and globally, and thus leading a discourse about citizenship, identity and political possibilities that can benefit a larger portion of the South African society.

Towards a new South Africa?

As indicated in the previous sections, the #FMF movement has led to a new discourse in South Africa. This discourse is influencing not only the realities of the higher education sector, but also the idea of what a truly democratic South Africa looks like. As was the case in 1976 during the Soweto uprisings in South Africa, our youth (in this case, specifically our university students) are leading in paving the way.

But can this road lead to South Africa truly reaching what we wanted to do at the end of apartheid? Can it perhaps lead towards the true new South Africa? Two scenarios are possible. Scenario one has, as outflow, an angry youth that leads us on a rampage where populism guides discourses and where dissident voices have no place. This is the era of identity politics where there is no room for diversity and where black consciousness becomes the mantra for an Azania-like movement that disallows difference and undervalues the principles of democracy. This plays out in an anarchistic manner where violence takes over discourse and where power is transferred and not dismantled. As such, deep change cannot take place and the principles of democracy must make way for a militaristic approach to leadership that is based on the will of the people in power.

In scenario two the youth guides us in re-evaluating knowledge, celebrating our diversity as Africans by letting go of the shackles of colonialism and working towards a truly democratic society. This scenario asks of citizens to take up their role in establishing strong structures, and to take part in meaningful discourse where power is dismantled and where the voice of the minority is respected. The principles of democracy are enshrined in policy and practice, and the political elite makes way for political structures that place a high premium on good governance. Significant in this scenario is that the gap between victim and oppressor[91] is diminished, leading to the possibility of a more equal society on all levels.

Both scenarios are possible – perhaps even equally so. We have seen elements of both during the #FMF protests. In the first scenario, our university campuses remain spaces where discourse from a variety of perspectives are denied, identity politics drown out the possibility of deep, transformative change and our universities become the playground for extremists who determine the identity of the institution. In the second scenario our universities do not strive to be the Oxfords of the south (De Villiers 2017:n.p.). We let go of the notion of settlers and natives, and all of us truly becoming citizens. Post-#FMF debates and an ever-changing political landscape in democratic South Africa have, in recent times, allowed for discourses that include a multitude of voices and opinions.

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[91] The terms of *victor* and *oppressor* must of course be defined in any discourse. The terms are used here in a classical sense depicting a history of two sides, oppression and dominance.

Many academics have labelled #FMF as a revolt construed by young South Africans. Although this might be the case, one can, of course, also argue that, for many young South Africans, the actions linked to #FMF was nothing more than continuing the 1994 idea, that is to push for the realisation of the country's 1994 liberation and constitutional settlement, while the political elite has become complacent (Booysen 2016:10). This has become very clear in the debates and conversations about the South African Constitution and its enshrined values and rights. As such, it has opened an important post-apartheid debate that must be allowed and guided by a discourse that highlights the values of our Constitution. Conversations about the rights of students, the idea of free and decolonised quality education as well what it actually means to be born free in South Africa, can guide a national discourse on the future of South Africa.

At many universities, the intensity and the continuous waves of protests took university managements by surprise. Universities were just not prepared to deal with the demands, the new notions of protests, the strong mobilisation, the national character of protests and the demands from students, for example for free education, changes in language polices, enrolment queries, et cetera. This, in itself, has had a major impact on universities and, in general, South Africa's public universities are today perhaps better geared to deal with student queries and demands on a variety of levels. As mentioned in a previous section, this can perhaps afford our universities the opportunity to create platforms for valuable national discourse around matters highlighted during #FMF.

Davids and Waghid (2016) are of the opinion that, based on the needs of our country and, specifically, if we are to drown out inequality in the higher education context, our university management structures should change. To this effect, they (Davids & Waghid 2016:n.p.) call on universities to allow more critique (also against policies and management styles), as this type of institutional change would allow universities to better respond to the needs of society.[92] This will, of course, ask for deep change not only in the management structures of universities, but in every layer of teaching, learning, research and living as it plays in the context of our university campuses. This cannot only be left to university managers to influence and change, but should be part of pedagogical methods and practices both inside and outside of the formal classroom context.

Chikane and Godsell (2016:55) go one step further when they note the #FMF protests indeed changed the discourse in the higher education space and highlighted the need for a new conversation, namely what the role of universities should be in the South Africa of today. Hidden behind this statement is an understanding that our public universities serve only the elite and that they regurgitate knowledge that serves the upkeep of current societal discourses and outlooks. To counter this, they (Chikane & Godsell 2016:55) are of the opinion that universities should allow for spaces where our students, workers, academics, et cetera must feel welcome. It is perhaps in the notion of welcoming and embracing diversity in all its forms that our public universities can change the dominant discourse(s) of our society(ies). This will, however, ask for deep and critical reflections at our university campuses and must allow for change on all levels – also in an attempt to deliver graduates that can serve all spheres of society – both locally and globally.

Perhaps the aftermath of #FMF has, as effect, a re-evaluation of institutional values and deliberate shift not only in terms of student or campus culture(s), but also on the management styles and cultures allowing our institutions to better align with worldwide trends in managerial processes and styles that allow for a more democratic leadership and style decision-making.

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[92] 'Educational leaders must, now more than ever, be bold. They must do the unthinkable and remain open to possibilities perhaps not yet explored. This also means they should be open to being questioned and challenged – a matter of being provoked to think differently in relation to the challenges of our time' (Davids & Waghid 2016:n.p.).

These changes must be locally relevant and in tune with the realities of a complex society while, at the same time, guide thinking that will lead us into the future.

#FMF can be seen as the catalyst in pushing institutional change, refocusing our institutions and exploring new identity markers as well as a new set of graduate attributes that have a positive outflow into our societies and indeed the global world. But for this to happen, our institutions should deliberately reflect on learning experiences in order to have, as effect, a deep and sustainable renewal that will guide our actions, values, focus areas and institutional cultures, leading us closer to truly becoming world-class institutions that not only serve global citizens, but are firmly grounded in local contexts.

As expressed in the abovementioned scenarios, this can have positive implications for our country. The fight for realising the 1994 ideals can guide current discourses in re-evaluating our possibilities as a nation. Perhaps the protests against the president at the time, Jacob Zuma, should be seen as the next wave of #FMF-like protests and discourses that will intensify over time, bringing about deep, deliberate and sustainable change that will better the lives of all South Africans.

■ Conclusion

The youth, over all times and places, have redefined societies mostly through protests and other deliberate attempts to challenge the status quo. Although young people do not always take on positions of authority as part of bringing about change in societies, it is clear that their, sometimes forceful, action can bring about sustainable change that can lead to a better future. Clear examples exist in the context of South Africa and globally. In almost every arena of deep societal change over at least the last century, people have played a pivotal role in forcing conversations on the table that have, in the end, led to deep and meaningful change.

In South Africa, it has become clear that the so-called 'born free generation' does not believe that South Africa is currently a free, open and reconciled society. It is therefore no surprise that the image of an over-reconciliatory Nelson Mandela is often criticised. To a certain degree #FMF should be understood as a revolt against this notion of a free, reconciled South Africa mostly because the signs of a deeply unequal South Africa torments yet another generation.

What became clear during the #FMF protests is that most protesters, across campuses, separated their ideals from, and sometimes against, political parties. This might ring in a new era in the relation between citizens and government (Booysen 2016:15, 18). Perhaps a new phase in post-apartheid politics where protests, specifically at our universities, will most probably continue to determine who has the power to shape 21st-century South African universities (Chikane & Godsell 2016:68). South Africa's liberation history will thus most probably continue to be shaped by the youth.

As De Villiers (2017) noted:

> Shaping our universities to be more responsive to the needs of our time and environment is a responsibility that we should not shy away from. We should raise the difficult issues. But we should do so constructively. If we want to create a community of social justice and human dignity, then it is how we should also conduct ourselves in the open conversation about these issues. (n.p.)

This will, of course, ask of all of us to have our say in debate that cannot be owned by universities. It will also ask of us to critically interrogate terms, ideas, notions and believes in an attempt to navigate to the centre of the debate and to find solutions that will benefit not only us and our understanding, but also the understanding of generations to come.

We should not be mistaken in believing that the impact of #FMF is only visible and felt at our institutions of higher learning. The #FMF protests have, among others, highlighted the deep-rooted inequality that persists in the South African society. In our context, inequality has racial qualities and it is therefore no surprise that our prejudices are directly linked to our inequality. For South Africa to be truly ‘new’, we will have to continue to find ways to cross societal borders enshrined in inequality. In this regard Nyamnjoh (2016:208) warns us that, although apartheid has ended, we will continuously feed from it if we do not speed up our transformation as a nation. As such, the effect, also of continuous protests, will be felt in many spheres of society. Given our current political climate, we are perhaps currently experiencing the first wave of exactly this.

As citizens slowly but surely start to actively fight against the tendencies of the political elite, we are seeing signs of a post-apartheid society which understands that we have to learn from the lessons studied and experienced over the last 23 years. If we do, we hope to not make the same mistakes, and thus perhaps reach the ideals of a truly new South Africa. Possibly this generation of youth is in the best position to lead us in truly realising this.

Chapter 10

Cultural violence or a culture of violence? An ethical unmasking of (sexual) violence in South Africa

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Introduction

In recent times, media reports indicate that incidence of violence in South Africa has risen to epidemic proportion (Van der Merwe 2013:68; Pandey 2012:143). The state of insecurity across the nation as well as the horrific nature of many of the reported violent acts calls for fresh reflections and an urgent search for

How to cite: Olojede, F., 2018, 'Cultural violence or a culture of violence? An ethical unmasking of (sexual) violence in South Africa', in C. Jones (ed.), *Justice-based ethics: Challenging South African perspectives*, pp. 247–267, AOSIS, Cape Town. https://doi.org/10.4102/aosis.2018.BK77.10

solutions from multidisciplinary perspectives. The trauma caused by persistent and gruesome violence has become a permanent fixture in many South African homes and communities. Commentators have observed that South Africa has developed a culture of violence which can be traced largely to its (pre) apartheid past. For example, Vorster (2013) reports that:

> South Africa has a violent past dating back to the first contact between migrating tribes and the emergence of settlements as a result of the process of colonisation. Early history was characterised by tribal wars, wars about land, racial conflicts, internal friction between blacks and whites, the Afrikaners and the British and violent clashes between ethnic groups [...] Violence became a method of solving problems. (p. 3)

Vorster (2013) further notes that:

> Systemic violence increased with the official inception of apartheid and the simultaneous upsurge of Afrikaner nationalism. Apartheid's aim was to promote white interests at the expense of the interests of the indigenous people. (p. 4)

This, he claims, led to a systemic violence as well as 'counter violence of the struggle' (2013:5).

The question is how the South African society can transcend its historical legacy of persistent violence. Could a cultural ethical response to the problem of cultural violence and a culture of violence contribute to the discourse on violence? Drawing on existing literature on violence and, in particular, taking its cue from Johan Galtung's (1990) study on cultural violence, this chapter argues that the perceived culture of violence is abetted, in some instances, by cultural violence. Whereas certain violent acts such as robbery or common assault are products of the broader milieu of violence in the society, others are triggered by cultural forces and elements – most of which have strong historical roots.

The chapter therefore highlights the incidence of rape as an example of cultural violence, that is, a form of violence in the society which, in many cases, is sanctioned by aspects of culture and which itself has developed into a subculture of violence. Although this study recognises that South Africa is not a homogeneous society, but that its diversity is marked by racial, socio-economic, ethnic, language, religion and other variations, it suggests that cultural ethical solutions be considered as a viable option in efforts to track and transcend problems of cultural violence and accordingly the culture of violence in South Africa.

Violence

An overview

Although a universal social phenomenon, violence is viewed as a concept that is difficult to define, because it is seen as a socio-cultural construct whose conception varies from one culture to another (Merry 2009:4–5; Hoffman & McKendrick 1990:6). People's perception of what constitutes violence often differs, depending, for example, on whether the one who makes the judgement about the act is a victim, perpetrator or bystander. Hoffman and McKendrick (1990:3) note that, 'Acts of violence deemed as legitimate in one society or in one cultural group in society may be considered illegitimate or culturally unacceptable in another'.[93] The WHO Task Force on Violence and Health (WHO 1996 in Emmett & Butchart 2000) states that:

> Violence is the intentional, threatened or actual use of physical force or power against oneself, another person, or against a group or community that either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment, or deprivation. (p. 15)[94]

Thus, this study recognises the existence of various competing notions of violence, but accepts a broad definition of violence as an act of violation in which force or coercion is used to cause injury or harm to a person or persons or to the personal space of another. Remarkably, in recent decades, the definition of violence has been broadened also to cover other forms of abuse or violation besides physical violence such as mental, psychological or emotional abuse and aggression (Merry 2009:181–182).

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[93] See also Stewart and Strathern (2002:3).

[94] Compare Levinson's definition of violence (1989:39) as 'an action of one or more other individuals that is meant to cause physical pain to one or more other individuals or nonhuman animals, or to destroy material property'.

Approaches to the study of violence take their points of departure from various disciplines which include social anthropology, ethology, history, criminology, political science, religion and psychology, among others (Abbink 2000: xiii; Stewart & Strathern 2002:9). However, because violence is essentially a social phenomenon, most of its studies emanate from the social sciences. This chapter therefore draws data primarily from socio-anthropological findings in order to probe the prevalence of violence in South Africa and its ethical implications.

Types of violence

It is important to note that authors distinguish between various forms of violence. For instance, Hoffman and McKendrick (1990:4–6) categorise violence into, for instance, violent natural disasters or ‘acts of God’, and human violence. Human violence can be accidental or wilful, and wilful acts of violence can be legitimate or illegitimate. The distinction made between legitimate or illegitimate violence refers to acts of violence that are deemed justifiable or unjustifiable by either the law or the society, for example the extrajudicial use of torture. Of course, determining what constitutes legitimate violence is subjective and a contested topic just as the definition of violence itself. For instance, a revolutionary group and its supporters may justify the bombing of a public building with innocent people in it, whereas the government deems the act of violence illegal and, in turn, responds with what it regards as legitimate violence (Conteh-Morgan 2004:70; Stewart & Strathern 2002:3–4). Actually, in most situations where the State perpetrates violence, the violence is regarded as lawful and warranted, for instance in cases of torture or penalty in the form of corporal and capital punishment.

Additionally, wilful acts are characterised as those which are directed against persons or at property. When directed against persons, these could be interpersonal, intergroup or international (i.e. other than war). Interpersonal acts of violence include murder and manslaughter, aggravated assault, forcible rape, robbery, burglary, larceny-theft, et cetera, whereas intergroup violence targets a particular group or groups of people as in military actions, xenophobic attacks, interethnic conflicts or what is perceived as terrorism. A similar classification of violence by the WHO distinguishes between interpersonal, self-directed and organised violence (WHO 1996, cited in Emmett & Butchart 2000:15). Other distinctions of violence include, among others, private or public, direct or indirect, and internal or external violence.

Also found in literature are designations for different forms of violence such as political violence (including riots, terrorism, lynching, vigilantism, xenophobic attacks, religious violence, and civil wars), family or domestic violence (spousal abuse, child abuse, female genital mutilation, honour killings and female feticide), sexual violence including gender-based violence such as rape, and media violence, etcetera. It is helpful to note that some of the acts of violence can be classified under more than one form of violence. For example, an act of rape is classified as sexual violence, but it could also come under family violence if it occurs in a family setting or it could be a political act if carried out in the context of war and used as a weapon of warfare. Structural or institutional violence (violence that is ingrained in institutions and structures of the society) and cultural violence (violence that is perpetrated in the name of culture) are also part of the designations of violence observed in literature. The issue of cultural violence is significant to the present discussion and will be expounded later in the chapter.

Causes and factors

Various factors are adduced to the prevalence and perpetration of violence in society depending on the type of violence. However, at the root of many violent acts is conflict. Violence may erupt in a situation where there is conflict over who controls or distributes limited resources and where inequalities and needs-deprivation abound (Conteh-Morgan 2004:2, 277; Galtung 1990:294). Economic, cultural or racial factors that promote structural inequalities may result in violent acts within a society. Severe inequalities within a society could induce, for instance, political or ethnoreligious violence and terrorism. According to Hoffman and McKendrick (1990:14–21), causes of violence include psychological factors (e.g. human need to be aggressive), socio-psychological factors:

> [*T*]he assumption that acts and episodes of violence are located in the interactions between persons and other people in their human environment, based on the values and attitudes generated by them. (p. 18)

Such values may include views and attitudes held about violence such as corporal and capital punishments or retribution and the need for self-defence (Hoffman & McKendrick 1990:19). Another cause of violence has to do with social-cultural factors ‘such as norms, based on beliefs and values; social structures; and institutional arrangements’. An example of such norms is children being taught to defend themselves in conflict situations (Hoffman & McKendrick 1990:19).

Further, social change due to industrialisation, Westernisation and modernisation often has direct effect on increase in social problems and, in particular, on family violence (Levinson 1989:63). Whereas mental behaviour and the use of psychoactive substances on the part of perpetrators also induce violent activities, historical factors play a central role in the eruption of violent behaviours, in particular, in respect of political and family violence, among others (Abbink 2000:xii; Hoffman & McKendrick 1990:20–21; Stewart & Strathern 2002:153). Thus, causes of violence are said to ‘include basic features of social structure, cultural perceptions, power distributions, the emergence of “narratives of opposition” in which two sides nurture mutual distrust, and disputes over material resources’ (Stewart & Strathern 2002:10–11). In South Africa, the escalation of violent crimes has also been attributed to the ubiquitous presence of and accessibility to firearms and other weapons (Pandey 2012:139–140; Vorster 2013:2).

Impact of violence

The use of violence, whether individually or collectively, often has dire consequences for the society. It is widely recognised that violence easily begets violence. Individuals or groups tend to respond to aggression or force with greater or at least commensurate force. The result in the case of extreme violence is a society or family torn apart by conflict. Although the victims of violence experience its impact directly and personally, violence also creates indirect victims who are affected emotionally or financially in one way or another (Hoffman & McKendrick 1990:24). Unfettered violence in society could result in the breakdown of law and order as well as various socio-economic losses. On interpersonal and family level, violence does disrupt individual lives and relationships resulting in fatalities and maiming in several cases. Violence leads to the violation of the victim, causing pain and devastation (Aijmer 2000:2). Often, the psychological and emotional trauma, which the victims of violence undergo, far outweighs the physical injury and pain. When violence becomes protracted and endemic, the society may become tolerant and gradually desensitised to its gruesomeness and impact. Its members inadvertently internalise violence and the outcome is what literature describes as a culture of violence. In South Africa, the level and prevalence of violence have also resulted in growing public fear as evidenced by the ubiquitous presence of high fences, electric gates, security guards and alarm systems in homes and other private or public buildings (Pandey 2012:147–148).

Power relations

At issue in the discourse of violence is the notion of power and its role in the prevalence of violence in any given society. When violence such as political violence is collective, its underlying expression often is the imbalance in the existing power structures in the society which could be along class, gender or racial lines. In time, the underdog is pitched against the dominant class which benefits from the existing structures in a way that makes violence inevitable. Conteh-Morgan (2004) affirms that, in many developing regions:

> Extreme inequality is an instigator of ethnoreligious and other tensions that could be politicised and transformed into rebellion. This situation of gross inequalities coupled with rapid population growth is often a recipe for more future insurgencies and attacks against the rich and powerful. (p. 277)

Thus, because power is, in many situations, unevenly distributed and abused, the underdog takes recourse in violence in a desperate bid to seek alternative strategies for survival and for constructing power.

In a number of societies, the power relation between the sexes is also uneven, as men and women are accorded different statuses and powers. Consequently, some men do use violence as a means of asserting the power which culture and history already bestowed on them when they perceive that they are losing power and control. Gender violence in the form of rape, domestic abuse, abduction, et cetera is then used to re-establish gender hierarchy and supremacy, to affirm mastery and to regain power. Blok (2000:33) affirms that, 'Violence is interwoven with masculinity and the human body often serves as a cultural medium, as a source of metaphorical material to symbolise power relations.' Again, the power dynamics that take a cue from patriarchal cultural systems could be strengthened by androcentric interpretations of religious texts which some men use to justify their use of violence to control and subdue women. Such interpretations would claim that the

Bible, for instance, endorses men's subjugation of women based on the account of the creation and the Fall in Genesis 1–3 and on other texts. The man was created first, and the woman is regarded as the 'weaker vessel', because she was made out of the rib of the man and was the one tempted by the serpent in the Garden.

Uneven power relations along racial lines also exist in some societies where race is used as an organising principle. A dominant race employs its power to subdue and control the subordinate racial group(s). The latter therefore appropriates violence to subvert the power of the dominant group and as a survival tactic. A case in point is South Africa which has witnessed the persistence of violent activities in not only the apartheid, but also the post-apartheid era. Although the use of violence by opposing parties was mutual during the apartheid regime, in the democratic dispensation the underprivileged races and classes have continued to employ violence to respond to structural violence manifesting in the extreme poverty and deprivation that they encounter daily.

Culture of violence or cultural violence?

In this discussion, a distinction is made between a culture of violence and cultural violence. A culture of violence is said to develop in a context where acts of violence are perpetrated with impunity and where 'violence has now become an acceptable means of resolving social, political and even domestic conflicts'. In other words, protracted use of violence has consolidated itself into a culture (Pandey 2012:143, 137). However, it appears that the term *culture of violence* is sometimes used alternatively to refer to cultural violence.

According to Levinson (1989) who views the culture of violence theory in light of a dominant culture versus subcultures:

> [*T*]he theory suggests that some subcultural groups develop norms and values that emphasise the use of physical violence to a greater extent than is deemed appropriate by the dominant culture. (p. 16)

He considers a culture of violence as one in which violence is an accepted way of life, and in which a particular subcultural group (e.g. a gang) sees violence and aggression as a normal way of resolving issues. For his part, Van der Merwe (2013) seems to use the term *culture of violence* interchangeably with *cultural violence* as he states:

> The term 'culture of violence' implies two things about how society views violence: Firstly, violence is seen as normative rather than exceptional. Violence is seen as a normal response to addressing a problem, and therefore attracts little condemnation. Decisions to use violence are thus based on whether it works or not, rather than on whether it is justifiable or not. Secondly, violence is valued in certain situations. Violence is seen as serving a positive social function (in addition to its instrumental value). In this formulation, violence thus becomes an effective and commonly used form of communication, and those who are good at this form of communication are valued members of society. (p. 74)

In other words, violence serves both a practical and a social function – it is a language of communication and of sending specific messages. However, as his discussion unfolds, Van der Merwe shifts from the use of the term *culture of violence* to *cultural violence*, noting that what he calls 'culture of violence' is what Johan Galtung refers to as 'cultural violence'. In my view, a careful consideration of Galtung's term would show that 'culture of violence' should be differentiated from 'cultural violence'.

The term *cultural violence* was first used by Johan Galtung in his 1990 study on violence and peace. For Galtung (1990:291), '"Cultural violence" is defined […] as any aspect of a culture that can be used to legitimise violence in its direct or structural form.' Galtung (1990) explains that:

> By 'cultural violence' we mean those aspects of culture, the symbolic sphere of our existence – exemplified by religion and ideology, language and art, empirical science and formal science (logic, mathematics) – that can be used to justify or legitimise direct or structural violence. Stars, crosses and crescents; flags, anthems and military parades; the ubiquitous portrait of the Leader; inflammatory speeches and posters – all these come to mind. (p. 291)

Galtung's definition clearly shows that only particular and not all aspects of culture play a role in the legitimisation of violence. It is also important to note that Galtung defines 'cultural violence' in the context of structural violence and direct violence. He (Galtung 1990:294) argues that, like structural and direct violence, cultural violence is an overarching category of violence, and that all three form a 'vicious' triangle of violence in which cultural violence is the legitimiser of the other two. Further, Galtung (1990:296) outlines six cultural domains – religion and ideology, language and art, empirical and formal science – through which cultural violence operates, and illustrates how a cultural element from each domain can be used to legitimise direct or structural violence.

Chrissie Steenkamp (2005:253) who considers the persistence of high levels of violence such as crime and vigilantism in post-accord societies, argues that protracted conflict in those societies has resulted in some ways in a culture of violence. Her (Steenkamp 2005) definition of culture of violence indicates that:

> [*T*]here is a direct link between exposure to violence over a long period of time and acceptance of violence as a means to solve interpersonal conflict or deal with frustration in everyday life. (p. 254)

In other words, in post-accord societies such as South Africa, the persistence of violent conflicts has affected 'society's norms and values in such a way as to foster a greater social tolerance of individuals' violent behaviour' which has resulted in higher levels of violence, and that broader macro-processes often sanction the use of violence. However, the definition also overlaps in a way with Galtung's cultural violence as she explains that, '[t]he concept emphasises that the use of violence becomes embedded in the broader shared values and norms of a community' (Steenkamp 2005:254).

This chapter adopts Galtung's definition of cultural violence as aspects of norms and values of a particular culture that are used to justify violence, but regards a culture of violence as one in which violence has been perpetrated for so long that it has become a culture or an acceptable trend. Whereas cultural violence, which is classified as an overarching category of violence by Galtung, implies that certain cultural forces and elements shape and legitimise the use of violence in a society in a culture of violence, violence has become pervasive and a legitimate way of resolving issues. This is not to say that, in a culture of violence, cultural norms and values do not surface, because the violence itself, as Steenkamp has noted, could affect and shape such norms and values. The inference here is not that the term *culture of violence* should be viewed as a broad category of violence, but that a culture of violence may develop from any or all of the broad categories outlined by Galtung, namely structural violence, direct violence and cultural violence. That culture of violence may also produce and foster other forms of fresh violence in the society. At this point, it is helpful to consider the different manifestations of violence in South Africa.

Faces of violence in South Africa

Even though violence is widely attested as a universal phenomenon, the prevalence of violence in South Africa has elicited the remark by some commentators that the country has adopted violence as its ‘12th official language’ (Molopyane 2013, cited in Van der Merwe 2013:73). Violence in South Africa has deep historical roots which are traceable to its inglorious apartheid past when the State legitimised violence to subjugate the opposition which, in turn, countered the actions of the State with violence of its own. Besides the legacy of the apartheid era, several other factors are attributed to the high level and diverse manifestations of violence and criminality in the country. Reports show that, among others, the failure of the government to curb growing unemployment and inequality, inadequate policing and prosecution of crimes, illicit ownership of and access to guns, substance use among youths as well as weak institutions have contributed to the persistence of violence in the country (Pandey 2012:145).

Moreover, certain cultural beliefs and social norms do not support, but actually undermine the use of appropriate and legal actions to deal with violence against women (Hunter 2006). In situations where the perpetrator is related to the victim, a culture of silence often prevails for various reasons such as the importance of preserving family unity and honour or privacy issues. Overall, it appears that society also has become somewhat desensitised to this persistent violence and its consequences.

Presently, structural violence manifesting as poverty, unemployment, racism, displacement or hunger is associated with South Africa, because it has one of the highest rates of income disparity in the world (Van der Merwe 2013:72). However, the country also has become a breeding ground for physical violence in various forms and unprecedented degrees. Violence in South Africa spans all aspects of society and is feasible on not only interpersonal and family levels, but also communal and State levels. It appears that the political violence, which was legitimised under the apartheid government, eventually paved way for criminal violence in the post-apartheid State, largely due to the high inequality in socio-economic structures. As in the past, violence in South Africa has therefore remained a form of communication, a way of conveying a message, of dealing with conflict as Van der Merwe (2013:68) has shown.

On communal and State levels, public violence surfaces daily in the form of, among other things, protests over service delivery, students' dissatisfaction with policies and programmes, and strike actions. Rivalries and feuding between gangs and between taxi drivers' groups in South Africa are often marked by violence, while xenophobic attacks have become more widespread in the aftermath of the 2008 occurrence in which at least 60 foreigners were killed in several incidents in different parts of the country (Van der Merwe 2013:71). Violent mob action against criminals in the form of 'necklacing',[95] lynching, vigilante killings and other gruesome acts that could result in the death or maiming of the victims, are witnessed frequently and mostly in South Africa's townships and informal settlements (Pandey 2012:138). Prison violence, homophobic attacks on lesbians and gay men, terrorism or freedom fighting (depending on the perception), sports violence, arson and vandalism are also included in the reported incidents of public violence in the country (SAPS 2016). In several instances of public violence, the State responds with force to group violence which generates further violent actions. For example, on 16 August 2012, striking mineworkers protested against low wages at Lonmin platinum mine in Marikana, but the Lonmin management declared the protest illegal and called in the police. In the ensuing standoff between the officers of the SAPS and the mineworkers, 34 of the protesters were killed, while 78 were injured by police bullets. There was public outrage against the State as the action reminded the public of the activities of the apartheid police.[96]

On interpersonal levels, attacks on white farmers have become rampant, but not nearly as armed robbery, aggravated assault, mugging, hijacking and burglary incidents as well as bullying in school settings. Instances of ritual killings and mutilations, which are culturally linked, also occur in some parts of the country. In family settings, spousal and child abuse, familicides and (attempted) suicides are some of the commonest acts of violence. However, acts of rape, either by known or unknown assailants, have surpassed any other form of gender or family-based violence reported in South Africa which notably has one of the highest incidences and records of rape globally (Statistics South Africa 2000:1; Van der Merwe 2013:69).

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[95] *Necklacing* is a street term, used in South Africa, to describe a kind of mob justice in which a suspected criminal is executed by placing a used tyre on his or her neck (like a necklace) before lighting him or her up.

[96] See Pandey (2012:138–140) on the role of the State in escalating violence during the apartheid period. Pandey (2012:141) reiterates that, in the apartheid era, violence (militarism) 'became an accepted way of expressing discontent and frustration' in the society.

Rape and its ugly faces

Media headlines are awash with heartbreaking news of rape cases across the country on a daily basis. The endemic character of the act of rape is considered a national crisis and a priority crime, because, every 36 seconds, at least one woman is raped in the country.[97] Any imaginable form of rape is witnessed in South Africa. Men are raped by men (especially in prison) and by women, while women are raped by men, and aged women and grandmothers are raped by young men. Children and infants[98] (as young as 1-month-old) are raped by older men who could be family members, neighbours, caregivers, teachers, friends, colleagues and strangers. Sometimes, lesbians are also (gang-) raped in an act that is termed *corrective rape* which is meant to 'correct' what the rapists regard as the victims' perverted behaviour. In the rural practice of *ukuthwala* (Wood 2005:313–314) in which young girls are abducted for marriage (mostly in parts of the former Transkei), rape also becomes an inevitable outcome. Group rape, an occurrence common among young people and ritualised in some settings, often has cultural underpinnings (Wood 2005:304–315). A major fallout of the rape pandemic is the increase in the spread of AIDS and other sexually transmitted diseases. The use of weapons and physical force by the perpetrators to threaten and to harm their targets also implies that the rape survivor would invariably suffer physical injury besides the psychological and emotional trauma she endures.

The horrendous nature of most of the statutory rape cases is brought home by the recent abduction and murder of a three-year-old girl, Courtney Pieters, in the Cape Town area early in

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[97] According to the SAPS (2016:43–44), 41 903 rapes were reported in 2015–2016 which implies that at least three times that figure were unreported cases, as analysts claim that only one in four cases of rape is reported.

[98] Data from a 2001 report by the SAPS shows that in 41% of rape cases in the country, children and infants are the victims (LoBaido 2001). For more on child sexual violence and a historical overview of the politics of sexual violence in South Africa, read Posel (2005:140–150).

May 2017. The little girl was raped twice before she was murdered by her abductor, the 40-year-old Mortimer Saunders, who was a tenant and neighbour of her parents. In another incident, a 16-year-old girl, Franziska Blöchliger, who was jogging in the forest of Tokai in Cape Town was raped, robbed of her mobile phone and jewellery, and strangled to death by an unknown assailant later identified as 28-year-old Howard Oliver, a married father of two children. Media and police reports show that schoolboys rape their fellow female schoolmates and document the act with their mobile phone cameras. Clergymen rape young girls (and boys). Young girls are kept as sex slaves by drug barons and powerful men of the underworld.[99]

The reports on the rape of women are equally endless. In 2015, two couples, relaxing in Rhodes Park in the Johannesburg area, were accosted by three men who raped the two women, murdered their husbands and dumped the bodies in a nearby dam. In another incident, a 26-year-old Nelspruit man was sentenced to 24 years in prison for raping his 86-year-old grandmother in 2012. In a most recent act, Hannah Cornelius, a 21-year-old Stellenbosch University student, was hijacked in the company of a male friend, abducted, raped and stabbed to death by four men who have since been arrested by the police (News24 2016a; 2016b; 2017c). Daily media reports of acts of sexual violence against women are too numerous to mention even though incidents of sexual violence in the country are on the whole underreported (Statistics South Africa 2000:6; Vorster 2013:1, 5).

Pandey (2012:143) affirms that, overall, a culture of violence, which had developed during South Africa's turbulent history, has persisted in the post-apartheid society, especially given that perpetrators are no longer severely punished. Thus, we assume that the high frequency as well as the brutal nature of the rape cases indicates that these criminal acts are a product of a culture of violence that pervades the entire nation.[100] Importantly, cultural and misogynistic forces also play active roles in many of these rape acts. Clearly, rape is an act of direct violence to the extent that certain cultural forces, which contribute to its perpetration, can be regarded as cultural violence. Aspects of culture are used to justify rape and sexual assault, and the cultural presumption in some circles is that these are normal male behaviours and should not be taken too seriously, because, after all, 'boys will be boys'. However, this study does not presuppose that all acts of rape are culturally motivated, but it highlights forms of rape, specifically of females, that base their expression on cultural sanctions because of their prevalence in the country and as an illustration of cultural violence.

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[99] Read online reports of incidents from News24 (2017a; 2017b).

The increase in the rape of children and infants has been blamed on a cultural myth which claims that men can be cured of HIV infection if they have sex with a young virgin. Another element of culture that helps to legitimise sexual violence against women in some parts of the country is the belief that young boys who undergo initiation rites through circumcision are obliged to assert their masculinity by engaging in sex with a female in order to establish their new status in society. The practice of *ukuthwala* is also undoubtedly a cultural phenomenon and, because it entails the sexual violation of the abducted 'bride', it is classifiable as cultural violence. In these scenarios, sexual violence is ritualised.

The power dynamics at play in an act of rape are often clearly rooted in patriarchal and cultural norms that support male dominance of women who are expected to be passive and submissive in a gender hierarchical order that subordinates them to men and portrays them as sexual objects. Such norms encourage men to sexually assert the power bestowed on them by culture and, if necessary, in a physically violent way. However, a problem arises when cultural elements are used to sanction ethically unsound practices – society descends into a state of moral atrophy and ethical bankruptcy. Of course, it is easy to assume that, because rape does not occur in a cultural vacuum, but cultural elements are employed to legitimise its manifestation, then most members of the society are complicit. On the contrary, perpetrators merely exploit weak and unquestioned misogynistic norms to legitimise their heinous deeds in the name of patriarchal power and authority. Their actions are not representative of what society stands for, but are products of a violent subculture. This statement agrees with the view noted earlier that, in a violent subculture, norms and values that emphasise the use of physical violence are developed by subcultural groups and do not constitute the dominant norms and values (Levinson 1989:16, 41).

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[100] Wood (2005:305) affirms that, 'Rape was a widely used weapon in the wars waged in Southern Africa by the apartheid regime and its allies.'

In what follows I shall offer a brief sketch of a possible ethical response to the incessant wave of rape terror that daily sweeps through South Africa.

Ethical response to the culture of rape

Various interventions and strategies have been proffered and are being implemented to curb violence and to minimise its impact in the society. Existing literature on violence also contains recommendations from multidisciplinary perspectives in this regard. However, in practical terms, outcry against rape in the society has been limited mostly to women's groups and female activists who express their horror through picketing, marches and rallies. Many women participate actively in the international campaign tagged '16 Days of Activism against Gender-Based Violence'. In several communities, women's groups such as the African National Congress Women's League hold placards and chant songs in front of courthouses to support victims of rape and other gender-based violence, and to decry the activities of perpetrators. But, on the whole, similar acts of outrage against sexual violence on the part of men in the society, are missing.

Further, the government of South Africa has adequate policies that address violence and sexual violence in particular, but most cases of criminal violence are not prosecuted, and when they are, the conviction rates are rather low. The lack of deterrence therefore encourages perpetrators to continue their dastardly acts with impunity (cf. Steenkamp 2005:259). If the government also makes concerted efforts to ensure reduction in structural violence, represented by hunger, poverty, unemployment, endemic diseases and other ills, it will predictably lead to significant reduction in the level of direct and cultural violence.

However, the problem of cultural violence and, in particular, of sexual violence is not caused by the government. It is primarily a social problem that demands a home-grown solution. This study holds that a socio-ethical approach to tackling (sexual) violence in South Africa has the potential to offer preventative measures that would produce enduring impact on society. Can ethics then be brought into dialogue with the violent subcultures that deprive many members of society, especially women and children, of their dignity and peace? What kind of ethics will adequately address the moral ills of an African society such as South Africa? It is supposed here that cultural options must be sought to combat violence that thrives under the guise of cultural sanctions. In what follows, I shall briefly make a case for a cultural ethical solution to the problems of cultural violence such as rape.

■ What kind of ethics?

A number of scholars have noted that Western ethical models, which they claim is influenced substantially by Socratic and Aristotelian ethics, is inadequate to account for the African understanding of life and morality. The idea of a global or universal ethics, as proposed by Hans Küng, has also been faulted and considered inadequate for addressing African ethical issues (Bujo 2011; Ezekwonna 2005:208, 225). Those scholars therefore call for a coherent theory of African ethics that is able to address issues of morality at various levels of communal life on the continent. That ethics has to be grounded in the community. The 'community is regarded as the starting point in African ethics, because the people's moral values are rooted in the community' (Bujo 2011:1–2; Kunhiyop 2008:8; Okeja 2013:69–70). Elsewhere, we have affirmed that, because the community is a starting point in African ethics, a communitarian ethics is more helpful in addressing ethical issues in an African society (Olojede 2015:1–6). Some commentators have further shown that the relational concept of *ubuntu* (which says, 'I am because we are') is 'pivotal not only to Africa's community life, but also to its ethics' (Okeja 2013:75), and that other communitarian values including respect, hospitality, friendliness, integrity and generosity are derived from *ubuntu*.

If the central issue in African ethics is relatedness or relationality (that is, as encapsulated by *ubuntu*), then the point that its focus is on a social rather than a personal ethics[101] can therefore be regarded as valid. Because violence or sexual violence, in particular, disrupts family unity and tears the fabric of the society, it disregards the value of relationality. The perpetrator is completely fixated on what he considers a 'legitimate' cause based on his belief in some opaque subcultural elements and refuses to see that his action contradicts the fundamentals of social ethics – which is an *ubuntu* that is informed by hospitality and respect for others. His action possibly ruins a life, a family or a relationship, but he lacks understanding that 'he is because his victims are'. The network of relationships is broken by one individual's senseless and perverse act who fails to realise that, by wounding others, he is undoing himself. Sexual violence, specifically the rape that hinges its effectiveness on cultural norms, violates the ethics that is founded on *ubuntu*. Whatever subcultural elements are being used to legitimise sexual violence in any of its forms, should therefore be viewed as an anti-community and anti-relational ethos and the violence itself as an anti-community action. They should be expunged.

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[101] On this point, see Kunhiyop (2008:5).

■ Conclusion

It is incumbent on society to reformulate and reinforce communal ethos in order to counteract the existing negative norms that are being sustained by few at the expense of the many members of society who are daily traumatised by violent crimes. A communitarian ethics is an ethics of care which means it has utilitarian values that can be tapped to dismantle the subcultural forces behind rape and other forms of (sexual) violence in the society. Fostering that ethics of care and of communality, would be an appropriate step to take in these critical times.

An ethical response to the social challenge of violence and criminality that takes its point of departure from an African communitarian ethics would therefore begin not at the top, but at the bottom. Of necessity, it must carry out its task from the grassroots and family levels, and unpacking the nuances of that ethics is a corporate task that must involve all, including (potential) perpetrators and their targets. In essence, it would require active input on the part of men – many of whom only show apathy towards the danger that untethered violence poses to the well-being and future of society. Unexamined assumptions about cultural values and norms, which are destructive, in essence, and violate the fundamentals of *ubuntu*, must also be probed and censored. The positive impact of an ethics founded on *ubuntu*, may not have been realised in the post-apartheid South Africa where many values, which were central to society, have been eroded by its historical experiences, because the possibilities, embedded in such an ethics, have not been adequately probed, taught or propounded. Such an ethics must raise pedagogical questions that need to be answered – in classrooms, at family dinner tables, in academic discourses, in church forums, at *imbizos*, inside *lekgotlas,* at young men's initiation schools and at any youth forums in which the rudiments of what it means to be a relational being can be taught in a systematic and formal fashion. The impact of that ethics would produce the kind of social change that should lead to a culture of peace and security in the nation.

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Chapter 1

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Open access at
https://doi.org/10.4102/
aosis.2018.BK77

9 781928 396505
ISBN: 978-1-928396-50-5