

The Challenges of Tradition in Democratic South Africa

J. Michael Williams

Politics Department Lecture October 14, 2010

J. Michael Williams is Associate Professor and Chair of the Department of Political Science and International Relations at the University of San Diego

Good evening. I would like to thank all of you for coming this evening. Specifically, I would like to thank Professor Dennis Plane and the Department of Politics for inviting me to visit your beautiful college. It really is a privilege to be here.

I am hoping that we can have a conversation tonight about the ways in which tradition has affected the process of democratization in South Africa. By tradition, I am referring to those preexisting indigenous beliefs and values that many South Africans continue to use in their daily lives. As I will discuss later, the South African Constitution and the current South African government recognize and protect many of these traditions. The attempt to incorporate these traditions into its emerging democracy will undoubtedly influence the way in which democracy is practiced and consolidated in the future.

As most of you know, South Africa is located on the southern tip of the African continent. For the last twelve years, most of my research has been done in the rural areas of KwaZulu-Natal, one of the nine provinces in South Africa. Many of the issues that I will discuss tonight, especially those involving traditional chiefs, as well as many of the slides that I show, come from these rural areas.

BACKGROUND ON SOUTH AFRICA

While many of us know bits and pieces of South Africa's history, I think it will be helpful to provide a brief background before beginning our discussion of tradition and democracy in South Africa today.

The first European country to make contact with what is today South Africa was the Netherlands in 1652. For approximately two hundred and fifty years, the ancestors of these Dutch settlers, along with other settlers from Europe, settled in the area around present-day Cape Town. Over this period, these settlers developed their own identity and language and would refer to themselves as Afrikaners. When the British took control of the Cape Town area in the early 1800s, and as they sought to establish a British colony throughout South Africa, they came into direct conflict with the Afrikaners. The Afrikaners, in order to escape British colonialism, headed north towards present-day Johannesburg in what is known as the Great Trek. These events would forever shape the politics of South Africa.

Over the course of the nineteenth century, both the Afrikaners and the British made contact with indigenous black South Africans who today make up many different ethnic groups, including the Zulu, the Sotho, the Swazi, and the Xhosa, which is the ethnic group to which Nelson Mandela belongs. This issue of diversity, and how to accommodate the different customs and practices of these different ethnic groups, is something that South African leaders have been facing for the last two hundred years.

Since the arrival of the Dutch in 1652, until the first election in 1994, non-white South Africans, who make up approximately ninety percent of the population, were generally not allowed to vote in any elections. As a necessary labor source, however, the whites exploited them and forced them to work on the farms, in the mines, or as house servants. In 1948, white South Africans voted into power the National Party. This party advocated a policy called *apartheid*, which translates into English as “apartness.” From 1948 to 1994, the National Party, through the policy of *apartheid*, systematically divided South Africa based on race and ethnicity. Not only were blacks not allowed to live, work, or attend schools in so-called “white areas,” but blacks themselves were divided into separate ethnic groups and each ethnic group was provided its own “homeland” where the people were forced to live. The result of this policy was that eighty percent of the population was forced to live on thirteen percent of the land; in order to enforce this policy, the *apartheid* regime used force, fear, terror, and repression.

The justification for *apartheid* was based on a rationale that I am sure all of you will find unpersuasive. Basically, many white South Africans believed that people of different ethnic groups and racial groups were incapable of living together peacefully. Some South African leaders even argued that the policy of *apartheid* was no different from the segregation that existed in the United States prior to the 1964 Civil Rights Act. Nor was it different from the French and Germans self-identifying as different nationalities that should have separate territories and should govern themselves. In this way, white South African leaders believed they could make the argument to the international community that their policy of *apartheid* was actually protecting different cultures; it was not inhumane or degrading.

But we should be careful not to draw too close of a comparison between *apartheid*, on the one hand, and segregation in the United States, on the other. First, the demographic dynamics in South Africa were just much different than they were in the United States. While in South Africa we found the minority population ruling over the majority, in the United States this was reversed. More importantly, keep in mind that under *apartheid* the idea was not just to separate the playgrounds and the drinking fountains and the schools and the parks and the beaches, which it did. It was also to say that different cultures have their own territories and that is where these groups would have to live and that is where these groups belong. One of the consequences of this policy was that if a Zulu wanted to come into white South Africa, then the Zulu was treated as a non-citizen. Any non-white person was required to carry a passbook at all times. Those whose passbooks did not have the proper stamp showing that they were

allowed to be outside of their homeland were arrested and sent back to their territories. The ten homelands that were established during *apartheid* were supposed to become separate, independent, and sovereign nation-states. This never happened, of course, and while two of the homelands were granted formal independence, no country other than South Africa recognized their sovereignty. None of these ten homelands consisted of a contiguous land mass and none of these areas had enough space or infrastructure for all the members of the ethnic group to live and work. The homelands rarely included the most arable land, the nicest beaches, or major highways. They were really just reserves where people were meant to stay if they were not working in the mines, on the farms, or in the homes of white South Africans.

This is the system that Nelson Mandela began resisting in the 1950s. It is also the system that had him imprisoned for twenty-seven years. As you can imagine, when he was released from prison in February 1990, Mandela faced a country that was separated physically, culturally, and spiritually, and most importantly, on the brink of civil war. He faced the reality that since 1948 there have been people forced to live within these racial and ethnic categories. Quite remarkably, his message when he was released from prison is that all South Africans need to live together and that they need to promote a South African national identity rather than separate ethnic identities.

While Nelson Mandela's non-racial message is well known, what is not as recognized is that he was born into a family in the Transkei that was part of the chieftaincy. In fact, if he had stayed in his territory he would have been a very powerful player in his chieftaincy. Chieftaincies are quite common in South Africa, with close to one thousand recognized today, and many were established before colonialism. In most cases, chieftaincies are the main governing institution at the local level and consist of a hereditary chief and his assistants. On numerous occasions, he has discussed the value of indigenous customs, specifically the democratic nature of the chieftaincy during the pre-colonial period, and he has always stressed that South Africa needed to develop a post-*apartheid* democratic order that reflected its own cultures, values, and practices. In this way, Mandela's position on culture, and how to deal with the legacies of *apartheid*, are really much more nuanced than they appear at first.

There does appear to be a bit of a contradiction here. While white South Africans used and abused cultural differences during *apartheid*, Nelson Mandela and other black South African leaders are dedicated to preserving and promoting different cultures in the post-*apartheid* democratic order. The rest of this discussion is really about how South Africa has sought to address, and reconcile, this contradiction since 1994. One source that provides a nice transition to this topic is the Preamble to the South African Constitution that was adopted in 1996. I really believe that you can learn a lot about the aspirations of a country through its preamble, and in South Africa, the preamble begins as follows:

We, the people of South Africa,
Recognise the injustices of our past;
Honour those who suffered for justice and freedom in our land;
Respect those who have worked to build and develop our country; and
Believe that South Africa belongs to all who live in it, united in our diversity.

(First of all, I need to mention that I really love preambles and if had been up to me, which it wasn't, the walls in our twin boys' room would have had different preambles stenciled on the walls. But instead, we have giraffes, elephants, and lions—not bad, but nothing like a wall full of preambles.)

What is particularly interesting about South Africa's preamble is how it connects the past, the present, and the future and how it frames the issues of diversity. Specifically, the statement that "We believe that South Africa belongs to all who live in it, united in our diversity" is a much different idea than the United States motto "*E pluribus unum*," or "out of many one." To be united in diversity is a different goal. It is stating that we are not going to scrub out the differences between us and assimilate, but that we are going to embrace our differences. Desmond Tutu, one of the leaders of the anti-apartheid struggle, came up with the phrase "rainbow nation" to describe post-*apartheid* national identity. As you know, the rainbow has many different colors and the colors are distinct, but at the same time, only the colors together make the rainbow.

What we find is an ongoing struggle to make their new democracy look and feel authentic, but at the same time, to reform or move away from aspects of the culture that are not classically liberal or democratic. With this in mind, I want you to imagine the years 1990 to 1994, with Nelson Mandela, the leaders of the white apartheid government, traditional chiefs from the homeland areas, and women's groups, all sitting down to write the new constitution. And some of the main questions are: "What do we do about culture?" "What do we do about group rights?" And, "What rights should groups have in democracy?" The traditional chiefs are saying you have to protect our rights and the women's groups are saying that chiefs are undemocratic and represent a patriarchal system of rule. There are some people saying we want to recognize customary and polygamous marriages and there are others who find these practices abhorrent. Everyone is sitting at the table having this discussion. In the end, they adopt a constitution that blends both indigenous values and practices with more modern values and practices. For example, the constitution protects the rights of people to practice their culture, it provides for eleven official languages (making Parliament look and feel like the United Nations), it recognizes and protects traditional chiefs, while at the same time it mandates that all individuals are treated with equality, respect, and dignity.

The ways in which South Africa has sought to implement policy based on this particular idea of diversity is where we turn next—it is a challenge that is ongoing and one that is likely to continue for some time into the future.

TRADITION IN SOUTH AFRICA

For the remainder of my time, I want to focus on three different aspects of tradition and tell you a little bit about what is going on with each. Specifically, I want to share with you how South Africa has sought to make and implement laws to recognize and protect traditional chiefs, traditional medicine, and customary marriage. While there are many other ways that the issue of tradition is developing in South Africa, these are the three that I think raise the most interesting questions concerning the process of democratization since 1994.

Traditional Chiefs

First, let's talk about traditional chiefs. Let me start with this question, "Is there a problem with having hereditary leaders in a democracy?" From the sound of the giggles I am hearing, I am thinking that many of you do think this may be an issue. One common remark that I often hear when I ask this question is that because the people do not elect traditional chiefs that they must necessarily not be accountable to the people. My first response to this statement is that it assumes that those who are elected are always accountable to the people as well. As we know, this is not always the case. My second response is that many developed democracies, including our cousins across the Atlantic Ocean in Great Britain, have a mixed constitutional system that includes hereditary leaders.

My third response is that we may have *de facto* hereditary leaders in our own Congress. As you may know, the percentage of incumbent members of Congress that actually lose an election is always quite small and that some political families may believe they have a claim to a particular seat—whether it is the Kennedys or the Shusters.

With all kidding aside, the point is that we should at least question the implicit assumption that electing leaders automatically confers on them legitimacy and that it makes them accountable to those they govern. In South Africa, the more serious issue with traditional leaders is not a lack of accountability, but instead, it is that the pool from which become traditional leaders are selected is rather limited. Specifically, the mantle of traditional leadership is only bestowed on males in most cases. As I will discuss in a few moments, the tradition that only males can serve as chiefs is one that continues to be challenged in South Africa today, and there are more and more examples of women who are chiefs or assistants to chiefs.

Even in South Africa, there is considerable confusion concerning what a chief does on a daily basis. Figure 1 is at a place in KwaZulu-Natal called Shakaland, which is part of South Africa's growing cultural tourism industry. Every two years I take students to South Africa on a study abroad trip, just like you have the opportunity to go to Gambia with Professor Nagengast. I always take them to Shakaland so they can see the way chiefs looked at acted during the pre-colonial period. While this person is an actual chief in a neighboring village, chiefs in South Africa rarely dress in this way.



Figure 1: Mike Williams (right) and Jim Gump (left) with traditional chief at Shakaland.

On the other hand, Figure 2 shows what most chiefs do look like in South Africa today. In Zulu, the word for chief is *inkosi*, which literally translates as *God*; this is a picture of *inkosi* Biyela. I first met *inkosi* Biyela in 1998 and I have done a lot of research in his village, which is called Mvuzane. *Inkosi* Biyela was the chief of this area for thirty-five years before he passed away in 2003. When he was born, he knew he was going to be chief, so he went to school specifically tailored for the sons of chiefs. He was trained on how to resolve disputes and how to lead spiritual ceremonies. Many South Africans believe that because of hereditary rule chiefs have a special ability to connect those in the village to their ancestors.

Before he became the chief, he worked in Durban as a police officer and when his father passed away he came back to his village to take up life as a chief. He did not speak any English. He did not understand the nuances of liberal democracy, but he did understand that his people wanted a better life. Specifically, they wanted development and they wanted more of a say through elections. What was good about *inkosi* Biyela was that he cared very much for his community and he worked very hard for them.



Figure 2: *Inkosi* Biyela

On many occasions, he would argue with me in great depth about the virtue of hereditary leaders. He would remind me that with hereditary leadership there is no fighting over who is going to be in power, no one trying to win elections, and no one raising money for campaigns. Instead, everyone in the community knows who is in line to become chief and this keeps the community more unified and more harmonious. Of course, this picture of life under hereditary rule is a bit romanticized and I would argue that there is plenty of politics concerning succession issues. At the same time, there is definitely the sense in rural South Africa that the chief is the one person who provides stability and unity to the community.

Like many chiefs, *inkosi* Biyela lived in a modest homestead. While he did not have access to electricity, he did have a cell phone and he had access to clean water. One of the things that people like about their chiefs is that they live with them in the villages and that, in most cases, they live like everyone else.

There are approximately 800 chiefs in South Africa and approximately 1,700 headmen, who are the chiefs' assistants. There are also eleven kings and queens. The South Africa government has recognized all of these hereditary leaders both in the constitution and in subsequent legislation. In fact, chiefs, as well as the kings and queens, receive a salary from the government.

In terms of governance, in many cases, the chiefs make decisions through a council, which is made up of their assistants and other notables in the village. In Figure 3, you can see *inkosi* Biyela, one of his sons, and some of his closest advisors. One of his closest advisors was also an elected local government councilor from 1996-2006. This is becoming more common in South Africa and it is an example of the blending together of the hereditary chieftaincy and elected institutions.



Figure 3: *Inkosi* Biyela (second from left) and his advisors

When asked if they would prefer living under hereditary rule or elected institutions, most people I spoke with in the rural areas looked at me like I was crazy and told me that they wanted both. In many ways, this seems like a contradiction—that is, how can you make democracy work with both hereditary and elected institutions? But the reality is that this type of mixed governance system is what seems perfectly natural to many people in South Africa. As you can see from Figure 4, *inkosi* Biyela was very much involved in the national elections in 1999 and, in many ways, he helped to facilitate a free and fair process in his village. Even in 1999, which was the second national election in South Africa, many people in the rural areas were still confused and scared about the process of voting. In particular, because many people were illiterate, the Independent Electoral Commission put election officials at each of the voting stations to help people read and mark the ballot the way it intended. In addition, members of the main political parties were also present to make sure that the election official honored the intention of each voter. For many people, the idea of having government and party officials, who in many cases were not from the village, help them with voting was intimidating and they were not sure if they could trust the official or the party members. To relieve these fears, *inkosi* Biyela and Vusi Chamane, his closest advisor, spent the entire day talking to groups of ten to fifteen voters explaining what the vote meant, that their

vote was secret, and that they could vote for whomever they wanted (see Figure 5). It was fascinating for me to watch this tutorial on local elections given by the chief as the election was happening.



Figure 4: *Inkosi* Biyela (in white shirt) observing voting process.



Figure 5: Vusi Chamane (in blue jacket) talks to voters while observing the 1999 elections.

In the end, what the chieftaincy teaches me about democratic government in South Africa is that we tend to think that elections automatically vest some legitimate power in a governing body, and in South Africa, there are many, many people who do not see it that way. In fact, most people in the rural areas want to be ruled by both their chief and their elected officials. And presently, the South African government is supporting these wishes. While this may change in the future, in the short-to-medium term, we should expect hereditary rulers to continue to wield authority in South Africa.

Traditional Medicine

The second aspect of culture that I want to talk with you about tonight is the use of traditional medicine. There are all sorts of people in South Africa who practice what is called traditional medicine. There are really two categories of traditional medicine, and I want to talk with you about each. First, there are people called *inyangas* who work with herbs and who will give you special herb concoctions depending on your ailment. Second, there are people called *sangomas* and these are the diviners—the

ones who can find out who is causing your sickness. In many cases, South Africans attribute illness to many factors including the possibility that there is an ancestor out there who is upset with you. In this case, the *sangoma* can tell you how to get right with the ancestor. The *sangomas* that I have visited in South Africa usually claim that the ancestors “chose” them to practice this trade. When you meet one, they will throw bones and interpret the placement of the bones to tell you what is causing your ailment.

Most *sangomas*, like the one in Figure 6, claim that they are chosen at a very young age. She told us that she knew she was chosen when she started having visions. She then sought out the advice of a senior *sangoma* and she worked as an apprentice with her for many years. Recently, she received her official license from the government. In the actual legislation on “traditional practitioners,” which is how they are referred to in the legislation, there is actually a provision that defines traditional medicine as any treatment that uses traditional philosophy. Traditional philosophy is then defined as communicating with the ancestors to find treatments. One commentator has said that this is the first time that the ancestors have actually been referred to in any legislation related to medicine. While I am not sure if this statement is accurate, it is nonetheless extremely interesting that these definitions are provided.



Figure 6: A *sangoma* in rural KwaZulu-Natal

Eighty percent of South Africans go to both traditional healers and the so-called “western doctors.” Rather than ignore this reality, the South African government decided to pass legislation that would regulate the activities of both *inyangas* and *sangomas*. So these traditional healers now have to be registered with the government to practice. This is fascinating—in both the urban and rural areas you will

see in many storefronts official licenses that recognize someone as a traditional healer. When I travel to South Africa with students, many of them, who are obviously more adventurous than I am, will visit these stores and purchase different remedies. To be honest, the students have had mixed results with these treatments.

One of the challenges for the government is that these healers are dealing with herbs and plants and different sorts of remedies that are so particular and unique that it is very difficult for the government to regulate and categorize all of it efficiently. There are also issues concerning copyright and whether a traditional healer “owns” his or her treatments.

By one estimate, there are approximately 200,000 traditional healers in South Africa. What this means is that in most rural areas there is one doctor for every 40,000 people, while there is one traditional healer for every 2,500 people. Obviously, the traditional healers are the ones closest to the people and the ones the people have the most access to on a daily basis. The issue for the government is how to make these medicines available to people, but to also ensure that they are not harmful. It has also been difficult for the government to guarantee that all traditional healers are registering with the government.

For someone like myself who is from a Western country like the United States, the most interesting aspect of both traditional chiefs and traditional healers is what it suggests about notions of power in South Africa. With traditional chiefs, for example, power is imagined in a way so that the right to rule comes from more than just elections. With traditional healers, we can see a different understanding of causation. What I mean by this is that when I get sick, I usually think there is a biological reason I’m getting sick. For many South Africans, however, that is only a part of the explanation. In addition to biological factors, there might also be a supernatural explanation. In some cases, it could be something that you have done or failed to do or even something that someone in your family did or failed to do. Oftentimes, traditional healers instruct people to have a celebration for the ancestors, where a cow is sacrificed and the community comes together.

The most controversial aspect of traditional medicine over the last ten years has been its use for treating those suffering from HIV/AIDS. During the period when Thabo Mbeki was president of South Africa from 1999 to 2008, the government took the position that the theory that HIV causes AIDS was not scientifically proven, and thus, the government did not supply antiretrovirals to its infected citizens. In addition, Mbeki’s Minister of Health told people that if they were suffering from the symptoms of HIV/AIDS, they should rely upon more traditional remedies, such as eating beetroot, olive oil, and corn. Of course, this caused quite a stir in South Africa and many doctors argued that while eating such foods may be healthy for you, doing so was not going to cure HIV/AIDS. The South African government is now trying to train traditional healers and provide them with information on HIV/AIDS so that they will encourage their clients to seek out both traditional and modern medicinal remedies.

Customary Marriage

The final aspect of culture that I want to talk with you about tonight is customary marriage. With the election of Jacob Zuma as President of South Africa in 2009, this issue has become much more salient because President Zuma is a practicing polygamist. He has four official wives and one fiancée, with a total of twelve children through these marriages. He also has another seven children out of wedlock. Because he is Zulu, he is extremely popular in the province of KwaZulu-Natal. More importantly, he was born in rural KwaZulu-Natal and he is considered to be a proponent of protecting South African culture—which includes chiefs, traditional healers, and customary marriage. I have witnessed first-hand what an influential politician he is as many of my friends and contacts in South Africa, who in the past never voted for Zuma’s political party, voted for it during the last election. Even with rape and corruption charges being made against him, he definitely has a lot of support throughout KwaZulu-Natal. (At his rape trial, Zuma admitted having sex with a woman who he knew was HIV positive but claimed to have protected himself by taking a shower after intercourse.) To paraphrase what one friend of mine told me: “We had to vote for Zuma. He is our neighbor and he will make sure that our area gets development and he will protect our culture.”

One of the reasons that customary marriage has been so controversial since the end of *apartheid* is that the *apartheid* government refused to recognize customary marriages. For many black South Africans, this was simply another way in which the white minority regime sought to disrespect their culture. In 1998, the South African Parliament passed a law to legalize customary marriages.

This has been controversial for a variety of reasons but the most glaring is whether such marriages are discriminatory against women. For example, one part of customary marriage is the practice of *lobola*, which is when the husband gives cows, or money, to the wife’s family. Many women in South Africa argue that this practice essentially turns women into property. But under the current law, *lobola* is perfectly legal. A friend of mine in South Africa, who had given *lobola* for his wife, was sincerely perplexed that in the United States men did not have to do the same thing and that weddings were traditionally paid for by the wife’s family.

As my friend would like to argue, marriage in South Africa, or at least parts of South Africa, is not simply a contract between two individuals; instead, it is the uniting of two families. The justification that I often heard was that because a woman is such a vital part of a family, the husband must compensate her family for this loss. This is a sign, I was told, of showing respect for the woman and her family and acknowledging the sacrifice that her family is making.



Figure 7: Mike Williams at Zulu marriage ceremony in KwaZulu-Natal

Challenging and Changing Customs

Finally, I briefly want to mention that the traditions and customs we have been discussing are not static; they are constantly in the midst of change. At times, this is happening organically within communities, and at other times, the courts have told communities that their customs are inconsistent with the constitution and that they must change. Let me provide two examples. Under most so-called “customary law” that was developed and codified during *apartheid*, women were not allowed to inherit property. If a male dies and had no sons, then his property is passed to his brother or another male in the family. This person was then charged with the responsibility of taking care of the deceased’s wife and children. The Constitutional Court recently ruled that this customary law violated the equality provision of the constitution. In this case, the Court ruled that Parliament must pass a law to regulate this type of situation. This law has not yet been drafted.

A second example concerns the chieftaincy. Again, in most cases, the customary law of the community states that only males can become the hereditary chief. In one community, however, the elder council decided that it wanted to pass the chieftaincy to a woman rather than to a man. The man sued and argued that the community could not ignore the customary law and that he was entitled to be chief. In this case, the Constitutional Court ruled that customary law is inherently fluid and that it changes; more specifically, if communities want customary law to change, they have the power to do this. So, in this case, because the community had changed the customary law in a way that reaffirmed the equality provision in the constitution, the Court upheld its actions. These are the types of cases that we can expect

to continue to be litigated in the new South Africa, and the way in which these cases are decided will undoubtedly be controversial in many communities.

TRADITION AND SOUTH AFRICAN DEMOCRACY

Let me conclude by saying that the issues that South Africa is addressing with respect to integrating and accommodating indigenous culture into its new democratic dispensation are not unique. In fact, we see this happening throughout sub-Saharan Africa, as well as other regions of the world. In particular, understanding the different ways South Africans understand issues of power, issues of family, issues of healing, and issues of causation are the topics that continue to fascinate me—and surprise me—on a daily basis. To be honest, I do not have an opinion whether the cultural values and practices in South Africa are better or worse than those in other societies, but I do know that the type of democracy that South Africans are constructing will look very different from the Madisonian model that Americans know best.

I think the challenge for those of us who are students of international relations, or who are students of politics, is how we fit these different experiences into our own sort of normative judgments about what we know of the world. Obviously, questions of what to do about culture, religion, values systems, and how liberal societies accommodate different traditions are not just questions left to South Africa—they are also questions we find right here in the United States as well as struggling democracies such as Iraq and Afghanistan. It raises the question of whether there are universal principles of human rights that must apply across cultures or whether rights are more relative and rooted in particular cultural worldviews. For me, this is what the case of South Africa forces us to consider, and I think we can learn a lot from how South Africa is trying to deal with these issues.