What's wrong with South African civil society?

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Abstract

In a previous dissertation I argued that conceptions of citizenship and civil society have changed in three significant ways. Firstly, from being moral agents, citizens are now primarily rational agents. In other words, citizens now act in civil society when it best serves their own rational self-interest as opposed to recognising what I term the intrinsic moral worth of the public sphere. Secondly, the motivation for action by citizens used to be duty but is now instrumental: that is, citizens rarely act out of a duty to their country or their fellow citizen but instead act in order to achieve a certain end. Thirdly, while citizens used to act as a group, they now act individually, no longer pursuing a common good but each seeking their own individual good. In this dissertation, I move from the primarily theoretical nature of my honours dissertation to an empirical analysis of South Africa, establishing the validity of my theory while offering a more thorough analysis of South African citizenship and civil society. By looking at the empirical examples of the civil service in terms of Education, Bureaucracy, and the SANDF, this dissertation analyses both the state of South African civil society, and the underlying reasons for this state. Once it is clear *how* citizenship and civil society have changed and why this change is problematic, it then becomes important to establish *why* they have changed and who is responsible for the change. The attitudes of both citizens and the government are analysed as well as the influence they have on each other. I argue that the attitude of citizens is deeply influenced by governmental behaviour and thus if we want to alter the direction of citizenship and civil society, we need to change attitudes at the governmental level.

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Chapter One: Introduction

In the precursor to this dissertation, I suggested that contemporary South African society is facing the loss of civil society as a sphere of moral engagement. In its place there are individual, rational self-interested citizens who seem to act for instrumental purposes and not out of a sense of duty. Past conceptions of citizenship held that citizens were moral agents who acted out of a moral duty. Civil society was centred around a shared conception of the good, and citizens acted together as a group in order to reach these shared goals. When analysing contemporary conceptions of citizenship, it becomes clear that there have been a number of shifts in these conceptions. The majority of citizens no longer seem to consider the moral implications of their actions, but instead, are focused on the rational equation of what will best serve their ends. In contemporary conceptions, civil society is no longer a sphere of moral worth but has value only as the sum of its individual constituent parts. There is still participation in the public sphere but it appears to be instrumentally-driven, and individual. Citizens seem to act in order to improve their own (normally economic) interests and only come together as a group when these interests are seemed to be best served by group action in, for example, worker strikes.

This dissertation uses these conclusions about citizenship and civil society in interrogating the situation in contemporary South Africa. In addition, it will analyse further the underlying reasons for these shifts. Many are bemoaning the decline of civil society, and this dissertation seeks to explore why this decline may have occurred. My honours research points to many theoretical causes for the shifts in the conception of citizenship and civil society. This research applies my theory in the South African context. In this way, I seek to establish the validity of my theory in addition to offering a more thorough analysis of South African citizenship and civil society. Once it is clear *how* citizenship and

civil society have changed and why this change is problematic, it then becomes important to establish *why* they have changed so as to identify who is responsible for the change. My honours dissertation illustrates how citizenship and civil society have changed by identifying the three shifts (moral to rational, duty to instrumental, and group to individual). In this research I use case studies to illustrate that the shifts that I have identified are relevant to and evident in the South African context. These shifts can be linked to both citizen and government attitudes and behaviour. Both of these shall be explored within the dissertation but with a particular focus on how the behaviour of government has influenced civil society. I suggest that the attitudes of citizens are influenced by the government's behaviour and thus the problems identified can be significantly attributed to government actions. A considerable part of citizens' behaviour can be explained either by how they have been treated by the government or by the government's example in its responses to other citizens or situations. An example of this influence is seen in the bureaucracy where the government expects service from bureaucrats yet does not treat them as valuable citizens who serve their country. Instead, they are paid poorly, often work in unfavourable conditions and are not actively encouraged and supported by the government. This undermines the bureaucrats' attitude toward their own jobs as well as citizens' perceptions of the bureaucracy. I argue that a change in attitude in the government could contribute significantly towards improving the attitude of citizens in relation to each other as well as in terms of their participation in civil society. If the government actively supports and encourages that which is valuable to democracy - the Constitution, our bureaucrats and the value of education for example, it could inspire citizens to do the same. This argument is elaborated on in the fourth chapter where I examine both citizen and government behaviour.

South Africa is a developing democracy and so conceptions of civil society are still emerging in academic scholarship and on the ground. These conceptions should be

understood in the context of civil society during Apartheid since this has had a significant influence on what we find today. During Apartheid civil society played a pivotal role in putting pressure on the incumbent National Party. In the 1960s the two main opposition forces - the African National Congress (ANC) and the Pan African Congress (PAC) - were banned and so forced underground. Although this meant that much of the activity was conducted in secret, other organisations such as the South African Council of Churches (SACC) continued to be an active public voice against Apartheid. But even these organisations were hampered because freedom of association was limited for all citizens, especially black citizens. Despite these harsh conditions, civil society thrived in Apartheid South Africa because for the majority of South Africans, it was the sole means of any form of representation or political influence. Nevertheless, the underground nature of much of the civil society organisations during Apartheid has affected post-Apartheid influence behaviour, and not always positively (Ramphele 2001:9). Because of the danger of any civil society engagement during Apartheid, secrecy and firm leadership structures characterised much activity as did the militant tendencies of many activists that began to emerge in the 1970s.

Understandably, when in 1994 the ANC became the first democratically elected government of the new South Africa, civil society activity diminished significantly: on the one hand, the struggle was 'over' and on the other, many of the activists now found themselves in the government. Added to this was – and is – the loyalty that many citizens feel towards the ANC which has gone from liberation movement to liberation government (Heller 2009:130). The purchase that this image has provided for the ANC means that citizens are patient with the government and in viewing the ANC as their 'saviour' are perhaps reticent to question its decisions or to complain about its behaviour. As a result, there are serious reservations among those who could become involved in civil society, and even among those who could participate more fully.

There are therefore many dynamic aspects to South African civil society, making it an interesting place in which to apply my theory. Civil society is still developing in South Africa and so a study of it can provide insight into the key factors that influence and shape its growth. This research is also valuable considering civil society is not yet a rigid institution, and so perhaps the ideas in this dissertation may be able to nudge South African civil society in what I believe to be the right direction.

In order to make any sort of valuable contribution to the role of civil society in and for South Africa's democracy, it is important to analyse the different conceptions of civil society, conceptions which differ greatly on many issues, particularly that of whether or not there is, should or could be a common good, and what that common good would look like. This I do in the following chapter where I point to the current conceptual confusion surrounding civil society and citizenship, and while I do not seek to clarify this confusion within the literature in this dissertation, I explain how the terms are used in the dissertation. In addition, I elaborate on the three shifts in civil society and citizenship identified in my earlier research.

Compounding the murky waters of the subject at hand is the dispute over whether civil society is only instrumental to achieving democratic legitimacy, or whether civil society has moral worth as an institution. I argue that civil society does have moral value, and in order to maintain this value it is important to have a civil society that allows for, and encourages, other-regarding behaviour, a sense of duty and a recognition of the need for shared goods. In Chapter Three I discuss competing conceptions of civil society and lay out my conception of civil society for South Africa: a conception which I suggest will engender a deepening of democracy in South Africa. It includes encouraging a sense of

duty to fellow citizens and the government, as well as shared goods among citizens. Key to this is the moral engagement between citizens in the discussion of issues of public interest.

Using this conceptual framework, in Chapter Four I examine various aspects of South African civil society through an analysis of three case studies showing how they illustrate the causes and contributing factors that I argue have led to the current state of civil society in South Africa. My concluding chapter provides a brief summary of some of the explanations that could account for citizens' behaviour in South Africa including historical factors, high levels of poverty and low levels of education. I suggest however that the understudied but central explanation can be found in government's conduct which can influence citizens' behaviour. Not only is the government's attitude and behaviour a pervasive influence in society, it is also something that can be changed. While the government cannot educate the population overnight or solve the issue of poverty, it can actively seek to engender the right kind of attitude in citizens. This attitude is one that is other-regarding where citizens are willing to engage with each other and their interests rather than self-interested and economically driven.

A final point to make here is in terms of the methodology used in this research. Because the dissertation is in essence the application of a theory developed in previous work, it is necessary to provide a fairly extensive overview of the theory on one hand, but to avoid simply reproducing that earlier work on the other. In terms of the case studies, while empirical in that they deal with actual issues in South Africa, this is not meant to be a quantitative study but a qualitative one and as such, I have relied on research conducted by leading authorities and institutions. I have also relied on internet and newspaper sources because the case studies are very current, so much so that between submission of the dissertation and its marking, new events are likely to unfold. This is simply one of

the difficulties of researching ongoing affairs. In addition, given the sensitive nature of much of the issues discussed, I do not always have full information as much of it remains undisclosed. Ultimately my goal here is to contribute to the critical study of civil society and citizenship in South Africa on both a theoretical and practical level.

Section One: Theory

Chapter Two: Defining (the shifts in) Civil Society, Citizenship

There is significant interest in civil society in contemporary academic discourse: countless books and journal articles have addressed and continue to address the subject (Cornwall and Coehlo 2007; Clarke 1996; Bridges 1994; Heater 2004; Seligman 1992; Marquand 2004). Civil society is also analysed in numerous centres for civil society around the world.[1] The quantity of research thus suggests that civil society is considered an important concept but one that is also notoriously difficult to define. Currently, there seem to be at least two problems which undermine the study of civil society's importance. The first concern is that there is little consensus regarding the definition of civil society, or what it should be. Definitions range from 'an ethical ideal of the social order' that allows for the harmonisation of individual interest and social good (Seligman 1992:x) to an autonomous space which lies between the state and the family (Shils 2007:1). According to Seligman, in the 'contemporary revival of the idea of civil society, the concept has come to mean different things to different people' (1992:ix). This difficulty similarly arises for the concept of citizenship. While some use citizenship to refer to a legal status of nationality, other scholars include as important action in the public domain and a pursuit of the common good (Clarke 1996:1). The concept of citizenship is thus fluid and open to debate (Kymlicka 1995; Lister 2003; Parker 1998 cited in Crane *et al* 2008:5). The ambiguity surrounding these concepts – civil society and citizenship - has led to their conflation and confusion and this has complicated their study, because although the two terms are related they are distinct. But because there are no clear definitions of the concepts, the two terms are often used interchangeably.

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[1] Examples of which can be found at http://www.civilsociety.org.au/; http://www.ccsindia.org/ccsindia/index.asp; http://www.lse.ac.uk/collections/CCS/; http://www.ukzn.ac.za/ccs/

Adding to the problem is that there seems to be no real distinction in academia between empirical and normative discussions of civil society and citizenship. Within one book on citizenship, the topics range from empirical discussions of welfare and citizenship to articles discussing the 'ideal of universal citizenship' (Turner and Hamilton 1994). It is therefore often unclear as to what exactly is meant by the concepts, which undermines the value of their study. A second problem that the study of civil society faces is a lack of clarity as to why civil society is important for and to democracy. Scholars assume that it has value, but are often vague as to where this value lies. Before moving on to the substantive part of this dissertation it is important, if I am to make a real contribution (rather than a contribution to the confusion), to analyse these problems and to point to how I seek to avoid them in my discussions of civil society and citizenship by clarifying how I am going to be using these concepts.

The first problem that I have identified lies in the use of the terms 'citizenship' and 'civil society'. In many instances these terms are considered to convey the same meaning. Civil society is often used as the collective noun of citizens. By virtue of the fact that there are citizens, it is assumed that civil society is in place. When academics refer to citizens' behaviour, it is implied that civil society exists by virtue of this action. Similarly when civil society is discussed, citizenship is regarded as a given rather than an additional issue to consider in terms of civil society. This is problematic as they represent two very different things. It is implicit in the literature (but not without disagreement) that while citizenship is a status that gives individuals certain human rights, civil society is the space in which individuals can engage with each other and the government. Moreover, it is possible to be involved in civil society without being a citizen. Protests by refugees, for example, entail action in civil society but not by citizens of the specific country they are in. This example illustrates that civil society needs to be considered as more than just the plural of citizenship as it is not always citizens who are acting in civil society. Moreover, action as a group is a different kind of action from the sum of individual actions. Taking

the issue of refugees as an example, we can understand that individual refugees complaining about their situation is a case of individuals seeking to improve their living conditions. As a group the issue becomes the way in which refugees as a whole are treated. It is not just about addressing the concerns of one refugee but an entire group of people. The ways in which a government treats different groups, especially minority groups, is an issue of public concern as it is indicative of the nature of the incumbent government. When a government treats a specific group differently, it often arouses public concern. Government behaviour towards a group is thus more likely to become a moral issue rather than a practical one of how to deal with a particular individual's problem. It is therefore a moral issue of how refugees, as a minority group, should be treated that the government is forced to discuss as opposed to an issue of a few individuals' survival.

Compounding the problem regarding the (mis-)use of the terms is that even when citizenship is referred to specifically and not in conjunction with civil society, clarity is still lacking. Citizenship can be used as a purely legal term as well as a political term. It is often not clear in the literature how the term is being used – whether it refers just to the legal status of a member of a certain country or whether it includes the political implications of citizenship such as certain human rights and membership and participation in the political community. There is however a significant difference between these two meanings especially in how they affect citizens' lives. If one has legal citizenship, one is entitled to vote and have a passport for example. If one has a fuller political conception of citizenship, then one has a full spectrum of human rights and the ability to be politically involved. Somers terms this lack of distinction the conflation of the status of citizenship with the practice of citizenship (1993:592). There is a distinction between having the legal right to certain freedoms, and having the capacity and will to exercise them in the public domain. It becomes significant when attempting to analyse the empirical conditions of citizenship in a certain country; it is not clear what citizenship

actually means to the lives of citizens and non-citizens unless it is clear how the term is being used.

The ambiguous use of the term 'civil society' is manifest not only in the definition of the term but in the types of argument and research used for the studies of civil society. The term is used in both empirical descriptions of the state of civil society and normative claims of what civil society should be. There is often no noticeable distinction in the literature between these two very different spheres. Scholars are often not explicit in illustrating their aims in their studies of civil society. It can sometimes be unclear whether academics are describing what they believe civil society to be like or what they believe it *should* be like. Scholarship on civil society and citizenship ranges from the purely descriptive such as Ballard, Habib and Valodia's case studies in 'Voices of Protest' (2007) to the abstract considerations of the existence of a common good in Clarke's 'Deep Citizenship' (1994). While it is important and desirable to have such a range of contributions to the subject, it is problematic that 'civil society' is used as a catch-all term to describe all of these aspects. The confusion around the concept of civil society can therefore, at least in part, be seen to stem from the lack of clarity in the literature on the subject.

Despite the confusion surrounding civil society, there does seem to be the ultimate consensus that it is important for democracy. It is not however entirely clear in the literature why this is so. It appears that the main reason suggested is that civil society provides an important space for representation between the formal institutions of the public sphere and the private sphere of the family. Some issues are indeed 'personal' and hence 'belong' in the private sphere but at the same time, issues that are public are not always able to be addressed through formal channels and so we need the informal public institution of civil society. The reasons for the value of having this space seem in many

cases to be circular – it is valuable because it is a part of democracy. In order to show effectively what the worth of civil society is to democracy one has to identify first what one assumes democracy to be and how civil society enhances this version of democracy. It is this underlying premise that is often missing from work on civil society. It is important to be clear that, for example, representation and participation are defining features of democracy and so civil society is valuable in its ability to provide opportunities for them. In many cases, scholars and politicians are willing to use voter turnout to epitomise representation, and to measure the legitimacy of the government of the day (Lipset 1995:819). If voter turnout is regarded as sufficient for representation and participation, there seems to be no role for civil society because there is no need for additional representation and participation. It then becomes uncertain as to what the real worth of civil society is in these conceptions of democracy. Without clarity as to why civil society is valuable to democracy, its importance can be called into doubt.

The lack of clarity leads to a number of complications. The first of these, as previously indicated, is the fact that the value of civil society is undermined. If the concept is not properly defined, it is difficult to pinpoint and encourage the value of civil society in academia and to the public. It is also difficult to identify what kind of civil society best serves democracy when the links between democracy and civil society are not always sufficiently outlined and when there is little distinction between the empirics of what civil society is, and the philosophy of what it ought to be. The second problem stems from the fact that the terms 'citizenship' and 'civil society' are often conflated. Democracy is underpinned by the idea of representation for all citizens. With the hegemony of liberal democracy in the western world, the idea of universal citizenship has become synonymous with democracy. It is important for the basic functioning of liberal democracy that citizenship is granted to all regardless of race, gender or ethnicity in order to ensure that all are represented in the public sphere and all have access to basic human rights. In many cases therefore, it seems as if the achievement of universal

citizenship is the end goal, and it is assumed that this will result in a functioning civil society. Civil society is not however merely the sum of individual citizens. I will argue that it has worth as its own entity as the engagement of citizens has value beyond what each citizen does individually. This is a critical value that needs to be recognised in order to motivate citizens to participate. It is problematic that it appears as if there is now little motivation to strive for an active and meaningful civil society. Governments and citizens, who seem to view the two concepts as the same, may feel as if they have achieved the level of representation needed for a successful democracy in universal citizenship and so fail to give civil society its due consideration.

In order to avoid the confusion around civil society that is evident in much of the current literature, I will define democracy, citizenship and civil society in terms of how they are used and understood in this dissertation. To begin with, the kind of democracy that I argue for is one that places value on substantive political equality: that is, a democracy that ensures real representation in the form of deliberation and debate in which all citizens have the opportunity to participate and participate equally. The value of democracy on this account lies in the fact that society is governed by its own citizens and their interests. It is therefore important that citizens are effectively represented in the decision-making processes of the government. While many current conceptions of democracy consider the act of voting as sufficient participation of citizens, this is a thin conception of democracy. This dissertation works from the premise that a deeper conception of democracy is needed. Deep democracy involves active participation by citizens in order to fully represent citizen interests as they are able to contribute to multiple issues as they become relevant rather than relying on those they have elected to decide for them over a five year period. I will argue that in deep democracy, citizens engage with each other and with the government and so are able to participate on a shared level rather than as individual citizens seeking to further their own rational self-

interest. In this way, citizens are able to develop morally through their interaction with others which teaches them to engage with and respect different viewpoints.

Citizenship is used in this dissertation predominantly in the political sense. While I acknowledge the legal aspect of this term in contemporary society, citizenship in this dissertation refers to the political membership that each individual has to the state and the consequent human and political rights that are attained with this status. Linked to these rights, I argue that there are responsibilities in being a citizen. It is not just a status which gives one entitlement to certain rights and privileges. In contemporary society citizens are constantly reminded that they are entitled to human rights but this seems to have resulted in citizens feeling little responsibility towards others as they too have these rights and protections. To the citizen, it does not feel necessary to help others as they have the same human rights that you do because these rights, in theory, enable citizens to protect themselves regardless of their social standing rather than needing others to assist them. I do not deny that these rights are vital, but it is important that citizens do not become atomistic and only concerned with their own rights and interests as they then lose the opportunity to develop morally through engagement with fellow citizens. I suggest that there is a moral aspect to citizenship which calls on citizens to be other-regarding – not to neglect their own interests entirely but to leave room for the considerations of others, and the group, in the public sphere.

Civil society is thus a space between the public realm of formal institutions and the private realm of the family in which this kind of participation can take place. Civil society has the potential to have worth beyond the sum of the value of each individual's action or representation. It should be a sphere of moral, rather than purely instrumental, engagement among citizens and with the government. In order for engagement between citizens to be valuable, the engagement has to be more than just a means to a certain end.

If citizens are able to discuss and debate issues and come to a shared understanding, the engagement has (at least potential for) moral worth as citizens have learnt to respect and value the interests of others. Similarly, engagement with the government allows for a fuller conception of citizens' views to be represented in the running of the state. Civil society plays an important role as it is a sphere where all citizens are free to express their interests and concerns. It allows for representation between elections – without an active civil society, citizens are only able to affect the decision-making process once every four or five years, and even then it is only through the medium of a political party that may not accurately reflect all their interests. Civil society however has the potential for far more accurate representation as it creates opportunities for deliberation, debate and compromise. In addition, it has value in its ability to create substantive political equality. It provides the space for citizens to act as a collective in order to influence the government where, as individuals, they may not have the power to do so (Young 1989:263). The majority of individuals do not have the power, wealth or social standing to influence the decision-making process directly. Civil society is valuable in that citizens can overcome this disadvantage through uniting and acting as a collective. While it is achieving an instrumental end in enabling citizens to influence the government, it is an end with moral worth as it is a way to create political equality between citizens despite pervasive social inequality. Civil society has worth to democracy as it creates the space in which citizens can act together – it is in civil society that citizens can be other-regarding and can find shared interests to pursue.

While the existence of civil society does not automatically mean that citizens will participate – it is still significant that it creates the opportunity for this participation. It is the space in which citizens can unite as equals and so can further democracy beyond their own individual interests – even when it is not their own interests being affected, the recognition that others' interests are, is what should motivate citizens to act. This creates value in civil society beyond the fact that there is power in numbers for getting

demands met. There is significance in the fact that, by uniting, citizens are able to represent their views despite social inequalities. Importantly however, there is value beyond this end. It is the engagement among citizens and with the government which I suggest is the value of civil society and that can deepen democracy. It is important to note that this dissertation focuses on the state of contemporary civil society, as defined above, but in investigating the underlying nature of contemporary civil society the underlying premises of previous conceptions are considered. There is therefore a philosophical and normative discussion of civil society across countries and timelines, which is then applied to civil society in South Africa.

In my honours dissertation, I identified three ways in which civil society has changed – from duty to instrumental, from moral to rational and from group to individual. In the discussion below, my aim is to provide an explanation of and justification for the argument made in the prolegomenon to the argument being made in this dissertation.

2.1 From duty to instrumental

The first shift that I have identified lies in the reasons for participating in civil society. While in the 18th and 19th centuries the focus in society and academia was on social duty as a citizen, the current emphasis is on the instrumental role that civil society can play, and more specifically the economic gain that can be achieved through participating in civil society. This emphasis is evident in both state and citizen behaviour. Rather than the levels and kinds of discussion in civil society, voter turnout is considered, by many scholars and politicians, to be one of the key indicators of government legitimacy (Lipset 1995:819). Citizens appear to act only in cases that will advance their own interests. For example, while there are often strikes in the public domain, they are almost always based on economic issues. In most cases therefore it is citizens attempting to improve their own economic wellbeing through group action, rather than seeing the issue as one of shared interest in the economic development of South Africa. The concern seems to

be only for one's own economic development rather than what would best serve to develop the country as a whole and thus aid all citizens' economic development. The rational self-interested nature of today's citizens has resulted in a civil society that is predominantly instrumental as each citizen is seeking to further their own ends, and while this may sometimes be achieved through group action in the public sphere, it is done for each individual's ends, and not in the spirit of shared interests. Previous conceptions of civil society such as those of Aristotle or the Stoics stressed the moral role of a citizen and consequently argued that it was each citizen's moral duty to fulfil this social role, and to participate in the sphere of shared interests. Now it appears as if the space that civil society provides is there to be used when there is something to be gained or protected. Citizens seem to give no credence to the fact that civil society cannot exist without their participation and so there is some level of social responsibility to preserve it. In addition, the moral value of engagement between citizens is undermined by the fact that citizens seem to unite only when it is in aid of achieving a certain end. It is important to note that I am not opposed to all instrumental behaviour but concerned that instrumental considerations as the sole motivator for civil society participation is detrimental to both the citizen and democracy both because the moral value of engagement between citizens and consideration for each other's interests is neglected and because there is the risk that with instrumental ends as the motivation, when the ends are not achieved, citizens may cease to participate at all.

2.2 <u>From moral to rational</u>

A second shift I have identified is the shift from the participants of civil society being moral agents to their rational agents and this has led to the loss of civil society as a potential sphere for moral rather than instrumental engagement. Thinkers of the 18th century Scottish Enlightenment, such as Ferguson, adhered to the idea that civil society had intrinsic worth and that citizens were moral agents, an idea initially posited by religious scholars such as Locke, Cicero and Aquinas. 18th century scholars however faced a new problem of an increasing movement away from the 'Godly' conception of

the good (Seligman 1992:30) but nevertheless considered civil society a moral sphere, given that we are all united by natural sympathy and moral affections (Seligman 1992:30). We are inherently social beings and thus the value of civil society lies in the importance of our interactions with others. Seligman contends that

> what made the classic vision of civil society unique … was its positing of the social space of human interaction as a moral sphere – that is, not simply a neutral arena of exchange – where moral attributes were derived from the nature of man himself.
>
> (1992:31)

In contrast to Seligman's conception, today it seems civil society has only as much worth as the sum of its constituent individual citizens' value. Living in the world today does not require interaction with fellow citizens. The internet has created an online world where citizens can work, study and conduct their day to day transactions. There is no need to leave the house as citizens can run a business online, do their banking and even order their shopping online. In addition, it is interesting to note that in modern society large amounts of citizens' social interactions are conducted over the internet. Facebook currently boasts over 500 million users worldwide while MySpace has 57 million US users.[2] The world now spends over 110 billion minutes on social networks and blog sites. This equates to 22 percent of all time online or one in every four and half minutes.[3] A large portion of internet activity can be done anonymously and thus makes it easier to avoid the consequences for one's behaviour as well as limiting the authenticity of the social encounter. In order to be moral agents however citizens need to interact with each other. As an isolated individual there is no morality as your actions only affect

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[2] *Web- Strategist.* 2010, http://www.web-strategist.com/blog/2010/01/19/a-collection-of-social-network-stats-for-2010/ [7 September 2010].

[3] *Social Networks/Blogs Now Account for One in Every Four and a Half Minutes Online.* 2010, Jun 15 edn, NielsonWire http://blog.nielsen.com/nielsenwire/online_mobile/social-media-accounts-for-22-percent-of-time-online/ [5 September 2010].

yourself and there are no others to whom you may have duties or promises to keep. While moral rules may exist independently, in order to practice this morality it is necessary to engage with others. It is only where there is society that morality can exist. This can be illustrated, as discussed previously, by the fact that it was only after the social contract was introduced (and thus ordered and interactive society) that the need for a common good or morality was discussed. While citizens are still interacting, it is often in a virtual reality where identities can be created and consequences can often be ignored (with the exception of those who break the law) which undermines the importance of morality in these interactions.

The classical conception of civil society, as seen in Aristotelian democracy for example, highlighted the moral role that citizens had to play in society. Their participation was a part of the moral good, both for themselves in that they were fulfilling their moral duty, and for the society as participation was necessary for the functioning of democracy. Contemporary conceptions of civil society such as Rawls' *'A Theory of Justice'* (1971) however, put the emphasis on the individual as a rational self-interested agent in the public sphere. Rawls claims that his theory does not prescribe a shared notion of the good yet he emphasises the priority of liberty – a fact that has often been the target of deliberative democrats such as Young and Habermas. Rationality is now the key ingredient to citizenship with little or no notice seemingly given to the moral aspect of one's participation in the public domain. It is important to clarify that by positing a shift from the moral to the rational, it is not implied that moral considerations are not rational. The shift indicates that where citizens seemed to consider what the right (moral) thing to do was, it now appears that for each citizen, the chief consideration is what the best (most rational) thing to do for themselves is. Rationality and morality are not in themselves mutually exclusive terms – one can be rational and still moral, and moral while being rational. The importance lies in the emphasis – it appears in contemporary society that citizens are predominantly making choices based on rational

calculations of what will best serve their own interests with little regard to the moral implications of these actions (or non-actions).

2.3 From group to individual

The final shift that I have identified is perhaps implicit in those already discussed, but nonetheless needs mentioning. While I have pointed to the change in what kind of agents were acting, and what their aims or motives were, here the shift in the way citizens act is illustrated, from acting as a group to acting as individuals. It is apparent that in most cases citizens act as rational, self-interested agents with individual rather than shared interests. The philosophy of Rawls, which argues that there is no single substantive conception of the good that we all share, seems to dominate contemporary thought. While Rawls puts a strong emphasis on the value of liberty, he argues for a political conception of justice that we can share through an overlapping consensus. That is, each citizen can follow their own conception of the good which Rawls believes will overlap in a way that will allow for a shared political sense of justice. There is no universal conception of the good and so each citizen is acting to realise her own conception of the good, and not as a part of a group seeking to attain the shared conception of the good. This shift is perhaps most evident in the fact that while discourse used to revolve around the value of civil society (in works ranging from those of Aristotle to 18th century Scottish Enlightenment thinkers), it is now more often about the importance of the legal and political conceptions of universal citizenship. Conceptions of civil society used to focus on what was best for the society and what kind of behaviour was required of citizens in order to ensure the success of civil society. Currently however the focus appears to be on ensuring universal citizenship. Developed nations pride themselves in having universal citizenship and (formal) equality of citizens and aim to inculcate these principles in developing nations. The official website of the United States of America (USA), for example, states that 'a central goal of U.S. foreign policy has been the promotion of respect for human rights, as embodied in the Universal

Declaration of Human Rights.'[4] Similarly the European Union (EU) 'sees human rights as universal and indivisible. It therefore actively promotes and defends them both within its borders and in its relations with outside countries.'[5] These suggest that human rights are considered central to the concept of democratic citizenship in liberal democratic thought. Liberal democracy theory posits that the individual's freedom is of the utmost importance. Logically therefore, these rights to protect the individual and their freedom have become central to liberal democracies. In addition to the protections of human rights, universal suffrage is one of the ostensible indicators of this universal citizenship. It represents political equality as all are able to vote and thus participate equally in the decision of who is to govern the country. This equality is however only in political *status* and is not manifest in real political influence or socio-economic status. The emphasis is on universal citizenship as this implies human rights and hence if one can create a nation where all are equal citizens, all should be protected by human rights. Significantly, there is little discussion on the need to create a shared space for these citizens to act as a group and not as individuals. As suggested previously, it appears that to many, the achievement of citizenship implies the achievement of civil society. The fact that EU and USA international mandates focus on citizenship rights with no significant mention of civil society is perhaps a sign of this attitude. Civil society is not however the collection of individual citizens but a space where citizens can act as a group and thus find value beyond the sum of their individual action.

The three shifts discussed above can be attributed to a number of factors; philosophical, political, economic and social which are explained below.

2.4 The philosophical factors

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[4] The Office of Electronic Information, Bureau of Public Affairs. 2010, *US Department of State: Diplomacy in Action*. http://www.state.gov/g/drl/hr/ [12 May 2010].

[5] Europa: Gateway to the European Union, 2010. http://europa.eu/pol/rights/index_en.htm, [7 September 2010].

The work of Hume and Smith provide interesting insight into the philosophical factors that can account for the changing conceptions of civil society and citizenship. Hume makes three significant contributions to the way in which civil society is conceived. Firstly, he argues that 'ought cannot be derived from is' (Hume 1978:496). He contends that the moral cannot be determined from the natural. In other words, what should be the case should not be determined purely on the natural facts that are presented. The thinkers of the Scottish enlightenment, such as Ferguson, believed that human beings are naturally united by moral sympathy yet Hume would contend that it does not necessarily follow that this should be the case. Assuming, but not conceding that there is a natural sympathy that unites citizens, it does not necessarily follow that civil society ought to be a moral sphere. In other words, even if citizens are united by natural sympathy, this natural fact does not lead to the normative conclusion that citizens ought to be united, and that civil society ought to be a moral sphere; the space in which this unity occurs. This argument attacks the moral sentiment and the idea of universal benevolence upon which civil society had previously been based (Seligman 1992:37). Secondly, Hume argues that reason can only bring citizens to universal truths that are beyond the field of virtue or morality (Seligman 1992:38). He does not discredit the possibility of using reason to reach universal truths, but argues that it is not possible to do so with moral issues. He believes that individuals have their own conceptions of the good rather than one universal conception because in Hume's view, it is impossible to reason to a common or universal good. This conclusion had significant implications for the then current conceptions of civil society. Hume does not define the social order in terms of any morally substantive good. For him, the universal good is nothing beyond the calculus of individual or particular goods, and the public good was supported solely by the workings of private interests (Hume 1978:569). According to Hume what is good for the public is each individual achieving their own goods and furthering their own interests rather than some kind of shared or overriding good for all in society. Hume's third contribution is the analysis that citizens follow the rules of justice not because they

are some universal good, but because it is in their best individual interest to do so (Seligman 1992:39). He argues that self-interest is the sole guarantee of a functioning social order (Seligman 1992:40). In contrast to the idea that citizens help each other out of good will, Hume contends that society functions on the principle that I will help you because it is a way to ensure that you will help me. Hume's work is therefore key to understanding the philosophical shifts underlying changing conceptions of citizenship and civil society.

Smith introduces a similar argument in favour of rational self-interest but from an economic point of view. His theory rests on the idea of the 'invisible hand' which explains how self-interest guides the most efficient use of resources in society, and that social welfare is, or should be, just a by-product of this.[6] That is, citizens' self-interest should be the priority of society and this would result in the most efficient society. He contends that when citizens earn money through their work, they benefit themselves, but also unknowingly, benefit society. This is because in order to make money in a competitive market they have to offer something that others value (Smith 1776:127). Thus they act in their self-interest, but in fact benefit society since they are providing something of worth. In contrast to the argument that acting in one's self-interest is inherently not virtuous, Smith argues that acting in one's self-interest benefits society (1776:127). Smith suggests that sympathy is evident in society as we do all rely on each other yet he argues it is unreasonable to expect everyone to help each other out of benevolence (1776:128). Instead the system works on reciprocity: each person helps the other in order to secure help in the future. Smith's philosophical argument in favour of self-interested citizens for the benefit of a flourishing society has therefore had an impact on how citizens believe they should be acting in the public domain. Not only does Smith

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[6] Chew, R. 2010, *Adam Smith*. Lucid Café, http://www.lucidcafe.com/library/96jun/smith.html [23 July 2010].

argue that it was acceptable to act in your own self-interest but that it is in fact to the benefit of society to do so.

Another light in which these shifts can be viewed is within the context of the deontological/teleological normative binary. There exists a divide between ethical theorists on the issue of whether acts should be judged on their outcomes or in and of themselves. On the one hand, deontologists view morality as resting on our fulfilments of our duties – to ourselves and to each other. We should, for example, treat others as ends in themselves and not as means to an end not because this will bring about the best outcomes but because it is our duty. Deontologists would therefore endorse conceptions of civil society and citizenship that rest on a sense of duty to the state and fellow citizens. In contrast, utilitarianism, as an example of a teleological theory, advocates acting toward a certain end, that of the greatest happiness. In this way, advocates of utilitarianism may encouraging instrumental behaviour that seeks to maximise happiness. It is important to note that there are many different conceptions of utilitarianism, which have been argued to have differing effects on the public realm. Goodin for example, argues in his 1995 text 'Utilitarianism as a Public Philosophy' that while utilitarianism had much success in the past, in its current formulation purely as a guide to private action it tends to be an obstruction (1995:3). It can however according to Goodin be viewed as the most appropriate ethical theory for public policy and politics (1995:4). While the vastly varied formulations of both deontology and utilitarianism, as well as the continual shifts in support and favour of the two theories, make it impossible to ascribe citizens' shifts in behaviour purely to these ethical theories, I suggest that they provide a useful philosophical consideration to keep in mind in viewing these shifts and considering their underlying causes.

2.5 <u>The political factors</u>

In addition to, and arguably because of, these philosophical factors, there have also been key changes - politically, economically and socially - that have been central to the changing conceptions of citizenship and civil society. The hegemony of the liberal democratic state has been characteristic of the 20th and 21st centuries. After the fall of the Berlin Wall in 1989, there has been no real ideological competition to liberal democracy. Significantly, central to liberal democracy are individual human rights. Not only does the United Nations recognise the human rights of all people, but most modern states have ensured political and civil liberties within the legal structures of their state. Citizens are therefore constantly reminded of what rights they have as individuals. But because they have a sense of entitlement to their individual rights and because they are assured that their neighbours have these same individual guarantees, they fail to see the need to act in an other-regarding way. If each citizen has these same rights, citizens have no reason to pay attention to others' needs. This heightened awareness of each others' rights does little to encourage citizens to think of the interests of others as they feel that others are protected by their own rights. It is uncommon, for example, to see different groups in society striking for the rights of other groups. Teachers do not go on strike to protest the low wages of mine workers as mine workers have the right and ability to strike for themselves. Each individual or profession has the right to strike for his or her own interests and so it is not considered necessary to be concerned about others as they have equal protection. It therefore does not seem necessary to be other-regarding.

2.6 The economic factors

The way economic issues are viewed has also changed. Marshall's analysis of citizenship suggests that there is a three way distinction to be made in the concept and application of citizenship. He argues that citizenship includes civil, political and social rights and that all three of these spheres need to be considered when analysing citizenship (Seligman 1992:114). Civil rights include those that are necessary for individual freedom such as freedom of speech or the right to own property. Political rights ensure that citizens have the right either to participate in the exercise of power as an elected official, or to elect

who they wish to have represent them (Seligman 1992:114). Social rights, the newest of the three, grant a 'modicum of economic welfare and security' and the right to be able to share in the social heritage of one's society as well as to live a civilised life according to the standards of that society (Seligman 1992:114). It is important to note firstly that citizenship as conceptualised by Marshall consists purely of individual rights, an analysis which fits with liberal democratic theory. Secondly, the addition of social rights can be seen to have played a role in the shifting conceptions of citizenship and civil society. Marshall suggests that these rights have created a sense of 'social entitlement' or an entitlement to certain economic standards (Seligman 1992:114).

Such economic entitlement is further emphasised in the economic conditions of contemporary society where it is apparent that 'capitalism has won'. Whereas in the past there were many socialist or communist leaning economies that were (at least theoretically) concerned about the group, capitalists society comprises individuals, all seeking to reach their own economic end. The onus is put on you, as an individual, to be economically successful. The existence of rational self-interested citizens is in fact the premise of a capitalist society and the idea appears to be that if you do not act in a rational self-interested way you will not survive. Furthermore, governments allow economics to dominate political discourse and more importantly give up industries that previously belonged to the state to the private market realm. In the case of basic services, these industries can be linked to the provision of social citizenship as Marshall suggested and thus it is arguably problematic that the private market sphere is becoming increasingly involved in this issue of the public domain. Public services are no longer provided as a service by the government, but as a commodity by private actors. Even in the areas where the government is still involved the message is confusing. In South Africa for example, on the one hand the Department of Public Administration has the policy of 'Batho Pele' – 'People First.' It speaks of the duty and commitment that the bureaucracy has to the public. The government however, in the National Policy

Framework on Public Participation for example, refers to citizens as 'consumers' and 'end-users' (2007:9). While the government claims to have a different role from that of private actors, the language it uses indicates a commercial attitude. Marquand argues that 'there is, in fact, an inescapable tension between the egalitarian promise of democratic citizenship and the inegalitarian realities of the market domain' (Marquand 1992:35). He is pointing to the problematic nature of trying to combine the political and civil rights of citizenship with the inequalities of economic and social opportunities in most contemporary democracies. His worry is that the egalitarian promise of citizenship is being undermined by the increasing presence of the market, and market values, in the public domain. Market values do not place inherent worth in individuals, but measure the value of people and products purely on how much someone else is willing to pay for their service or product. Citizens are not automatically equals; instead, they are all agents competing in an open market. The capitalist nature of contemporary society can thus, in part, account for both the individualistic and economic leanings of citizenship today.

2.7 The social factors

There are also a number of social factors that have contributed to the shifts posited above. In the past, individuals were united through their shared religious beliefs and the consequent shared conception of the good. In later conceptions such as those of Kant and Hegel, what tied individuals together was a shared conception of the good that was reached through universal reason. In Rawls' account, the state aims to remain neutral — there is no single substantive conception of the universal good that is ascribed to the society (Seligman 1992:143), nor is there a social good that has been determined by the

collective action of civil society. The belief that there is no single universal good has undermined moral group action as there is no collective moral aim. As mentioned above, not only does Rawls have a conception of a universal good – liberty – it is this very good that has undermined the idea of a collective. Without the ties of shared belief or rationality, individuals have nothing to bind them together as a collective beyond market values which are purely instrumental (Seligman 1992:99).

The complexity of the distinction between the public and the private sphere has also played a role in shaping contemporary citizenship and civil society. As argued previously, Marquand contends that the market realm overlaps with the public domain (1992:35). The market related behaviour of assigning monetary worth to one's time, possession and talents is evident in the public realm taking the place of the 'priceless' value of duty. Central here is Marquand's argument that the line between the private and public spheres is also blurred. This is supported by Seligman's argument that as the public realm has diminished, so the private realm has been projected onto the space left behind, and thus the private has become public (Seligman 1992:134). He argues that it is the universalisation of citizenship that has created a society where the sphere of the citizen has disappeared (Seligman 1992:133). Each individual is guaranteed their citizenship, but in the process, the sphere in which they should act together has been neglected. He suggests that what truly belonged in the public sphere, shared political interest, is no longer evident in society, and instead the gap has been filled by issues that has previously belonged only in citizens' private lives. He contends that private passions and interests have been projected into the public arena in the form of rights (Seligman 1992:133). Issues such as gender and sexuality are to Seligman, the private realm projected into the public realm. So while these issues are discussed in the public realm and so are issues of shared interest, Seligman contends that they are in fact private concerns. The fact that there are important issues such as abortion, and more recently, stem cell research in discussion does not, to Seligman, prove that the public arena is still

a sphere of debate on public issues, but rather that the private sphere that replaces it is not always trivial (Seligman 1992:136). While there are important issues at stake, these are issues that used to belong in the private realm and thus their presence in civil society indicates that the private has become public. Citizens' views on what belongs in the public realm have become blurred with their own private issues. The autonomous public realm has therefore been lost in contemporary society and what is left is a public domain that finds its worth only in the value of the participating individuals who are increasingly focusing on private issues and not those of shared political goals (Seligman 1992:135).

Having discussed my conception of the way citizenship and civil society have shifted, from moral to rational and duty to instrumental and group to individual, and explained (some of) the factors that have contributed to the changes in behaviour, the next chapter focuses on what I conceive civil society should be.

Chapter Three: Developing a Conception of Civil Society

In light of the lack of clarity in the study of civil society discussed in the introduction, we need to examine the differing notions of the good that underpin different conceptions of civil society. Debates about the common good appear to be between two polarised views. It is as if there are only two available positions– either there is a single universal common good or there are no universal goods and thus each individual should be able to pursue their own individual goods. I suggest however that there are problems with both of these positions and a balance needs to be found between the two extremes. The first position is that there is a single universal good, an idea supported by many philosophers including Kant and Rousseau, both of whom claim that the common good can be found through reason. Others have used religious bases for their common good – the communitarian principles of Buddhism or Christianity should, for example, be adhered to by all in society. The problem with this view is that it is often oppressive because it does not allow citizens the freedom to choose their own way of life. The idea of a regime built on a common good is often associated with Fascism where the state is completely involved in, and has control of, citizens' lives.

In contrast, and because of the value placed on freedom in liberal democratic societies, an alternative conception of the good has developed, one which emphasises the value of freedom. Rawls for example argues that the common good is purely procedural: it lies in the fact that citizens are free to choose their own good (Rawls 1971:246). The value lies in the freedom rather than in the particular goods of each citizen. This conception is however problematic in reality in that with this heightened freedom and independence, citizens seem to seek only their own goods. With each citizen pursuing their own interests, society loses its sense of community. Citizens seem to get involved only when it is in their own rational self-interest and so there are few signs of shared interest and

group action in civil society. It appears to be simply a space in which individual citizens can act as opposed to a space where they unite to act together.

I argue that this debate is not a true reflection of all the available conceptions of the good. My conception of civil society includes a common good that is a balance between substance and procedure. The common good should be a recognition in citizens of the value of democracy, and the moral value of their participation in democratic procedures. Citizens need to view their citizenship as, on some levels, a moral duty. In addition, there needs to be a recognition of fellow citizens and respect for their role in democracy. In this way, it is not a substantive common good that proposes a set of values by which citizens should live their livesnor is it simply procedural. Instead, it calls on citizens to see a good above each individual issue. The importance lies in how we address these issues rather than what the final answer is. It is important that these decisions be made both democratically and with engagement between citizens. There is value in the procedures, but this is because there are substantive goods within those procedures. It is not just freedom that is valuable but how we treat fellow citizens and how we contribute to the strength of democracy through active and meaningful participation and engagement with fellow citizens and the government.

My view is similar to that of Anderson's who argues that the non-instrumental value of participation is conditional on its instrumental value (2009:213). Certainly participation must legitimise democracy through enhanced representation and popular political decision-making but this does not mean that it only has this instrumental value. In order to reach its non-instrumental value (the moral development of citizens and the recognition of the value of democracy) it has first to have instrumental value (Anderson 2009:213). Anderson contends that 'intrinsic values cannot always be identified prior to and independently of instrumental desires' (2009:214). She believes that judgements of

intrinsic and instrumental value 'interact bi-directionally' (Anderson 2009:214): that is, these values are dependent on each other.

This chapter discusses the contrasting views on civil society and its value by examining both past and contemporary literature on civil society. The second section of the chapter sets out the conception of civil society I propose, one which I suggest will best serve the creation of deep democracy in South Africa. I argue that it is important to have a civil society that allows for, and encourages, other-regarding behaviour, a sense of duty and shared goods.

3.1 The value of civil society

Civil society is commonly conceived to be the space between the private and public realms (Shils 2007; Seligman 1992; Cornwall and Coehlo 2007; Marquand 2004). It thus only came into existence with the division between these two spheres. In the state of nature, there is no public realm. Everything exists in the private realm of the individual as there is no governance or shared aspects of life either in law making or infrastructure. Civil society can therefore be seen to have originated with the social contract. The minute we left the state of nature and came to an agreement on how society should be governed, the public and private spheres were created and with that, civil society or the space between these spheres. From the idea of the social contract, came the idea of a common good. For Hobbes the common good is freedom and security from our fellow citizens. He believes that the social contract is necessary to protect us from the state of war that existed in the state of nature – that is, the continual readiness to fight one another to gain what we need (Hobbes reproduced in Tuck and Silverthorne 1998:30). Hobbes argues that people are self-interested and so it is not out of benevolence that society is created. In his view, 'every voluntary encounter is a product either of mutual need or of the pursuit of glory' (Hobbes reproduced in Tuck and Silverthorne 1998:23). Citizens do not interact with each other out of friendship or

benevolence but instead do so in order to gain something we need or to show that we are in some way superior to another. In the state of nature, there are no restrictions to prevent you from taking whatever you need or want yet because all have this similar freedom, and all are self-interested it leads to a state of war. According to Hobbes, 'amid so many dangers therefore from men's natural cupidity, that threaten man every day, we cannot be blamed for looking out for ourselves; we cannot will to do otherwise' (Hobbes reproduced in Tuck and Silverthorne 1998:27). That is, men are naturally greedy and so in a world where every one is entitled to take whatever they want (as Hobbes argues the state of nature is) men will all seek to gain as much as they can which will lead them into conflict with others who are also pursuing their own interests. It is thus up to each man to preserve himself, leading to self-interest. Hobbes therefore comes to the conclusion that

> Anyone who believes that one should remain in that state, in which all is
> allowed to all, is contradicting himself; for by natural necessity every man
> seeks his own good, but no one believes that the war of all against all
> which naturally belongs to such a state, is good for him. And so it comes
> about that we are driven by mutual fear to believe that we must emerge
> from such a state and seek allies.

<div align="center">(Hobbes reproduced in Tuck and Silverthorne 1998:30)</div>

It is fear of our fellow man that leads us into the social contract and so the common good of society lies in the protection from fellow citizens. According to Hobbes, 'the cause of men's fear lies partly in their natural equality, partly in their willingness to hurt each other' (Hobbes reproduced in Tuck and Silverthorne 1998:26). Once we have entered into the social contract where rules govern society this fear will be removed as all have agreed to live under a certain set of shared laws.

Locke also acknowledges the presence of this fear that would encourage citizens to enter into the social contract. Importantly, Locke differs from Hobbes by arguing that there is a universal and binding natural law (reproduced in Goldie 1997: 120). He believes that there are some moral principles that apply to all people. While different nations and communities practice different traditions and accept different moral standards, Locke argues that there is a natural law by which all are bound. Natural law is not created by consent between men as Locke reasons that even if all of men were to agree on certain principles this would not be enough to make them natural principles (reproduced in Goldie 1997:115). If natural principles were attained from general consent it would mean that people derived these principles from the opinions of others which would in turn mean that they are not natural principles. In addition Locke argues that general consent is 'by no means sufficient reason for creating an obligation' (reproduced in Goldie 1997:115). There are, according to Locke,

> precepts of the law of nature which are absolute and which embrace thefts, debaucheries, and slanders, and on the other hand religion, charity, fidelity and the rest, these I say, and others of that kind, are binding on all men of the world equally.

> (reproduced in Goldie 1997:124).

Locke contends that men will come to know this law through reason (reproduced in Goldie 1997:125). Since all men are naturally rational, and these natural laws can be understood through reason, all men are bound by these laws (Locke reproduced in Goldie 1997:125). Also of importance to Locke is that everyone should be able to have private property. Locke believes that if someone has laboured on the land they have added value to that land and so should be entitled to own the land so long as there is still common land to which others could do the same (Simmons 1999:102). Significantly, Locke differs from Hobbes in suggesting that the basis for natural law is not the self-interest of citizens (reproduced in Goldie 1997:129). He argues that the observance of

natural law is what best contributes to the welfare of citizens and the protection of their possessions, yet the natural law does not exist in order to serve this self-interest (Locke reproduced in Goldie 1997:129). This law of nature, with his specific reference to the value of private property ownership, is what Locke posits as the common good of society. These principles are binding on all citizens within a society and the adherence to them is the common good. While Locke's and Hobbes' conceptions differ, what is important is that as soon as scholars introduced the idea of the social contract, the idea of the common good became important. Regardless of the fact that Hobbes and Locke had different conceptions, they both recognised that in order to unite citizens into a society there needed to be some form of a shared good. This recognition of the need for a common good, and disagreement about what it should be, is prevalent in much of the philosophy that followed Hobbes and Locke.

Rousseau also posits a social contract theory. He summarises his social pact as follows: 'each of us puts his person and all his power in common under the supreme control of the general will, and, as a body, we receive each member as an indivisible part of the whole' (Rousseau reproduced in Ritter and Bondanella 1988:93). In other words, the contract works as each individual gives power over himself to all and so no one individual has more power over him than he has over them. In this way there is a balance of power which allows citizens to preserve what they own even if it does prevent them from taking whatever they desire. In joining society, the citizen loses the 'unlimited right to everything that tempts him and to everything he can take' but gains 'civil liberty and the ownership of everything he possess' (Rousseau reproduced in Ritter and Bondanella 1988:96). Rousseau argues that

> the body politic is … also a moral being which has a will, and this general
> will, which always tends toward the conservation and welfare of the
> whole and of each part, and which is the source of the laws, is, for all

members of the state, in their relations to one another and the state, the

rule of what is just and unjust.

(Rousseau reproduced in Ritter and Bondanella 1988:61)

Significant here is Rousseau's conception of the common good: what he terms the 'general will' (reproduced in Ritter and Bondanella 1988:61). The general will is not the collective of individual wills or a compromise between individual wills but the product of citizens' combined reasoning. Rousseau argued that the general will is necessary in order to maintain a functioning society. He states that 'the first and the most important maxim of legitimate or popular government, in other words, of a government whose aim is the good of the people, is therefore, as I have said, to follow the general will in all things' (Rousseau reproduced in Ritter and Bondanella 1988:63). Men are by nature free and equal, but some kind of order is necessary in society. The body politic is therefore formed in order to preserve this order in society. Rousseau argues that once men are in society, they become jealous and competitive with each other and so need the social contract in order to encourage virtue and goodness (reproduced in Ritter and Bondanella 1998:64). It is key to note that while Hobbes' social contract is meant to prevent the state of war in the state of nature, Rousseau's social contract is an attempt to overcome the immorality and degradation of society once it is established. Society needs a general will as opposed to the particular will and this can only be found in a shared public space. Importantly, in order to prevent the social pact from being an 'empty formula,' Rousseau contends that some 'will be forced to be free' (reproduced in Ritter and Bondanella 1988:95). While a citizen would then be forced to obey the general will, Rousseau believes this is acceptable as it will protect them from dependence on arbitrary wills of others and preserves their opportunity to enjoy the civil and moral liberty of society (Rousseau reproduced in Ritter and Bondanella 1988:95). The general will is what determines what the laws of a society are. Citizens are bound by these laws and so do not appear to be free. Importantly however, the citizens determine the general will: as such they are free because they determine the

laws that are governing them and 'obedience to the law that one has prescribed for oneself is liberty' (reproduced in Ritter and Bondanella 1988:96). Significant here is the fact that citizens are all governed by one conception of the good – the general will.

While the view of civil society differs among social contract theorists, and from the conception used in this dissertation, there is valuable insight to be gained from discussions of the social contract. The concept of the common good is deeply rooted in conceptions of shared society. As soon as philosophers began discussing society in opposition to the state of nature, one of the central aspects became the idea of uniting around some form of shared good. Whether it was security, private property or the general will, philosophers viewed as one of the founding conditions of society a shared good that all were seeking – a principle which I share in my conception of civil society which will be set out in the third section of this chapter.

Like Rousseau and Locke, Kant argues that the common good can be reached through reason. Kant believes that all individuals, with the exception of children and the mentally disabled are able to reason (reproduced in Hutchens 1952:14). Through their shared ability to reason all citizens are able to reach the same conception of the good (Kant reproduced in Hutchens 1952:215). According to Kant, 'reason commands how one ought to act, even though no instance of such action might be found' (Kant reproduced in Hutchens 1952:216). That is, it is not through experience that we determine how we should act but through a process of reasoning. Laws of morality 'command everyone without regard to their inclinations, solely because and insofar as they are free and have practical reason' (Kant reproduced in Hutchens 1952:216). Even if we are not all inclined a certain way, Kant suggests that our reason will still dictate the same laws of morality. The moral laws of society are created in the public sphere where citizens can reason together to determine what these laws should be. While these moral

laws are determined *a priori*, they are applicable to experience (Kant reproduced in Hutchens 1952:216). The public sphere is valuable as it is there that the workings of reason can be substantiated. In other words, moral laws can be determined and acted upon in the public sphere. Kant believes that the moral law that citizens will reach is that citizens should 'act only according to the maxim by which you can at the same time will that it should become a universal law' (Kant reproduced in Beck 1949:274). Significantly, Kant does not believe that the moral laws are determined by the majority will of the people. He argues that all who can reason will reach the same common good. It would thus not be a case of moral laws being imposed on citizens: for Kant the common good is the shared moral conclusions that citizens are all able to find through their own rationality.

Mill, in contrast, argues that the common good can be attained through the pursuit of happiness. He holds that 'actions are right in proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness' (Mill reproduced in Thomas 2010:68). He posits that what is good is what will bring about the most amount of utility for society and utility, for Mill, is happiness. Mill regards 'utility as the ultimate appeal on all ethical questions; but it must be utility in the largest sense, grounded on the permanent interests of man as a progressive being' (reproduced in Shields 1956:14). If citizens all act according to this calculation, they will share a conception of the good as they will all seek the greatest amount of utility. Importantly, Mill argues that participation in the public and political sphere enables citizens to become a part of something that is working towards the common good (Hadenius 2001:23). In this way, participation has value for the individual who is actively involved in determining the common good. (It is this kind of moral engagement between citizens that I will argue is valuable to both democracy and citizens.) What is central to Mill's claim is that citizens need to have liberty. While what is best for society involves a calculation of everyone's happiness, Mill strongly argues that citizens should not be

forced to act in this way. Liberty is a central good, and should only be limited when someone is being harmed. Mill's Harm Principle states that citizens should be free to behave in any way they wish so long as it does not harm another. Mill claims that 'the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number is self-protection' (reproduced in Shields 1956:13). The only instance when interference is acceptable is in order to protect yourself. That is, not to further your own interests or to protect the interests of the person in question but only to prevent harm from being done to yourself or another third person. Mill contends that in that 'which merely concerns himself, his independence is, of right, absolute. Over himself, over his own body and mind, the individual is sovereign' (reproduced in Shields 1956:13). Firstly, he contends that what is good is what brings about the most utility or happiness in society. Secondly, he argues that citizens need to be free, sovereign over their own lives. The key link here is that Mill believes that citizens who are free in society will pursue utility, and it is this utility that is the common good of society.

Green, a prominent British idealist, also believes strongly in the concept of a common good. He suggests that by the very fact that some refer to government's legitimacy as coming from citizens' consent to be ruled implies that we have chosen a common good.

> The doctrine that the rights of the government are founded on the consent of the governed is a confused way of stating the truth, that the institutions by which man is moralised, by which he comes to do what he sees that he must, as distinct from what he would like, express a concept of a common good.

> (Green reproduced in Nettleship 1886:43)

The institutions of society, which Green argues have a moralising influence on citizens, are thus an expression of the common good. The fact that citizens consent to these institutions and the government that presides over them suggests that citizens have agreed to a concept of the common good. Green posits that 'interest in a good conceived as common to himself with others should be a man's dominant motive' (reproduced in Nettleship 1886:513). In other words, he argues that citizens should always turn to the common good in determining their actions. They should take an active interest in their neighbour's wellbeing rather than focusing only on their own interests (Green reproduced in Nettleship 1886:522). Green's conception emphasises the moral nature of citizenship:

> the enfranchisement of the people was an end in itself … that only citizenship makes the moral man; that only citizenship gives that self respect which is the true basis of respect for others, and without which there is no lasting social order or real morality.

> (Plant and Vincent 1984:1)

This view highlights the Idealists' emphasis upon the moral vocation of citizenship and the value of a community organised around a common good. Green bases his social theory on the idea that the ultimate goal, or telos, of individuals is to become totally rational, 'that is to perfectly embody the eternal consciousness' (Plant and Vincent 1984:56). In order to achieve self-realisation, the individual has to possess a sense of self–worth and thus be able to recognise and understand what is of value to our society (Plant and Vincent 1984:58). In addition, Green argues that society as a whole has a duty to help each individual towards this self-recognition. As citizens it is our responsibility to act in the best interests of the collective as we need to ensure that we have a society that is conducive to fulfilling the self-realisation of all citizens. It is important to Green that the individual be able to recognise the value in the collective as the key to our own self-realisation and the self-realisation of others. He suggests that as

citizens develop morally we will realise that we cannot find happiness or satisfaction until we try to attain what is good for all (Plant and Vincent 1984:58). Like Kant, Green argues that reason is the only way to find what the good is. Individuals who pursue the ultimate goal of being fully rational are all able to reason and thus able to find a shared societal good. Green's argument stresses the moral value of citizenship; it is imperative for us to achieve our own self-realisation. He argues that having a moral sphere based on a common good is essential to the maintenance of the society. According to Green, 'the qualification for [the life of a free citizen] is a spontaneous habit of acting with reference to a common good' (reproduced in Nettleship 1886:514). Without a common good to unite citizens together, Green argues we would not have rational citizens who obey the laws and customs of society (Plant and Vincent 1984:57). He also claims that without a common good there would be nothing to hold a society together other than coercion - it would not be possible to ensure the level of cooperation and obedience of citizens that is necessary for a functioning democracy.

There is clearly an underlying belief in much of the early political philosophy that there is a need for a common good. In order for citizens to leave the state of nature and exist in society together, there needs to be some level of shared interest – a shared good that can unite them and so ensure cooperation. Despite the differences, the concept of a common good is central to the theories discussed above, and indeed, to early political philosophy in general. The concept of the common good however no longer enjoys the prominence that it once did. Liberal theorists follow Rawls in arguing that there is no single common good – each individual is free to pursue their own conception of the good and we should not try to force a shared conception of the good (1971). Rawls' '*A Theory of Justice*' (1970) is based on the assumption that each individual is self-interested. We all have our own interests and projects to pursue, and cannot be asked to sacrifice them for the greater good. He argues that the individual does, and should, put herself before the collective. More importantly, Rawls does not advocate a single universal good but rather

that each individual pursues their own conception of the good (Rawls 1971:246). He argues that the only way to get people to abide by the principles of justice is if they come up with them themselves and it is the procedure by which they do this that is important rather than the outcomes of the procedures. He conceives justice as fairness (fair procedure) and claims that he rejects the notion ofjustice as having some specific content – that heseeks to only propose a political sense of justice[7]. He therefore endorses the idea of a neutral state that does not consider one individual's conception of the good to be more worthy than any other but does however claim that there are certain universal principles that are needed to ensure a just society (Rawls 1971:4). These principles revolve around things that Rawls suggests we need regardless of what our conception of the good is. These are things such as rights, liberties, opportunities, and wealth which are necessary for the kind of social cooperation that we require in order to advance our own theory of the good (Rawls 1971:4). Importantly, these principles are determined using reason, by the citizens with their own interests in mind (Rawls 1971:142). Rawls argues that in order to create just principles we need to do this behind a 'veil of ignorance' (Rawls 1971:136), where we will decide rationally, and according to self-interest but without knowing what our conception of the good is, or our social standing, wealth or talents (Rawls 1971:137). Because of this, Rawls believes we will choose principles that are just - unbiased to our own benefit as we ourselves could be the worst off in society. Importantly Rawls suggests that these are principles that we could all agree on despite our differing conceptions of the good.

Although Rawls argues for the two principles that he believes would come out of the procedure, for the purposes of this argument it is only relevant to point to the Liberty Principle. Because this principle endorses individual human rights and allows each

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[7] I use the term 'claims' in order to indicate that underpinning Rawls' conception of justice is the privileging of liberty – a point which he admits to in later work but not in the original formulation.

individual to have the right to enjoy basic liberties, it is the justification for the neutral state: a state which includes positive rights which entitle us to do something, but more importantly negative rights which protect us from the state or from others interfering in our freedom. Rawls therefore introduces the idea that as individuals we have certain rights to which we are entitled in order to ensure a just society. In addition, he emphasises that society is constituted of rational self-interested citizens who act purely to ensure our own interests. We participate in society and respect the principles of justice because it is in our best interests to do so, and because since we determined these principles, rationally we are bound to obey them: it is not because of a moral duty as a citizen or in respect of others' interests (Rawls 1971:138).

It appears as if Rawls' conception underpins much of the thinking in today's democracies. In contemporary multicultural societies it is considered unacceptable to impose one conception of the good on all as this can be oppressive to those who do not subscribe to that particular conception of the good. In liberal democracies, freedom is seen as one of the ultimate virtues that we should seek (Thayer-Bacon 2006:19). The goal of liberalism is to ensure that citizens are free, and have the opportunities necessary to reach their full potential as individuals (Thayer-Bacon 2006:19). This freedom cannot be attained if we are forced to share a conception of the good. The belief is that we should be free to pursue whatever way of life we wish so long as it does not harm anyone else. This comes down to a fundamental disagreement of the nature of citizens – Kant believes that citizens are free and equal, and that when they are free and equal in the public sphere they will reason together to a common good. Similarly, Mill emphasises the freedom of citizens, but he suggests they will all pursue the greatest utility for society and that this is the common good. Rawls however believes that citizens are self-interested and thus in the public sphere they will each pursue their own ends. Rawls, Mill and Kant all believe that citizens should be free; they just disagree on how citizens will behave when they are free.

The impact of the lack of a common good can be seen in the declining participation, both in voter turnout and civil society action, that is evident (with some exceptions) in contemporary democracies (Hill 2006:208; Parry et al 1992:5). If there is no common good, there is little incentive for citizens to be active in the public sphere as there is little motivation to act together with those with whom you do not share a conception of the good. The difficulty is that when citizens hear the words 'common good' they associate it with the good of the majority which may then be oppressive to the minority. The philosophical accounts of the common good however, argue that it is not the common good of the majority but the common good of all – Kant, Mill, Green and Rousseau all contend that we will be able to reach a common good that we *all* agree upon. This is not a common good drawn from a religious or cultural background but from reason. In this way, a common conception of the good is distinct from having a single hegemonic culture in the country. It is the general will, not the will of all or the collection of particular wills. The concern that arises is that for many, it is religious or cultural beliefs that inform their morality and not reason. They therefore do not reach the same moral conclusions as others who do use reason, or another religious or cultural code. For example, in Somalia, a predominantly Islamic country, women who are caught committing adultery can be stoned to death. In 2009, at least four women were killed under this law, while in most instances the man received a hundred lashes.[8] This practice is a part of Sharia law which stems directly from morals that are derived from the Islamic religion and thus are often opposed by those who adhere to different religious codes such as Christianity or Hinduism. In addition, those who claim to be objective, such as Amnesty International, also condemn this behaviour.[9] So while Kant's theory allows for

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[8] BBC News. 2009, *Somali woman stoned for adultery*, Nov 18 edn, BBC News, http://news.bbc.co.uk/2/hi/africa/8366197.stm [19 August 2010].

[9] Reuters. 2010, *Woman caught in adultery faces stoning*, Aug 3 edn, IOL, http://www.iol.co.za/index.php?click_id=3&art_id=nw20100803162036668C707494&set_id=1, [19 August 2010].

all to reach a common conception, in reality, there has yet to be a multicultural society that has reasoned to one common good and thus shared a moral code. Even those moral laws that we assume are agreed upon such as the Universal Declaration of Human Rights are not supported by all nations. The United States, for example, argues it is morally acceptable to override their citizens' rights to privacy in order to combat terrorism. The Patriot Act that allows for far higher levels of civilian surveillance, specifically in order to combat terrorism, is evidence of this belief (Doyle 2002:5). While the Act still requires warrants in most cases, these warrants are far easier to acquire, being available at any district court, and can be granted on a nation–wide basis should it be deemed necessary (Doyle 2002:2). Another example is the lack of gender equality in most societies. While gender equality is included in the Universal Declaration of Human Rights, the world average percentage of women in parliament is 18.4 percent (Norris 2009:2). Women also face oppression and harsh conditions as illustrated in the previous example of a woman being stoned to death for adultery in Somalia while the man involved received only a hundred lashes. The prevailing perception in contemporary politics seems to be that different cultures and different societies have different conceptions of the good and so with increasing diversity within each society it is proving difficult to find a common good.

Clarke disagrees, arguing that just because there is no single common good, it does not mean that there are no shared goods (1996:20). In his discussion of the common good, Clarke discusses the tension between the particular and the universal (1996:21). He argues that the particular is that which is specific to the individual or a group whereas the universal is that which is that which applies equally to all (Clarke 1996:21). He suggests that there is always conflict between the two, but that does not mean that they work against each other. In fact, Clarke believes that this tension is necessary for 'openness, change and ultimately radical democracy' (1996:21). So while it is problematic that individual interests clash with each other, and with common interests, this conflict can

lead to important discussion and debate. The value of the public sphere is that it is the space in which this debate can occur, because conflict and discussion can lead to the creation of substantial and well thought out shared goods. Each individual has the right to express their views and interests but also has to be aware that their fellow citizens share this right. While Clarke does argue for the need for shared conceptions of the good, he suggests that it is possible to consider the particular as valuable. The fact that the particular co-exists with the universal will help to balance out the kinds of particular beliefs that we wish to condemn such as torture or brutalisation. This balance can be found since the universal can influence particular beliefs. It will also ensure that there is not an excess of particularism that leads to 'selfishness, sectarianism and sectionalism, characteristics that are personally implosive rather than personally expansive' (Clarke 1996:21). It is important to recognise the value of allowing for particular beliefs in the private sphere but also to ensure that they do not create atomistic citizens who are not aware of the interests of their fellow citizens or the society as a whole. If we only consider our own interests it becomes harder for us to regard each other as equal moral agents with value as we are not acknowledging the interests and needs of our fellow citizens. Furthermore, interaction with fellow citizens helps us to develop personally as we become aware of others' beliefs and so are forced to examine our own beliefs and our reasons for holding these beliefs. It is therefore problematic when citizens are atomistic and so do not have this engagement with fellow citizens which helps them to develop morally and to view each citizen as their equal.

Contemporary society appears to be wary of the concept of a universal common good in light of the many oppressive regimes that have been based on what was called a universal good. The Apartheid regime was, for example, based on what the government labelled as Christian truths. The Israel – Palestine conflict is also rooted in conflicting conceptions of the common good. Each nation believes their religion is the truth and has destined them for that particular land, and so each nation is willing to fight to defend this

truth. Clarke proposes that the difficulty we have faced with universal goods in the past has been because they were universal goods based on *a priori* claims (1996:21). Having a universal good is 'not intrinsically problematic, it is just that it is used to describe *a priori* assumptions and not *a posteriori* truths' (Clarke 1996:21). Clarke suggests that we do need to find universal conceptions of the state or of citizenship but they need to be based on *a posteriori* truths. A common conception of the good needs to be based on real evidence as opposed to assumed truths. Clarke argues that we need to take into account our past experiences and current contexts in order to formulate a universal conception (1996:21). He suggests that the experience of successful living can lead to the discovery of what goes into successful living. Through our experiences we can learn what works and is valuable to a flourishing society. This discovery, rather than abstract concepts, should inform our universal principles (Clarke 1996:22). The argument is that our fear of a universal good is unnecessary if the way in which the universal good is formulated is rethought. It is not the concept of a common good that is problematic, but the idea of a forced common good that is based on the assumptions of one particular group. If the common good is reached through open debate and contestation in the public sphere as well as consideration for past experiences, Clarke suggests it is beneficial to democratic society. He contends that this kind of common good is derived through 'actual living and actual experience rather than being an imposition on lives and living' and so is conducive to real engagement between citizens and a sense of shared being (Clarke 1996:22).

I have made the distinction between the private and the public sphere – the private being that of personal and family interest while the public sphere is concerned with societal issues and the public good. This distinction becomes especially relevant here. As I suggested, the need for a common good was realised in the public sphere in order to ensure the functioning of society as a whole. The common good is a concept that belongs in the public and not the private sphere. When a common good is imposed on the private sphere it may lead to an oppressive state where citizens are not able to choose

their own way of life. Each individual should be free to have their own individual goods in their private lives. This belief is evident in the work of the philosophers previously mentioned: Kant distinguishes between the public sphere as the sphere of right, and the private sphere as the ethical sphere. He argues that the public arena is a sphere of mutual and rational consent to the individual and collective will of others (Seligman 1992:44). All citizens act freely, and as equal rational agents in the public sphere. The public sphere therefore has value as it validates the equality of citizens and allows for their freedom. It remains however, according to Kant, distinct from the private moral sphere. Mill allows our personal lives to be whatever we wish so long as there is no harm to others. Both recognise that the private realm is separate from the public realm and that the concept of a common good is needed for the functioning of society, but not for the functioning of each individual's life. This analysis is also present in the work of Rousseau who speaks of the particular will of the individual and the general will of society as well as in Clarke who distinguishes between the particular and the universal. While both are valuable in Clarke's conception, he illustrates that they remain distinct from each other (1996:24). So it is important to note that when the common good is discussed, we are not talking about personal morality and personal morals to which individual citizens adhere but how these morals inform the public sphere – such as having Sharia law that punishes adultery which is behaviour between two consenting adults in their private lives. Another example is George Bush relying on religion to back his political decisions. At the Israeli- Palestine Summit in Egypt in 2003, George W Bush is quoted as having said that when his country invaded Iraq, he was 'driven with a mission from God.'[10] This is further backed by the fact that Bush and Tony Blair were reported to have prayed together in 2002 at his ranch at Crawford, Texas - the summit at which the invasion of Iraq was agreed upon in principle.[11] Speaking to the Palestinian Prime Minister, Mahmoud Abbas, Bush referred to his 'moral and religious obligation' to get Abbas a

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[10] MacAskill, E. 2005, *George Bush: 'God told me to end tyranny in Iraq'*, Oct 7 edn, The Guardian, http://www.guardian.co.uk/world/2005/oct/07/iraq.usa, [19 August 2010].

[11] *Ibid*

Palestinian state.[12]   Bush therefore clearly brought religion into the decision-making process of the American government.   We cannot deny that, as most liberal nations argue, it is very difficult to find one common conception of the good.   We do not however have to jump to the common conclusion that each individual should therefore be allowed to follow their own individual conception of the good in the public sphere.

Given the hegemony of liberalism, the contemporary world is characterised by representative democracy and so our views in the public sphere are expressed by political parties.   Even in the less democratic societies such as China, there are still political parties or a political party that act as a medium between the citizens and the government. While China has a dominant party state, the government is still run by a party, The Communist Party of China (CPC).   With representative democracy it becomes even more important to have shared goods.   Each individual has such a complicated mix of personal beliefs and interests that it is impossible for political parties or candidates to represent these exact interests for each individual citizen.   What the political party comes to represent therefore is the shared interests of those who vote for it.   It represents the specific interests that are necessary to the functioning of society such as economic policy or educational decisions rather than particular individual interests. When it comes to voting for a representative, citizens can choose political parties from a range of different parties that most accurately represent their conception of the common good for society rather than trying to find a candidate who shares all their particular beliefs which are not necessarily relevant to the running of a society.   While the party may not reflect the citizen's exact personal interests, it reflects their overall conception of what is good for society and themselves.   Multiparty democracy perhaps implies that citizens do not share a common good as it gives citizens the opportunity to choose from many options, and citizens do differ in their choices.   It is important to note however, that having no single

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[12] *Ibid*

universal good in terms of policy making does not mean that there are not shared goods in society. Citizens need to have shared goals yet that does not transfer into having a single common good to which each individual has to adhere at the cost of their own particular beliefs. The universal good (that which should unite citizens to act together) in my conception of civil society is that there is value in shared participation to both the citizen and democracy. Each citizen can continue to have their own particular conceptions of the good, but it is important that they are united by at least one shared goal – a goal that can transcend policy issues and political difference. Citizens may vote for different parties, but by their act of voting they are expressing a shared belief in the value of democracy.

3.2 The value of participation

In addition to the act of voting, I suggest that citizens should participate in the decision-making process in the public sphere. Joining civil society organisations, attending political party meetings and government run forums such as Izimbizo[13] is just as valuable to citizens as it is to democracy. Democracy is deepened as we have stronger levels of representation – citizens' views are expressed not just every four or five years in an election but in each important issue through civil society action.[14] It is not however a case of citizens having to sacrifice their time to improve democracy with no benefits to themselves. There is firstly value in having a strong democracy as it guarantees human rights to each individual and ensures that their views are taken into consideration in the political process. When citizens participate, they have the opportunity to influence the government toward a decision that they feel is in their best interests. I suggest however, that it is also important for citizens to recognise that there is a benefit to participation beyond that of achieving their own ends. Pateman argues that feeling competent or able to participate meaningfully and thus feeling as if one has some form of control over the

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[13] Izimbizo is a Zulu word for a gathering of people called together by leaders. These are held by the South African government as a part of the consultation process at the local level.

[14] This participation is valuable as it is among citizens as well as between citizens and the state. Referenda between elections, for example, are unhelpful as citizens are not engaging with each other but casting individual ballots.

decision-making process is important to the satisfaction that workers gain from their jobs, and thus their morale and efficiency (1970:53). Similarly, this argument can be applied to citizens and the attitude that they have toward democracy because it suggests that it is beneficial to the wellbeing of citizens to participate actively. Pateman further argues that

> the individual's actual, as well as his sense of, freedom is increased through participation in decision making because it gives him a very real degree of control over the course of his life and the structure of his environment.

> (1970:26)

Participation is thus valuable because when we actively contribute toward the decision-making process, it helps us to feel in control of our lives. Pateman argues that when we feel more politically efficient, we are more likely to continue to participate because 'underlying the sense of political efficacy is a sense of general, personal effectiveness which involves self-confidence in one's dealings with the world (1970:46). Pateman therefore suggests that there is personal value in participation for citizens as it helps to boost their self-confidence and personal efficacy.

Cornwall and Coehlo support this argument with evidence that citizens who do participate talk of personal fulfilment from the process (2007:22). They argue that participatory sphere institutions can act as 'schools for citizenship where those who participate learn new meanings and practices of citizenship by working together' (2007:23). Citizens do not only contribute their own views but learn from the contributions of others. The diversity of agents in an active civil society allows for deepened understanding of issues and of fellow citizens and allows citizens to see beyond their own immediate problems and viewpoints (2007:23). Issues are debated and so to

the individual citizen it becomes more than just an issue of how it will affect them but a moral issue that needs to be analysed. This is because when we are aware of more than just our own interests, we are more likely to see issues in a broader moral context and thus come to more 'moral conclusions'. In this way participation aids citizens in their moral development. Cornwall and Coehlo posit that 'involving citizens more directly in processes of governance makes for better citizens' (2007:4). In other words, one can argue that the value in participation is that through interaction with other citizens, and striving toward a common good, citizens are able to exercise and develop their capacity to become 'good'.

It should be clear by now that civil society is valuable for a number of reasons. The public sphere provides a space in which citizens can participate and come to a shared conception of the good. This participation is valuable to both the individual and democracy. To the individual it allows for personal development and the awareness of the interests of others within society. In addition, it ensures that the interests of citizens are truly represented as they can be aired and discussed in civil society and not just reflected in a vote every five years. This representation allows for a deeper conception of democracy as the very core of democracy lies in the wish to allow equal representation for all. The public sphere is an open forum that gives everyone equal opportunity to discuss issues and thus represents the values of equality and freedom of speech that democracy advocates. These aspects of civil society are what give it worth. Citizens do not necessarily all have equal ability to use these opportunities but the creation of these opportunities is still valuable. In order to ensure this worth to society, it is important that our conceptions of civil society reflect the kind of civil society that allows for real representation and the uniting of citizens under shared conceptions of the good. The next section will discuss what kind of conception of civil society is necessary in order to ensure that its intrinsic value is not lost. It is this conception of civil society that I support, and will be discussing throughout this dissertation.

<u>3.3 The defining features of my conception of civil society</u>

Universal citizenship is a defining feature of contemporary liberal democracy. My conception distinguishes between procedural citizenship and substantive citizenship, emphasising the importance of the latter. In his discussion of contemporary democracy, Karimi describes citizenship as the 'cornerstone of liberal democracy' (2009:268). Until citizenship has been awarded to all in the country, we do not consider it to be a 'proper' liberal democracy. But citizenship, in this context, only applies to legal and political status. Citizens have passports and are allowed to vote; have certain human rights and in some countries entitlements to certain welfare. There are of course those who struggle to achieve even this kind of citizenship such as minority groups who still battle to gain recognition in countries where they have lived for generations. An example of this is the ethnic Rwandans in the Kivu Region of the Democratic Republic of Congo where although legally they were granted citizenship, the local authorities actively sought to deny them national identity cards (Fofana 2009:217). The point is that while there are still countries where official citizenship is hard to achieve, for the most part most individuals have legal and political citizenship. This legal and political citizenship can be classified as procedural citizenship – citizenship based on processes and which is focused on individuals' official relationship with the state.

This contrasts with my contribution to citizenship which considers the *type* of interaction citizens should have with both the state and with each other and the responsibilities that come with citizenship. Procedural citizenship is a necessary but not sufficient condition of a successful democratic society because considerations around substantive citizenship also need to be addressed. Studies of citizenship discuss not only procedural citizenship, but also include debates around rights and duties, particular and universal interests as well as self-regarding and other-regarding behaviour. In this section I will explore these ideas of substantive citizenship and set out my conception of citizenship.

3.3.1 Duty

Past conceptions of citizenship are often substantive accounts that envision citizenship as an active duty that each member of the state had to fulfil. Aristotle in particular argues for a very important role for citizens; they are not just the people who live in the state or the privileged ruling class, but what actually constitutes the state, and whose role it is to achieve the greatest measure of happiness and virtue as a community (Everson 1988:xxii). In Aristotle's conception it is the duty of the citizens of a state to be actively involved. They are not just subjects of a state, but the very essence of the state. He believes that citizens need to be able to rule, and be ruled themselves in order to be true citizens of the state. The key is in being able to balance the two to ensure a strong democracy. Janowitz supports this idea and offers the explanation that if an individual is permanently ruled then she is not a citizen but a subject, and if a citizen permanently rules, then she is the dictator (1980:43). The conclusion to take from Aristotle's (and Janowitz's) argument is that being a citizen is not a passive role, nor is it just some kind of facilitating role to the government. Citizens should be central to democratic governance as it the citizens who actually constitute the state. A strong democracy has citizens who actively participate in the decision-making process as this is seen as the best way to represent the interests of the people. True representation is what epitomises deep democracy. For Aristotle, this is only possible if we have citizens who are willing to be other-regarding and willing and able to fulfil their citizenly duties.

While Aristotle's work on citizenship is the most well- known of this time, it is also worth considering that the emphasis on civic duty was evident in most societies before the 20th century. In the Roman Empire, for example, citizenship was shaped by a number of duties and rights such as the duty to fight for the empire or pay certain taxes (Heater 2004:31). There was a strong underlying emphasis on civic virtue which was

kept alive through ideas passed on in stories from ancient times of brave acts to defend the empire without any expectation of reward (Heater 2004:31). Roman citizens were called to put their duty to the state before their personal interests. The success of the Roman Empire in conquering so many other states suggests that its citizens were willing to act in accordance with these duties as citizens. The philosophical tradition of Stoicism also puts emphasis on citizenship having more than just an instrumental role. The Greek concept of 'stoa' has been preserved in the English language through the words 'stoically' and 'stoicism.' As these words suggest Stoicism is based on the idea of 'uncomplaining commitment to fulfilling one's duties, responsibilities and obligations' (Heater 2004:39). Stoicism requires that the individual, as a virtuous political being, must be loyal both to his state and the universal natural law. The citizen is therefore a citizen of his own state, as well as the 'cosmopolis' or world city which was a metaphorical, notional universally moral community (Heater 2004:38). Stoicism endorses the moral value of citizens and emphasises that citizens owe their loyalty to their state.

These classical conceptions of citizenship all emphasise the inherent value of the citizen to democracy and the subsequent duty that citizens have to ensure the functioning of their society. That is, in past conceptions being a citizen was not just a label but a role that we had a moral duty to perform. The value of this duty is that citizens participated regardless of the outcome of each individual act of participation. Without duty, there is the risk that should citizens not like the outcome of their action, they will cease to participate. Voting is a key example here: if we vote for a party that does not get into power, it seems to us that our vote was of little use, particularly in the case of a dominant party system. If citizens cannot see the value in voting nor recognise their moral duty to vote, the danger is that they may cease to vote at all. Voter turnout is however a tool that is used to measure the legitimacy of a democracy. We do not feel that a government is fully legitimate if only half the population has cast a vote. Increasingly however there are signs that this may be the case in liberal democratic states.

This is most clearly illustrated in the fact that despite intense media hype for a large turnout, in the 2008 USA Presidential election 38.4 percent of eligible voters didn't cast a ballot.[15] The worry is that if citizens do not recognise the value in participation and thus their duty to participate, participation may decline not only in voting but in all political spheres. If citizens participate in the informal institutions of civil society only in order to reach a particular end, if they do not achieve this goal there is the risk that they will become dissatisfied not only with the result but with civil society. If the sole reason for participation is to achieve a certain goal, and participation in civil society does not achieve this goal, it becomes likely that we will see a decline in participation levels. The value of a sense of duty is that there is an added and permanent worth of participating in civil society – regardless of the outcome of participation there is value in the fact that you are fulfilling a duty. Even if there are times when the government is unable to meet the demands of the citizenry for economic or political reasons, citizens with a sense of duty will still have the will to participate in civil society despite these setbacks.

It is apparent that classical conceptions of civil society expected citizens to participate out of a sense of duty. I do not propose that contemporary citizens need to be bound by such stringent duties to the state as those proposed by Aristotle and the Stoics, but rather that there is moral value in citizens recognising the worth of participation and thus realising that they have a moral duty to participate. As Marshall argues,

> if citizenship is invoked in the defense of rights, the corresponding duties
> of citizenship cannot be ignored. Those do not require a man to sacrifice
> his individual liberty or to submit without question to every demand

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[15] Robertson, L. 2009, *2008 Voter Turnout* [Homepage of Annenberg Public Policy Centre], http://www.factcheck.org/2009/01/2008-voter-turnout/ [17 October 2009].

made by government. But they do require that his acts should be inspired

by a lively sense of responsibility towards the welfare of the community.

(reproduced in Janowitz 1980:45)

Janowitz's interpretation of Marshall suggests that citizens have a duty towards each other and thus to promoting the welfare of the community as a whole (1980:45). In addition to this general duty to be concerned about the welfare of one's fellow citizens, a citizen has a duty to the state because the strength of its democracy is reliant on the active participation of its citizens, and to themselves because they will gain moral benefits from participation.

3.3.2 Other-regarding

I think it is important here to discuss what is meant by other-regarding citizens. Young argues that

the responsible citizen is concerned not merely with interests but with justice, with acknowledging that each other person's interest and point of view is as good as his or her own, and that the needs and interests of everyone must be voiced and be heard by the others, who must acknowledge, respect and address those needs and interests.

(1989:262)

An other-regarding citizen does not need always to put others' needs before their own, or to sacrifice their own interests for the interests of others. They need only be aware of others' interests and be willing to take them into account in making political decisions. Scottish Enlightenment thinkers such as Ferguson and Hutcheson contend that we are united by moral affections and natural sympathy (Seligman 1992:27). We are other-regarding because it is inherent in our nature as humans; we are 'united by instinct; [and we] act in society from affections of kindness and friendship' (Seligman 1992:27). Ferguson argues that our discoveries of mutual generosity and the sharing of hardship

unite us beyond our own self-interest (Seligman 1992:40). Citizenship is thus based on an idea that as humans, we have an innate sense of mutuality (Seligman 1992:27). We find our individual validation through our interaction with others. This interaction is not purely economic however but based in our kinship as members of the same society and thus it is vital that all citizens participate in this community. This kind of other-regarding behaviour should be encouraged in place of the individualistic and self-interested attitude seemingly accepted in contemporary liberal democracy. To each individual citizen it may appear that the most rational decision is to act in one's own self-interest. From a broader perspective however, I would suggest that acting only as a rational self-interested individual is problematic for a number of reasons. This kind of self-interested action may lead to atomistic citizens who are isolated from the rest of society. This isolation is problematic because if we only consider our own interests it becomes harder for us to regard each other as equal moral agents with value as we are not acknowledging the interests and needs of our fellow citizens. It becomes more difficult to recognise someone as a valuable agent if we give little consideration to their interests – if our interests are always more important to us then it follows surely in our minds that we are always more important. In addition, our isolation from others' needs prevents us from being aware of the broad spectrum of needs and interests that are present in society. Participation aids integration by the mere fact that it implies we are working together for a common goal (Pateman 1970:63). That is, being absorbed in our own interests prevents us from encountering, and learning to respect and accommodate difference. Equality and respect for diversity are concepts that we seek to further in liberal democracy and thus it is important for citizens to become other-regarding so as to avoid undermining these ideals. Moreover, engagement between citizens has moral value to citizens. It is only in our interactions with others that we are able to develop as moral agents. While moral theories can, and have been developed *a priori,* without interaction with others, citizens cannot practice and develop their morality. Other-regarding behaviour therefore has important moral worth to the individual. Although this

statement may appear contradictory, it is not: through consideration of others, citizens benefit themselves in that they can strengthen their capacity to become 'good.'

3.3.3 Shared goals

Closely linked to this is the argument that it is important for citizens not only to consider others, but to work together and act as a group with shared goals and not always as individual actors. Aristotle stresses the importance of citizens working together as a community in order to ensure the success of the society. He suggests that there should be 'concord' - a kind of civic friendship among citizens - to ensure that citizens work together in a spirit of mutual goodwill (Heater 2004:17). This idea of 'concord' illustrates that Aristotle not only argues that we should act as a group, but that each member of the group should be acting towards shared goals and with respect to each others' needs and interests. While Aristotle speaks of the need for 'concord' in society, increasingly modern society seems to be characterised by 'discord.' There is mounting evidence of fundamentalism in the current global climate: the fundamentalist Christians in the USA and fundamentalist Islam in the Middle East. While precise numbers are not published, data has shown that there have been more than 920 suicide bombings in Iraq and 260 in Afghanistan since the USA's invasions of the countries in 2003 and 2001 respectively.[16] These attacks have resulted in scores of deaths of both civilians and American soldiers. A single incident in Baghdad in August 2010 left at least 57 soldiers dead.[17] Occurrences of extreme youth violence are also alarmingly prevalent as evidenced in the numerous school shootings in the USA: since the 1999 Columbine tragedy, there have been sixty recorded school shootings in the USA, resulting in 181

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[16] Wright, R. 2008, *Since 2001, a Dramatic Increase in Suicide Bombings*, Apr 18 edn, Washington Post,http://www.washingtonpost.com/wpdyn/content/story/2008/04/18/ST2008041800913.html, [16 August 2010].

[17] Reuters. 2010, *Al Qaeda claims responsibility for attack in Iraq*, Aug 20 edn, Reuters, http://www.reuters.com/article/idUSLDE67J0AQ [30 August 2010].

deaths.[18] There have also been examples of this kind violence in South Africa: in 2008 an eighteen year old learner killed his fellow classmate with a samurai sword in order to make 'other children take notice' of him.[19] This fundamentalism suggests that there are people on the fringes of society – people who do not express their views in the public sphere but act out against the prevailing conceptions of the good. In the age of the internet it has becoming increasingly possible to isolate yourself completely from society and emerge yourself in a fantasy world of chat rooms or online games. More significantly, it has also become increasingly possible for fringe groups to gain support through creating online communities of disillusioned citizens. The most extreme example of this is Islamic fundamentalist websites that encourage young Muslims to join the 'holy war'.[20] It is thus important to have a shared public space where all interests are treated with equal consideration. If we are able to create this shared space of discussion those who currently feel isolated and desperate may be more inclined to join society as opposed to acting out against it. I argue that there is moral value in a space where all have the opportunity to act as equals – not only does it have the potential to limit the creation of extremist groups but the open conflict of interests is important in the process of determining what is in the shared interests of society.

Rousseau seems to endorse this view of 'concord' with his idea of the 'general will' discussed earlier. Both Aristotle and Rousseau suggest that citizens should act as a collective and with the interests of all in mind in order to achieve a flourishing society. On the one hand, Aristotle believes that this could be achieved as citizens act out of

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[18] Telegraph. 2009, *Mass school –shootings double in a decade, report shows*, 29 Jun edn, Telegraph, www.telegraph.co.uk/news/worldnews/northamerica/usa/5689760/mass-school-shootings-double-in-adecade-reports-show.html [17 August 2010].

[19] SAPA. 2009, *Samuri Sword boy admits to murder*, Apr 4 edn, M&G Media, http://www.mg.co.za/article/2009-04-14-sword-killer-pleads-guilty [13 June 2009].

[20] Hassan, H. 2010, *Visitors to extremist websites face prosecution* , Jun 22 edn, The National, http://www.thenational.ae/apps/pbcs.dll/article?AID=/20100622/NATIONAL/100629932/1138/MULTIMEDIA [5 September 2010].

feelings of goodwill and friendship. In Aristotle's conception, citizens should be able to rule and be ruled. It is thus important for citizens to act in the best interests of all citizens and to work together as they are directly involved in the running of the state. Rousseau on the other hand suggests that citizens will act in line with the general will as it is what we have rationally determined. He argues that the general will is necessary as once men are in society they become jealous and competitive and thus the general will is needed to encourage virtue and goodness and so maintain order. I agree with both Aristotle and Rousseau on the importance of acting as a collective but I suggest that the citizens should be motivated to do so because of the moral value that shared participation has to both the individual and democracy. This view is supported by Young who argues that

> in participatory democratic institutions citizens develop and exercise
> capacities of reasoning, discussion and socialising that otherwise lie
> dormant, and they move out of their private existence to address others
> and face them with respect and concern for justice.

(1989:252)

Group participation can be seen as an important area of personal growth for citizens and an act of moral worth. Citizens engage with each other and so are made aware of each others' interests and concerns. Debate between citizens creates the opportunity to exercise reasoning and discussion skills which can enhance a citizen's capacity to deal with moral issues. Barber suggests that this kind of shared participation serves to strengthen democracy as well as the individual citizen,

> like players on a team or soldiers at war, those who practice a common
> politics may come to feel ties that they never felt before they commenced
> their common activity. This sort of bonding, which emphasises common
> procedures, common work and a shared sense of what a community needs

to succeed, rather than monolithic purposes and ends, serves strong democracy most successfully.

(1984:244)

Citizens acting together is therefore a key aspect of a thickened conception of civil society. Through acting together, citizens may form attachments to fellow citizens and feel a sense of community and shared goals. What Barber illustrates is that this shared sense of what a community needs is able to strengthen democracy because citizens are working toward shared goals.

3.3.4 Finding the balance

The problem with encouraging collective action is that it makes it exceptionally difficult for citizens to balance their own particular interests and the universal interests they should share with their fellow citizens. Citizens need to be able to view themselves, and their fellow citizens as free and equal individuals and at the same time remain loyal to their own particularistic culture (Bridges 1994:35). Bridges describes this as having to maintain both 'civic' and 'communitarian' identities simultaneously which he argues is a 'moral and cultural task of great complexity' (1994:35). In other words, citizens have to have their personal identities as well as their identity within their community. The values and interests that are central to these two identities would differ as one is centred on individual interests and the other on the community's. These interests may not always overlap, making it a difficult task for the individual to balance the two. It is however possible to find this balance - as Young argues,

> it is possible for persons to maintain their group identity and to be influenced by their perception of social events derived from their group specific experience, and at the same time to be public spirited, in the

sense of being open to listening to the claims of others and not being concerned for their own economic gain alone.

(1989:258)

In other words, we can draw our opinions from our own experiences but we must be willing to consider the opinions of others in the public sphere. When in the public sphere, the central concern of citizens should not be their own economic gain. While economic considerations will always be important to citizens as they link directly to their standard of living, citizens need to remain open to the interests of others. When considering issues of public concern, citizens need to consider more than their own economic interests. As argued previously, the economic realm needs to remain distinct from the public sphere.

It is possible and necessary for people to take a critical distance from their own immediate desires and gut reactions in order to discuss public proposals. Doing so, however, cannot require that citizens abandon their particular affiliations, experiences and social locations.

(Young 1989:258)

Clarke supports this argument claiming that 'action which arises from immediate concerns, but that also reaches beyond those concerns, is possible' (1996:97). Citizens are not asked to ignore their own interests, opinions or beliefs but to ensure that these particular inclinations do not prevent them from discussing public issues in light of what is best for society. So while it is a difficult line for citizens to walk, I contend that it is possible, and necessary for citizens to maintain their own particularist beliefs, and their own personal interests in the private sphere, while at the same time uniting to pursue shared interests and showing concern for the needs of fellow citizens. The key is to draw on the distinction between the private and public sphere. Citizens need to learn to be

content to maintain their private views and interests in the private sphere and be willing to compromise and deliberate in the public sphere. Citizens have the opportunity to express their views in the public sphere but the significant difference is that in the public sphere citizens have to be willing to debate the issues and to find some shared goods.

3.3.5 Self-interest and human rights

As the previous discussion of Rawls illustrates, Rawls contends that there is no single universal good. Instead, Rawls argues for a procedural concept of the good which he argues will result in two principles of justice: the Liberty Principle and the Difference Principle. Citizens can all pursue their own conception of the good, and Rawls suggests that citizens seek their own self-interest above the interests of others. There are two ideas to discuss from Rawls' argument in light of my conception of civil society. The first is the argument that all citizens are self-interested, and only act out of self-interest. I suggest that citizens do *often* act out of self-interest, but that they do not *always* do so. And even if they do, it is not inherent in their nature but a product of contemporary society that we should attempt to change. When it comes to economics, citizens do act in their own interest, and I think that that is justifiable. We cannot expect citizens who are living in a capitalist society not to act in their own economic self-interest in order to protect themselves and their families. Since economic issues directly affect the livelihoods of citizens, it is understandable that citizens should seek to prioritise this livelihood. The central consideration here is thus not whether self-interest is ever legitimate but whether or not it is legitimate to act *always* in your own self-interest. I wish to argue the second - that it is problematic for citizens and to democracy for rational self-interest to be the only consideration in decision-making. I concede that in the economic arena, rational self-interest will often triumph, but in political and social issues, we need to ensure that moral considerations are still taken seriously. The public realm needs to remain separate from the market domain to ensure that this self-interest is not transferred into issues of public interest. So while economic self-interest can be justifiable, it is important that this self-interest does not permeate every aspect of a

citizen's life. When in the market realm, interaction is governed by market principles of supply and demand – it centres on the needs and desires of the consumer. In the public realm, considerations such as duty and the interests of others need to be taken into account in decision-making.

A second aspect of Rawls' theory to discuss is his introduction of the right to basic liberties. These basic human rights are central to liberal democracy. As I have argued previously however, it is problematic that citizens tend to see these rights as their individual entitlement rather than a basic level of protection from the state. There is no doubt a necessity for human rights and the civil liberties that are protected within our democratic states and they remain an important aspect of my conception of civil society. It is key to democracy that we are able to strike, regardless of the motivation behind striking, as it represents the ability of the people to voice their demands. Moreover, it is vital to have human rights, such as the right to dignity, to protect citizens from the state, and freedoms, such as free speech, to allow for a fully functioning civil society. These basic human rights that are afforded are central to democracy, but they are not enough to ensure a deep democracy, and increasingly seem to be misused as a first call of entitlement rather than a last call of protection from the state. The current emphasis on individual human rights has resulted in citizens feeling entitled to their rights and using them in all their interactions in the public domain. In the USA for example, citizens sue each other and the government on a regular basis as they feel their rights have in some way been violated. More concerting is that citizens are often afraid to 'help' others for fear of being sued. What we find is that this immediate resort to rights has undermined the value of discussion in society. Citizens no longer engage with each other but seem to weigh up their rights against each other in order to determine how to proceed.

This chapter has illustrated that civil society is a central aspect of democracy as it allows for true representation and participation which is beneficial to both the citizen and to democracy. I suggest that it is important that we consider both past and present conceptions of civil society in order to ensure that we have a civil society that best serves to deepen democracy. Classical conceptions teach the value of duty in citizenship – it encourages citizens to participate because they see they have a moral duty to do so rather than to reach some particular end. In this way, citizens continue to participate even if they are not achieving their individual ends. In addition, many conceptions of civil society recognise the value in a common good and shared participation as a collective. There are examples from both past and present conceptions of civil society that suggest that citizens should be other-regarding. Ferguson and Hutcheson argue that we should be other-regarding since we have a natural sympathy towards each other and Barber, Young and Pateman point out that there is value in being other-regarding both to ourselves and democracy. Importantly, contemporary conceptions of civil society, in practice, do not reflect these values. Rawls suggests we are all self-interested individuals who have certain human rights. I argue however that while we may be self-interested in some instances, it is not necessarily true, that we are always (or should be) self-interested in our decision-making. While human rights are valuable, we need to ensure that we do not always seek to use them to our own advantage but rather as they were intended: as a last call of protection from the state and from each other. I have established in this chapter that civil society can contribute to the strength of democracy but only when we have a conception of civil society that emphasises duty, other-regarding behaviour and shared goods. In the next chapters I will examine empirical examples in light of the conception of civil society that I have introduced. The analysis will question whether South African citizens' behaviour has shifted in the three ways I have suggested (moral to rational, duty to instrumental, group to individual) and what the influence of government has been on this behaviour.

Section Two: Illustration

Chapter Four: Case Studies

This chapter explores matters relating to bureaucracy, education, and the South African National Defence Force (SANDF). These discussions of various aspects of the civil service aim to illustrate the shifts in motivation that seem to be underlying citizens' behaviour. While duty used to be a critical aspect of the civil service, it appears that there are many cases in which contemporary civil servants are motivated not by duty but by instrumental and individual ends. These cases are discussed in the following sections on bureaucracy, education and the SANDF and are used to illustrate a concerning shift in citizens' attitude and behaviour and how the government's behaviour can be seen to have played a role in allowing these shifts to occur through their failure to encourage citizens by word and example of the importance of duty, shared goals and other-regarding behaviour.

4.1 Bureaucracy

'An exemplary, professional, ethical and accountable department embodying the principles of Batho Pele and committed to service excellence.'[22]

Department of Public Service and Administration

4.1.1 Setting the scene

We do not have to look very far to realise that there are numerous challenges facing the South African bureaucracy. In order to assess fully these challenges, we need to distinguish between the different levels of the civil service. Lipsky describes civil servants who interact with citizens directly in the course of their work and who have substantial discretion in their treatment of citizens as 'street-level bureaucrats' (1980:3). It is these bureaucrats who determine who gets what benefits, when they get them, and how much they get (Keiser 2003:3), so teachers, nurses and social workers fall under this category. Higher-level bureaucrats are those who are in policy-making and managing positions. In South Africa for example, the top level bureaucrats are the directors–general and deputy director-generals of each government ministry. There are

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[21] http://www.mg.co.za/zapiro/fullcartoon/41, [3 June 2010].

[22] http://www.dpsa.gov.za/about.asp, [3 June 2010].

also numerous managerial positions which are significantly better paid than those at the street level. These jobs do not always entail day to day interaction with citizens and are instead involved in the distribution of resources and strategic planning.

Street-level bureaucrats have discretion to make decisions in their everyday work that can actively affect citizens' lives, and do so (we hope) to the best of their ability (Lipsky 1980:3). While there are laws and policies to regulate civil servants' work, in day to day issues street-level bureaucrats have to make their own decisions about how to implement these policies. This is particularly true in the case of medical services where decisions have to be made very quickly. Lipsky uses the example of the educator who perceives one child as having superior intellect and gives the child far better learning opportunities than the perhaps equally intelligent children in the class (1980:11). The educator is legitimate in making this decision but it illustrates that the close interaction that street-level bureaucrats have with citizens can impact on their lives. In fact, Lipsky illustrates that citizens have far more contact with bureaucrats than any other type of government official. Citizens interact daily with policemen, firemen, teachers and nurses but very rarely make contact with their ward councillor for example. As such street-level bureaucrats 'represent the hopes of citizens for fair and effective treatment from the government' (Lipsky 1980:12). These bureaucrats play an integral role in democracy as they implement government policy, and use their discretion in order to do so.

In South Africa however, this hope is often dampened as civil servants are commonly perceived to be 'uncaring, incompetent and corrupt' – a view that perhaps stems from the pervasive inefficiency in the bureaucracy for which there are numerous reasons.[23] Firstly, inefficiency is often perceived by citizens to be a result of shirking: bureaucrats

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[23] Bearak, B. 2009, *South Africa's Poor Renew a Tradition of Protest*, Sept 6 edn, NY Times, http://www.nytimes.com/2009/09/07/world/africa/07protests.html [7 July 2010].

spending work time on their personal affairs or leisure. A kinder reading of this inefficiency would point to the intense difficulty that street-level bureaucrats face: realistically they do not have the skills or resources necessary to fulfil their mandate. Whether it is overcrowded classrooms and patient wards or refugee centres across the country, street-level bureaucrats cannot cope. This kind of difficulty is highlighted through statistics that indicate that within one week (September 4-10 2009) refugee centres across the country had to deal with 8 461 newcomers and 12 920 permit holders seeking an extension.[24] Approximately 90percent of these people do not qualify for refugee status in the end, but applications still have to be processed in order to determine this.[25] If we look at the implementation of free primary healthcare in South Africa, survey evidence indicates that between 48percent and 58percent of nurses ranked as 'very Important:' 'Felt I was exploited, 'Was burnt out,' 'Became frustrated'; 'Considered giving up my job' (Walker and Gilson 2004:1255). These responses illustrate the frustration and disillusionment that many street-level bureaucrats face in light of the difficult tasks the government has laid out for them, a frustration that impacts negatively on their efficiency.

A second consideration when analysing inefficiency is that many bureaucrats are not suitably skilled for the jobs that they are performing. While street-level bureaucrats have the basic qualifications for their profession, they are often forced by circumstance (poor resources, staffing and infrastructure) to perform tasks that are beyond the scope of their qualifications. Thirdly, incompetence is a concern among higher-level bureaucrats. Post 1994, many high-level bureaucratic posts were political appointments: the ANC's way of rewarding members of its Alliance who did not make it into parliament. In some

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[24] SAPA. 2009, *Corruption an entrenched culture at Home Affairs*, September 15 edn, M&G Media. http://www.mg.co.za/article/2009-09-15-corruption-an-entrenched-culture-at-home-affairs, [3 August 2010].

[25] *Ibid*

situations bureaucrats therefore may not be sufficiently educated and trained for the positions they hold.

Inefficiency may also stem from the fact that street-level bureaucrats in South Africa are notoriously underpaid for the amount and type of work they are required to do. The dissatisfaction with these wages can be illustrated by the numerous strikes in protest over wage increases in 2010 alone.[26] An example of this can be seen in the municipal workers strikes that have been happening over the last year. The strike in April 2010 was 'mostly about seven-year long negotiations over making municipal workers' salaries market-related.'[27] Local governments' responses have been to argue that they do not have the budget to raise salaries any higher.[28] Government's claim of poverty has begun to lose credibility in the eyes of the public however, after massive expenditure on the FIFA World Cup, and the increasingly prevalent reports of lavish expenditures by government ministers.[29] The deadlock between the government and the civil service seriously affects service delivery and undermines the efficiency of the civil service. Yet from the street-level bureaucrats' point of view, they are expected to work in very difficult environments, without adequate compensation and so appear to be unwilling to do what is needed in order to implement government policy effectively. There are significant backlogs in most departments, most noticeably in Home Affairs. For example, officials at Home Affairs who use delay tactics in processing Identity Documents (ID) or passports can determine key factors in a citizen's life. The most extreme example of this is the case of citizens having committed suicide in frustration over not receiving their ID. In 2007, a young woman Bongikile Mkhize took her life after waiting two years and

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[26] SAPA. 2010, *Municipal Strike continues*, April 13 edn, News24, http://www.news24.com/SouthAfrica/News/Municipal-strike-continues-20100413, [6 May 2010].

[27] *Ibid*

[28] *Ibid*

29 Bell, T. 2010, *Both sides learn lessons from public sector strike*, Sept 3 edn, Business Report, http://www.busrep.co.za/index.php?fArticleId=5633037 [8 September 2010].

applying three times for her ID.[30] She had promised her mother that she would repay her for supporting her through school once she had finished Matric but was unable to get a job without an ID.[31] While this seems extreme, a similar incident was reported in 2009, when a young man, Skhumbuzo Mhlongo's application was torn up as it was considered fake.[32] Mhlongo was due to start a job that required his ID but when it was denied he committed suicide.[33] In South Africa you also need an ID in order to vote and so Home Affairs officials can make decisions that directly affect a citizen's right to vote. The rights to vote and work are important rights and so it cannot be taken lightly that some Home Affairs officials are preventing citizens from enjoying these rights by their inefficiency.

Corruption at the street-level is a significant problem. There are frequently stories regarding officials taking bribes in order to determine who will get service first, or service at all: for example refugees trying to get official documentation in desperate situations may be willing to pay the bribes. They are frequently asked by security guards or Home Affairs officials for R100 before they are allowed to the front of the queue (Luhanga 2010:2). In some cases it is more than just small bribes. An official was arrested in September 2009 for conning two Cameroon refugees into paying R8000 to get their applications processed.[34] Deputy Director General of the Department of Home Affairs, Vusi Mkhize, admitted in late 2009 that corruption is 'an endemic problem'.[35] He stated that he did not feel that the department had shied away from the problem –

30 Gerretsen, B. 2007, *ID book delay drives woman to suicide*, June 20 edn, The Star, http://www.iol.co.za/index.php?set_id=1&click_id=13&art_id=vn20070620002918643C379688,[12 February 2010].

31 *Ibid*

32 SAPA 2009, *Top level probe over ID Suicide*, August 30 edn, News24, http://www.news24.com/SouthAfrica/Politics/Top-level-probe-over-ID-suicide-20090830, [14 June 2010].

33 *Ibid*

[34] SAPA. 2009, *Home Affairs Official arrested in sting operation*. Sep 9 edn. M&G Media, http://www.mg.co.za/article/2009-09-09-home-affairs-official-arrested-in-sting-operation, [24 June 2010].

[35] SAPA. 2009, *Corruption an entrenched culture at Home Affairs*, September 15 edn, M&G Media. http://www.mg.co.za/article/2009-09-15-corruption-an-entrenched-culture-at-home-affairs. [3 August 2010].

there had been many arrests made.[36] Mkhize spoke of the problem of the culture of needing 'someone outside to grease the palm of someone inside the department' in order to get things done. [37] This kind of corruption is often overlooked because it involves much less money than those at a higher level, but the corruption is particularly subversive to the system and undermines citizens' trust in the civil service.

Corruption is not however limited to the street-level bureaucracy. The KwaZulu-Natal Provincial government, for example, announced in April 2010 that they are investigating twenty-five cases of fraud and corruption involving over R700 million.[38] In addition, an individual audit in the social development department uncovered corruption involving R300 million.[39] Money intended for NGOs and community based organisations had been mismanaged and therefore had not reached the intended recipients which resulted in a failure to fulfil government policy to support these organisations.[40] The Eastern Cape is also plagued by corruption – a government report leaked to the press in 2008 alleged that three top level officials 'siphoned off almost R200 million from the Eastern Cape provincial administration's public coffers through dubious deals to their wives and relatives'.[41] According to the report, another R250 million was still unaccounted for.[42] Higher-level corruption and mismanagement of funds prevents street-level bureaucrats from getting sufficient funds and resources to implement policy effectively and thus while it is the street-level bureaucrats who are most harshly judged for the inefficiency of the civil service, in many cases the blame can be laid on the higher level bureaucrats.

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[36] *Ibid*

[37] *Ibid*

[38] SAPA. 2010, *KZN probes 25 Corruption cases*, April 13 edn, News24, http://www.news24.com/SouthAfrica/News/KZN-probes-25-corruption-cases-20100413, [8 May 2010].

[39] SAPA. 2010, *R300 Million Corruption in KZN Social Department*, January 20 edn, M&G Media, http://www.mg.co.za/article/2010-01-20-r300m-corruption-in-kzn-social-department, [23 July 2010].

[40] *Ibid*

[41] SAPA. 2008. *Capp for Stofile's Head after corruption probe*. July 10 edn. M&G Media, http://www.mg.co.za/article/2008-07-10-call-for-stofiles-head-after-corruption-probe, [15 July 2010].

[42] *Ibid*

<u>4.1.2 Identifying the problem</u>

Brehm and Gates argue that in response to a democratic public, bureaucrats can be seen to perform their jobs in three different ways: working, shirking or sabotaging (1999:29). Working bureaucrats are those who work alongside the policy goals of the government and their supervisors and so do their very best to ensure that government policy is implemented as intended. Shirkers direct their efforts toward non-policy goals such as leisure (Brehm and Gates 1999:30). I have pointed to many examples of those who appear to be shirking – those who take extra long lunches or fail to file their documentation properly. They do not undermine policy out of malice but nevertheless affect the lives of citizens (as illustrated by the suicides related to attainment of an ID at Home Affairs). Some bureaucrats sabotage, which is to attempt to accomplish policy-goals that differ from those of the government or their direct supervisors (Brehm and Gates 1999:31). Once again Brehm and Gates' theory can be illustrated through the South African civil service where there are numerous cases of corruption at all levels: an example of civil servants putting their own goals ahead of the government's. Brehm and Gates' theory sets out a useful framework in which to understand the civil service. It is beneficial to categorise the problems in this way as the problems of shirkers and sabotagers require different considerations in terms of practical ways to prevent this behaviour.

Traditionally the civil service has been positioned, by both governments and citizens, as a career of service to one's country. According to Marquand, 'civil servants are supposed to pursue the public interest' (Marquand 2004:144). In contemporary South Africa however, it appears as if joining the civil service is an instrumental career move: either because it seems like a lucrative position to be in, in the case of high-level jobs, or in some cases, because it is the only job available. There seems to be little feeling of honour

in taking a job as a nurse at a government hospital – to many, it just appears to be the raw deal - the second best option to working in the private and commercial hospitals. As Marquand suggests, speaking of the British civil service, it is not the case that the attitude of service or duty has been lost in all individual civil servants but rather that the institution as a whole has lost this morale. There are still many of what Brehm and Gates term as 'workers:' dedicated individuals serving the community for the sake of service rather than career. The problem is that they have become the exception rather than the norm. The overriding perception that many citizens have of the civil service is that officials are disinterested and dissatisfied rather than proud and willing to serve. This diminished sense of duty can also be seen in the fact that civil servants utilise their right to strike. They put their own economic needs above their duty to the state and to their fellow citizens. This is problematic as Keiser contends, 'for many citizens, their experiences with government arise from their interactions with street-level bureaucrat' (2003:3). They pin their hopes of government provision on the civil service and are often disappointed (Keiser 2003:6). While in many cases this may be legitimate, the civil servants are still acting out against (or sabotaging) the government rather than working alongside it. It therefore appears as if many civil servants no longer feel as if they have a duty to the government or to their fellow citizens.

Citizens' disappointment in the civil service can be explained in terms of the second shift: from the moral to the rational, a shift that links directly with the shift to instrumentally motivated rather than duty motivated action. Civil servants seem to act out of rational self-interest both in choosing their career path and in the performance of their job. Those who shirk, spending more time taking breaks than actually performing their job are acting in their own self-interest rather than considering their moral duty to help those who are in need. The civil servants who take bribes to ensure their services are an even clearer example of the self-interested behaviour that has permeated the civil service. Those who are most in need, as they lack the finances to pay a bribe, are the ones who

are left waiting day after day to get the documentation that will allow them to work. This bribery is clearly only done to enhance one's own self-interest, with little or no moral consideration at all. It appears as if civil servants do not see the moral aspect of their job which enables them to serve their government and community but rather only see it as a rational choice in order to earn a salary. They earn their salary regardless of how well they do their job and so there is little motivation to work effectively. Furthermore, these salaries are often rather low in comparison to the private sector. Some civil servants therefore use this wage discrepancy as an excuse for abusing the system to enhance their own benefits.

4.1.3 Analysing the implications
Government

The attitude of civil servants can to a large extent be seen as a reflection of how the government behaves towards them. If the government does not treat civil servants as if they are a valuable part of society and as citizens who are fulfilling a moral duty to society, it is no wonder that civil servants themselves no longer feel that way. Many street-level bureaucrats such as teachers and nurses work in extremely difficult environments, for long hours and low pay. To make matters worse, the higher-level bureaucrats are often paid disproportionately more than street-level bureaucrats compounding the latter's sense of under-appreciation. This is seen most clearly in the previously discussed case of municipal workers who are refused pay increases for lack of funds while higher level municipal workers receive huge salaries.[43] In order to have an effective civil service, civil servants have to have the public interest at heart, or alternatively they have to be paid enough for it to be an incentive to work hard. The South African government maintains that it does not have the funds to pay civil servants

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[43] SAPA. 2010, *Municipal Strike continues*, April 13 edn, News24, http://www.news24.com/SouthAfrica/News/Municipal-strike-continues-20100413, [6 May 2010].

any higher wages. This may be true but one wonders whether it would be possible to rearrange the pay scale to be more equitable and to reflect the value of the work of street-level bureaucrats. In this way, it could motivate street-level bureaucrats as their work would be acknowledged as valuable to the government. The alternative is that if the government cannot pay enough to motivate good work, they need to find a means of motivation elsewhere. It is the lost sense of duty and honour that is missing from the civil service that needs to be found. If being a civil servant is considered a moral and worthwhile career choice, there is more incentive to perform this job efficiently. One of the key ways to engender this kind of attitude has to be through the government – either through higher pay, or through an active campaign to show appreciation and respect to those who are implementing government policy at the street level. Instead, the government is treating the bureaucracy as a tool for job creation. COSATU and the ANC have been in conflict over the issues of unemployment and labour laws: the government seeks to reduce unemployment, a goal which COSATU of course supports. COSATU remains adamant however that relaxing labour laws will not reduce unemployment.[44] The government thus uses the civil service as a means of creating jobs – this reduces unemployment and at the same time maintains the current labour laws. In this way, the government can keep all parties content. The problem however is that this job creation can create a perception that the jobs in the civil service are there purely for the sake of there being another job available. This undermines the value of these jobs in the eyes of civil servants and citizens which in turn can reduce the willingness of civil servants to perform the often difficult jobs properly.

Citizens

The government needs to reinforce the value of civil servants both to the civil servants themselves, and to the general public. In this way the civil servants, and their jobs, will become more respected. Perhaps part of the problem is that currently the average

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[44] *Amendments not a solution, says COSATU.* 2009, Legalbrief
http://www.legalbrief.co.za/article.php?story=2002073065599999 [17 July 2010].

citizen does not value the work that civil servants do and thus treat with them a sense of expectancy rather than gratitude. The negative attitude toward civil servants is reinforced by bad service which encourages citizens to expect the worst of civil servants. Looking to the free primary healthcare survey, 74percent percent of survey respondents agreed and strongly agreed that 'if patients don't pay for their services they don't value them' and 93percent agreed or strongly agreed that 'patients abuse the system of free health care' (Walker and Gibson 2004:1255). These statistics highlight the lack of respect and expectant attitude that citizens have toward the civil service. In South Africa, a large amount of the work that civil servants do is provided to the public for free so it is disconcerting that citizens appear willing to exploit the system when it has no direct cost to them. Civil servants are tasked with helping citizens and so while the service they provide is free, this does not reduce the value of the civil servants time. Citizens therefore perhaps need to make the distinction between cost and value – just because the service that civil servants offer is free to citizens should not entitle citizens to treat those providing the service as if they have no value.

The failure to make this distinction can also be seen in the average citizen's focus on wealth accumulation and self-interest in the economic sphere. Marquand suggests that there are three spheres in society – the private sphere of family, the economic sphere of commerce and the public sphere (2004:35). The public sphere is the sphere where citizens are able to act as equals. Marquand argues that the spheres are blurred in contemporary society (2004:35). The overlap between the two spheres means that a job's worth is often determined by its prestige and wealth accumulation prospects rather than by the value the work adds to society. In many cases it is likely that citizens are not even aware of the conditions in which civil servants work and are thus unable to empathise with them. The civil service is part of the public sphere – it is not supposed to be a commercial enterprise or an institution seeking to make profit. Society has come to treat the civil service as a part of the private sphere– they expect to deal with civil

servants in a consumer (versus service) relationship and civil servants have accepted this shift. The problem is that the bureaucracy does not work in the same way a company does – pay and promotion is often not based on performance and one is often not paid nearly as much, or given as many opportunities to rise up the salary scale, as those in the private sector. Civil servants perhaps feel trapped in a situation where they perform the same job as many in the private sector, although often in far worse conditions, yet they are not rewarded for their harder work in pay or promotion, and are in general treated with less respect. Society needs to distinguish between the public and private sectors – there needs to be recognition that it is not the same job. In the private sector one is acting in one's own economic self-interest yet in the public domain one is serving the community and should be acknowledged for doing so.

4.1.4 Conclusion

The civil service plays a very important role in the key aspects of development in South Africa. Education, health and immigration are for example, all areas in which South Africa faces challenges regarding its development. It is therefore critical that the civil service is recognised as an important player in democratic development. Yet the government and citizens alike appear not to be giving the civil service the necessary respect and recognition. Interestingly, this attitude is prevalent among the civil servants themselves. Bureaucracy is therefore a salient illustration of how the government's attitude influences the attitude of civil servants and citizens. There seems to have been a shift from the concepts of duty and vocation in the civil service to an instrumental attitude: the civil service is, for the most part, treated as a place to find or create jobs. In addition many civil servants act in their rational self-interest showing little regard for the moral aspects of their job. The government does not show respect for the civil service either in civil servants' pay or in its attitude towards them and this seems to have influenced the attitudes of citizens and civil servants.

4.2 Education

'The government and people of South Africa are far from satisfied with the level of performance of the education system, especially the quality of services offered to the poorest and most vulnerable members of society. In terms of access to basic education South Africa has done well. In terms of access to meaningful education with quality outcomes, South Africa has done poorly. As a result, improving education services and raising the standards of teachers' and learners' performance are among the highest priorities of the South African government.'

(*Education For All Country Report* 2009:1)

4.2.1 Setting the scene

South Africa's education system faces many challenges in the post-apartheid era. The effects of Bantu Education, which gave separate and inferior education to the majority of the population, have been far-reaching. Approximately 24percent of the South African population has achieved a Matric pass and approximately 70percent have achieved more than a primary education (Bloch 2009:127). These statistics have improved significantly over the last decade, but are still unacceptably low in comparison to the global standards. Fleish's book, '*Primary Education in Crisis*' illustrates that even those who do have a

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[45] http://www.mg.co.za/zapiro/fullcartoon/122, [7 May 2010].

primary education often do not even have basic literacy and numeracy skills (2007). When baseline tests were given to Grade 3s in 453 different schools, the children battled even to comprehend the concept of a test - they had difficulty in filling in their personal and school details and had to be reminded to turn over the page (Fleish 2007:26). In terms of the actual content – the international average for comprehension of questions in one's own language is 78percent yet South African Grade 3s scored an average of 26percent for questions phrased in their own language, a clear sign of the fundamental problems with education in South Africa (Fleish 2007:27). While there is no single explanation for these problems, my focus is on how attitudes of learners, educators, citizens and the government influence the efficacy of South African education.

Many learners struggle through difficult circumstances in order to get their education – they walk long distances to school, look after younger siblings and do household chores or work in much of their free time. A report done in 2005 showed that 38percent of school children did household chores before school – and because of this, 20percent are late (Wittenburg 2005:9). This reduces the time that the learner is taught, and furthermore interrupts teaching time for all learners as their classmates arrive throughout the first lessons. Of those who are in school, 71percent did not eat breakfast: a serious concern given that a lack of nutrition can seriously affect the concentration levels of learners (Wittenburg 2005:11). Although the government does have a feeding scheme to provide one good meal a day, this scheme is not implemented at all schools.

Absenteeism is another considerable problem in many schools. The Department of Education's report on absenteeism in 2007 measured the number of full days that learners were absent and covered a range of public schools, from the very rural to the top urban schools. (Weidemen *et al* 2007:67). The report noted that it was problematic that half days were not often recorded by the schools and thus it is difficult to know how

often learners arrive late or leave early and hence do not receive a full day of teaching. Nevertheless, the average percentage of learners absent each day was 4percent but there were schools with up to 8percent absenteeism (Weidemen *et al* 2007:68), indicating fairly large actual numbers of learners missing school each day.

In addressing absenteeism, it is well worth considering that to many learners school is not a top priority. In South Africa a number of learners work after school, forced by circumstance to be the breadwinner for their family or to be in charge of looking after younger siblings and cousins. Edmonds reports that of rural learners aged 13 to 17 who live with an elder, 96percent are involved in some form of work. 47percent of this is market work (as opposed to family subsistence work) and 3percent work full time and do not attend school (Edmonds 2006:393). Statistics South Africa's 2007 Community Survey reported that there were 405 000 7-15 year old children out of school (*Education for All Country Report* 2010:12). While these statistics are an improvement on previous years, they are still alarmingly high. The AIDS epidemic in South Africa has meant that approximately 0.64percent of South African children are living in child-headed households – these are households in which there are no adults and thus the older children take on the parenting responsibilities toward younger siblings (Meintjies *et al* 2009:42). This means that approximately 122 000 children in about 60 000 homes Meintjies *et al* 2009:42) are unable to attend school regularly if at all. These children face adult issues such as providing food and shelter for their families and this responsibility takes precedence over attending school. The value of mathematics or English literature seems insignificant in comparison with the need to earn money to provide for their families.

In addition to the difficult conditions that many learners face at home, in many cases schools are no longer seen as safe spaces. Research has indicated that the teaching and

learning environment is one of the central aspects of successful education. A negative environment that is created by violence can seriously inhibit learner performance (Zulu *et al* 2004:171). It is thus important for children to feel secure in order to learn - if they are constantly in a state of fear or anxiety it may become difficult to focus on schoolwork. In a survey carried out in 16 KwaMashu schools, 75percent of the learners indicated that they felt school to be an unsafe place (Zulu *et al* 2004:172). 75percent of the respondents had witnessed a physical attack on a fellow learner and 38percent had witnessed such an attack on an educator (Zulu *et al* 2004:172). In 2007, schoolboy Mazwi Mkwanazi stabbed his teacher, Nkulinga Ndala at Thornwood Secondary in KZN.[46] The attack happened after Ndala accused Mkwanazi of cheating in a test, but was according to Mkwanazi a culmination of years of victimisation after he expressed a personal interest in his teacher and was rejected.[47] This is obviously one of the more extreme cases of violence in schools, but it is indicative of how serious the problem of violence can become and the fact that there is already evidence of this violent attitude among learners.

Another factor undermining the safety of schools is that of sexual harassment and sexual violence. Wilson argues that sexual violence is a pervasive problem in Sub-Saharan Africa, and a particular problem for girls who are often exploited by teachers abusing their positions of authority (Wilson 2007:2). Sexual violence is not however only a problem between educators and learners but also among learners themselves. In a study done on 240 learners from township schools just outside Johannesburg, 79percent of the learners stated that they had been a victim of some form of sexual harassment from their fellow learners (Fineran *et al* 2003:10). 32percent of the girls stated that they had been victim to sexual violence either from a fellow learner they did not know or a learner they

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[46] Broughton, T. 2007, *Spurned Pupil Kills Teacher.* Sept 4 edn. IOL, http://www.iol.co.za/index.php?set_id=1&click_id=105&art_id=vn20070904053443932C375770, [3 March 2010]..

[47] *Ibid*

had previously dated (Fineran *et al* 2003:10). It is clear therefore that for many, school is no longer a safe space and this has a serious impact on teaching and the ability to learn.

It is not just absenteeism among learners that causes problems: there are high levels of absenteeism among staff, particularly in rural schools, and if they do arrive, teachers are often late resulting in their classes being left alone with no work or supervision. A Human Sciences Research Council (HSRC) report explains that the high levels of educator absenteeism in South African schools is mainly linked to problems of health.[48] Of those who are HIV negative, 13.8percent missed more than ten days of schooling in a year, but of those who are HIV positive, 17.1percent did.[49] Absenteeism is also linked to the attitude of the educators. Low morale, high stress and the intention to quit the job all increased the chance of educators being absent.[50] Many teachers face an exceptionally difficult and stressful task of teaching in overcrowded classrooms with few resources to aid them. In many cases they are also facing the negative attitude of learners as discussed previously. Disillusionment and low morale are thus not uncommon and affect the level of effort that teachers are willing, and able, to contribute to their teaching.

Even when educators are attentive, motivated and committed, the lack of resources for use in their teaching prevents them from teaching effectively. The legacy of Apartheid's Bantu Education has meant that thousands of schools lack infrastructure and resources – conditions that take a long time to be improved. The problem is exacerbated by frequent vandalism of schools during the vacations. Even when learners and teachers recognise the importance of education, and hence the value of school property, it appears

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[48] Human Sciences Research Council. 2005, *Absenteeism Among Educators in South African Public Schools*, Mar 31 edn, HSRC, http://www.hsrc.ac.za/Factsheet-17.phtml, [17 August 2010].

[49] *Ibid*

[50] *Ibid*

that some citizens do not. Not only do schools lack textbooks and science laboratories but also often have no windows or doors or electricity. The Western Cape seems to suffer particularly from this problem with up to twenty cases of vandalism reported within a two week vacation, including theft of copper wires, underground pipes and cisterns as well as sports equipment such as cricket nets.[51] Hillwood Primary lost all their electric wires twice within one year – and the cost of rewiring the entire school amounted to R200 000.[52] Other schools lost all their kitchen equipment which prevented them from carrying out the feeding scheme. This meant that 453 pupils missed out on what is in most cases their only cooked meal of the day.[53] In all the Provincial Education Department spent over R600 000 on damages from the December vacation in 2007, and similar damage occurs each year.[54]

KwaZulu-Natal also suffers from repeated cases of vandalism that cost schools between R50 000 and R60 000 a year in repairs and replacements.[55] The schools are expected to pay for all repairs to their own infrastructure and often fail to budget for the extensive repairs that vandalism necessitates although in extreme cases either the district education offices or the provincial education authorities step in to assist.[56] Financial implications aside, severe vandalism (theft of water pipes or electricity cabling) affects teaching time. An example of this can be seen at Maphumzana Junior Primary School in Umlazi's C section. All of the copper pipes were stolen, costing R8 000 to replace only to be taken again three weeks later. Although the Department of Education did step in to help with

[51] Sokopo, A. 2008, *Vandals Take Advantage of School Breaks*. Jul 14 edn, IOL, http://www.iol.co.za/index.php?set_id=1&click_id=105&art_id=vn20080714115645971C329994, [13 May 2010].

[52] Cape Argus, *2008. Department counts cost of vandalism*, Jul 27 edn. IOL, http://www.iol.co.za/index.php?sf=122&set_id=1&click_id=13&art_id=vn20080415120007373C241538, [18 July 2010].

[53] *Ibid*

[54] *Ibid*

[55] Newman, L. 2008, *Theft and Vandalism cripple KZN schools*. Aug 2 edn. IOL, http://www.iol.co.za/index.php?click_id=13&set_id=1&art_id=vn20080827055607993C83610, [24 May 2010]

[56] *Ibid*

the installation of plastic pipes, while the water was off the school was only open from 8am to 11am each day.[57]   Similarly when classrooms are vandalised during the holidays, not only are learners' books and files often ruined, but the first week of school has to be spent cleaning the classrooms.[58]   And when administrative computers are stolen, it causes 'massive delays' in the start of the school year.[59]   Hence vandalism seriously undermines the schools' ability to teach and create a valuable teaching and learning environment.

The government is making a concerted effort to deal with the education crisis at a policy level.   As the absenteeism report mentioned earlier indicates, the Department of Education is investigating all aspects of schooling and seeking to generate policy to improve the situation.   At the implementation level there is however less motivation. Thus while the policy of providing meals at school is good, in practice there have been cases of feeding scheme money being misspent - in KwaZulu-Natal particularly the scheme has been plagued by allegations of corruption and the use of ghost suppliers, supposed suppliers who are not supplying food but are merely a cover to siphon funds.[60] An additional problem is that some disadvantaged schools are not part of the feeding scheme merely because of administrative errors or delays.   For example, Clareville Primary School, a disadvantaged school in Clare Estate that attracts refugees and poor pupils from the nearby squatter settlements was forced to take legal action before the Department accepted its application, which had been ignored for several years despite it

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[57] *Ibid*

[58] Cape Argus*, 2008. Department counts cost of vandalism*, July 27 edn. IOL, http://www.iol.co.za/index.php?sf=122&set_id=1&click_id=13&art_id=vn20080415120007373C241538, [18 July 2010].

[59] Barnes, C. 2008, *Late start for Schools Damaged by Vandals*, June 12 edn. Saturday Argus, http://www.iol.co.za/index.php?set_id=1&click_id=13&art_id=vn20080112084456744C249036, [10 June 2010].

[60] Makhanya, P. 2004, *Poor Pupils Will Get Their Daily Bread.* 13 Jan edn. IOL, http://www.iol.co.za/index.php?set_id=1&click_id=13&art_id=vn20040113025909978C863812&page_number=1, [6 March 2010].

being clear that the school was in need of the scheme.[61]   As a result of this kind of mismanagement the scheme was handed over to the Department of Education (from the Department of Health in 2004) on the basis that it was more suited to understanding the system and so providing the food efficiently.[62]   While this move suggests that the government is trying to address the problems, it is evident that corruption and mismanagement has undermined the effectiveness of the feeding scheme system.

Another issue affecting the implementation of policies is the government's lack of active involvement in schools. In many schools mismanagement could perhaps be remedied with more checks on schools and more active involvement from the Department. Many rural schools are very isolated and are left to their own devices for months at a time. Policies are therefore often not implemented, or when they are, the implementation is done poorly. Corruption can also be problematic in policy implementation in rural schools – money that is meant for a specific project is sometimes misused or appropriated for the principal's personal use. Currently it seems as if the Department of Education only visits a school with bad news or after trouble has arisen. If the Department was more pro-actively present in schools it could perhaps not only minimise mismanagement but also encourage schools to see the Department in a positive light. Better relations between schools and the Department could go a long way toward better policy implementation.

4.2.2 Identifying the problem
Given the proclaimed value of education amongst the government and citizens, the action (or non-action) on the ground is disturbing. In the case of vandalism for example, it seems clear that members of the community act out of self-interest at the cost of the

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[61] *Ibid*

[62] *Ibid*

community's interest hence they fail to recognise the value of the community or of acting as a group, focusing instead on furthering their own individual needs. Schools can be an important asset to the community. Each community could be uplifted if it united in support of its school. School facilities can be used for community meetings and activities, as well as for functions to raise funds. In addition, if the youth of the community is able to receive a good education the benefits of this will filter back into the community. Not only will they potentially contribute financially to those members of their family who are still uneducated and living in poverty, but their education can contribute toward the knowledge needed to maintain a healthy lifestyle. Research has shown clear links between education and health: while there may not be a direct correlation, there are numerous ways in which education affects health in a positive way (Chandola *et al* 2006:339). Among other things, education can help prevent unwanted pregnancies and contracting HIV/AIDS as it heightens awareness of responsible sexual activity. Improved health may also remove a lot of financial and emotional strain from the community. But instead of realising this far–reaching value of education, there are citizens who vandalise and steal from schools for their own short term benefit. Windows and doors are used in temporary shelters and other equipment is sold for profit. Of course we need to consider that these people are in desperate need but resorting to illegal methods cannot be the solution. In any event, a lot of the vandalism is not tied to need: vandalism where classrooms are trashed and teaching materials ruined, has no benefit to the perpetrator nor does it help someone in need. It is this kind of behaviour which suggests that citizens have lost sight of the value of the community and community goals and instead seek to further their own ends without consideration of who or what gets damaged. This suggests a complete lack of respect for property and for the value of school property in particular. It is worth considering that perhaps this is a result of a lack of education – it is at school that children are taught respect for property and to value their own education. Those who have not had this opportunity are perhaps more likely

to vandalise school property hence the problem may be circular. If this is the case, it may be very difficult to fix the problem until the cycle is broken.

Linked to this worrying shift in attitude among citizens, there is the additional concern that citizens – educators and learners alike – do not see education as something of intrinsic worth. It appears as if education is just a means to an end – some kind of economic survival. For learners who can achieve survival through another means, it becomes unnecessary to them. Learners who choose to work, or parents who force their children to work, may view school as a luxury and not a necessity. In the short term, it is more beneficial to have an additional income (or the only income) for the family rather than for the child to have an education. The cost is very high as some children leave school without even the basics of literacy and numeracy and those who stay on throughout high school may still not receive a full education as many are late and often absent and so miss out on valuable teaching time. School seems to be considered expendable which will have dire consequences for the upcoming generation since education has far reaching benefits: not only in assisting learners to find jobs after they matriculate, but also in other social aspects such as health and other life skills like financial management.

The attitude of officials is particularly alarming. There seems to be little appreciation of their duty to citizens. Instead, corrupt officials in the Department of Education treat their position as just a job – once again an instrumental means to economic survival and one which they use to try and get as much as they can. They seem to act in their rational self-interest in order to best profit themselves and so appear to turn away from the moral considerations as the example of taking money meant for the national feeding scheme indicates. Another concern is the ineptitude of officials. While they are not maliciously undermining policy, their ineptitude has damaging effects on policy implementation.

Furthermore, when officials do not deal with the incompetency of those who work below them, it hinders progress. In this case, it seems there is a lack of concern over the capabilities of officials which does not bode well for the implementation of important policy.

4.2.3 Analysing the implications
Government

The government is facing the monumental challenge of fulfilling the Constitutional promise of providing basic education to all citizens (Constitution 1996: Ch2 s29). There are issues involving language, resources and syllabi that need to be addressed, and the government is attempting to do so. There seems however to be a failure to comprehend and deal with a more subtle and underlying problem – that of the attitude of citizens towards education. Issues of poor infrastructure and curricula, for example, do need to be dealt with but perhaps the first step needs to be a recognition of the importance of education. There is no point in striving toward making education available to citizens who do not truly value it. If learners and parents are not committed to the idea of education it becomes, to a large degree, a waste of resources as learners are late, absent and violent. Citizens need to make education a top priority so that learners are given the opportunity to learn in the classroom, and the time to do the necessary homework in the afternoons and evenings. Currently fewer than half of the learners questioned in a survey done of KwaMashu schools in KZN indicated that they were assisted by family members in doing their homework and this in itself means they are missing out on one on one encouragement and help (Zulu *et al* 2004:172). Part of the problem is that in many situations parents are not themselves educated and so are not able to help their children. Parents who are currently in their forties and fifties were educated during the height of the struggle against Bantu Education in the 1970s. This resulted in interrupted schooling, and for many the decision to leave schooling altogether to join the struggle

against Apartheid. Another part of the problem is that many households do not have electricity or more than one room which makes it exceptionally difficult for learners to complete their homework.

It is important that the government makes an active effort to ensure that those who work in the Department of Education, at all levels, are fully aware of the value and importance of education in South Africa. If officials are serious about education and enthusiastic and motivated to make it work, this attitude will hopefully begin to filter through the system. Educators need to be encouraged and motivated in order to tackle the huge task that they face. If only the worst is expected of them, and they continually face the difficult challenges of unresponsive learners and a lack of resources, it is only to be expected that they will become disillusioned and ineffective. The school system is such a valuable asset to the government and so it should treat it that way. Not only does s basic education improve the welfare of the population in terms of the economic viability of the population but it also has social benefits. As mentioned before, education is key to improving the health of the population. The newly introduced subject of Life Orientation is a central tool that the government can use in creating AIDS awareness and encouraging other wise social and economic choices. It is important that this subject is taken seriously and is not considered superfluous, as it is this kind of information that is central to the development of South Africa. Currently Life Orientation marks are not counted toward entrance requirements into most South African universities hence the government is clearly not taking it seriously (Matisonn 2010:6). It seems unreasonable to expect learners and teachers to take the subject seriously when it is not treated as valuable by the government who introduced it.

It is the government's responsibility to engender the right kind of attitude in its citizens – to make citizens realise the value of education. An important part of this process is that

the government needs to be more honest with citizens. In order for citizens to act in a way which could improve the situation, they need to be made aware of the extent of the problem. If the government is upfront about the challenges it faces and the solutions it is hoping to implement, there is the potential for two positive outcomes. Firstly citizens may be more inclined to support their local schools if they realise the extent of the problem and that their involvement is key to the improvement of education. Secondly, it may encourage citizens to be more sympathetic to the government's situation which will give the government more room to act wisely rather than always trying to keep up the appearance that it is on track. In addition to the tangible tasks of improving education, it is evident that the government should be aware of the need to address the attitude of citizens. One way to start this process of changing attitudes is to be honest with citizens and actively attempt to encourage and motivate citizens to appreciate the value of education.

Citizens

As mentioned in the previous section, it is vital that citizens come to see the value of education. Communities need to see schools as belonging to them and hence something that they should nurture and protect. The chairperson of the KwaZulu-Natal education portfolio committee introduced this argument, saying that 'just as a community would protect a church or a water resource, schools should be seen as sacrosanct',[63] an argument which was reinforced by the Western Cape MEC Cameron Dugmore who, through his spokesman said that 'communities need to value education. If communities don't take ownership [of schools], the vandalism will continue'.[64] The government is pushing the idea of community ownership in order to try combat vandalism – if the community feels that the school is something that they own, perhaps they will no longer steal from it. But the value of community involvement can be far more than just

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[63] Newman, L. 2008, *Theft and Vandalism cripple KZN schools*. Aug 2 edn. IOL, http://www.iol.co.za/index.php?click_id=13&set_id=1&art_id=vn20080827055607993C83610, [24 May 2010].

[64] Barnes, C. 2008, *Late start for Schools Damaged by Vandals*, June 12 edn. Saturday Argus, http://www.iol.co.za/index.php?set_id=1&click_id=13&art_id=vn20080112084456744C249036, [10 June 2010].

preventing theft and vandalism. There are numerous examples where schools that involve the community, where there is vested interest from all parties and the dedication to commit to hard work there has been success. Often this has come down to an inspirational leader in the community or a motivated principal but the participation of the community is key to the success of these schools. Generaal Smuts Hoerskool in Vereeniging, previously a Model C[65] school which is now 97percent black (2009:142) boasts a principal, Ronald Bartie, who has worked to create a productive teaching and learning environment. He, and his predominantly Afrikaans staff, are at the school from 7am to 10pm on most days involved in cluster meetings, portfolio meetings, training sessions and extra-mural activities (Bloch 2009:143). It is this kind of dedication which allows learners from township areas to receive the full benefit of education including a wide range of extra murals activities (Bloch 2009:142). Another example cited by Bloch is that of Piet N Aphane High School in rural Limpopo (2009:132). Through the dedication of the staff and community, this school has raised its Matric pass rate from 18percent in 1999 to a peak of 91percent in 2003 and has now settled at just over 80percent (2009:132). The school has also used creative fundraising methods to build science and biology laboratories, a media centre and a home economic centre. It boasts a successful vegetable garden that is worked in by the community, and provides produce for the school and other community institutions (Bloch 2009:132). The school facilities are used for functions for the local Zionist church. Since this church is dominant in the community, it helps the citizens to view the school as a community resource (Bloch 2009:132). The success of this school can be attributed to dedicated leadership and teaching by the principal and staff but also to the community's support and involvement.

If learners are aware of the communities' support it could help to encourage them to make the best of their opportunities. Similarly educators will feel more valued: if the

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[65] Model C schools were the schools set aside for white learners during the Apartheid era.

schooling of children is seen as a project of the whole community, educators will be seen as key to this project. As Bloch argues 'you cannot keep beating down on a profession and expect it to produce its best, to feel inspired to take on critical tasks and to ask questions of itself, its goals and its practices' (2009:105). For the success of the South African education system, it is vital that educators do feel valued so that they may face their challenges with courage and enthusiasm. The government has an important role to play in this, as suggested by the chapter on bureaucracy, but it is also important that communities get involved. Communities need to see schools as belonging to them – and as important belongings. It is evident that in communities where there is commitment from parents, churches and other community organisations there have been tangible improvements to the education of the learners. While there are still many challenges to face, these small acts are a way in which every citizen can contribute toward the improved education of their children.

4.2.4 Conclusion

Education is fundamental for democratic development and thus the attitudes of the South African government and its citizens towards education are critical. It appears as if there is a failure among citizens to see the value of education. Many learners and teachers are often late, or absent and there is considerable amount of violence in schools. In addition, many learners do not attend school at all but work in order to support their families. Considering the importance of education, it is crucial that communities act as a group to support schools. Instead, there is a worrying prevalence of vandalism which shows a fundamental disrespect for education and government property. Education is a clear example of how community-based action can have positive effects and can contribute to the success of those in the community. It is therefore important for the government not only to consider the material challenges of education but also attempt to encourage citizens to value education and support their local schools.

4.3 The SANDF
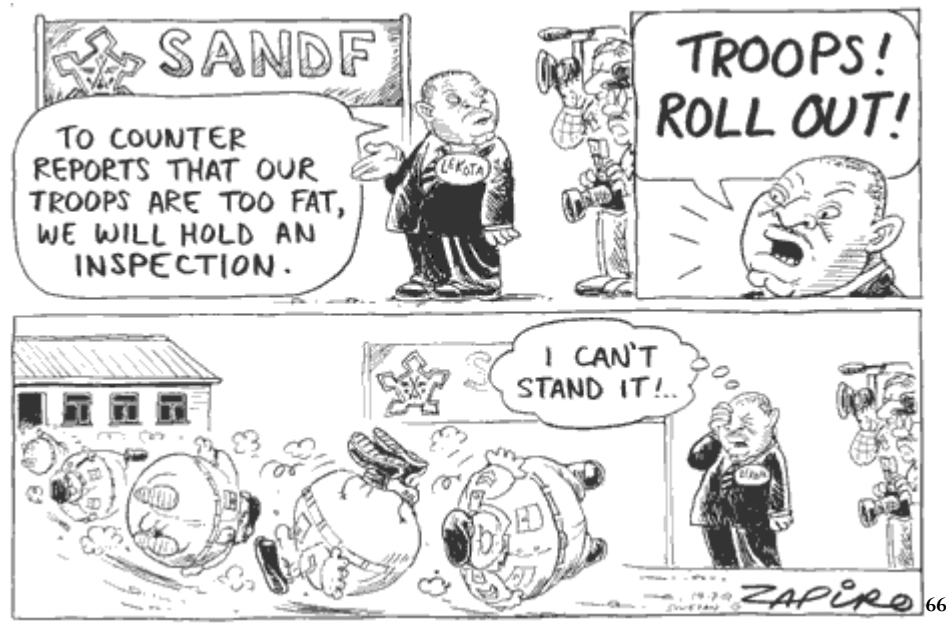
'The defence force must be structured and managed as a disciplined military force.'

(Constitution 1996: Chapter 11, S20)

4.3.1 Setting the scene

The relationship between the South African National Defence Force (SANDF) and the government has been fraught with tension over issues of working conditions and pay, a tension which has existed for years, as have the attempts to resolve the issue. The situation came to a head on 26 August 2009 when members of the SANDF staged a strike in Pretoria, a strike had been declared illegal by the North Gauteng High Court the previous day.[67] With the news of the decision that the strike had been disallowed, the Defence Force Chief, Godfrey Ngwenya stated that all soldiers should report to duty

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[66] http://www.mg.co.za/zapiro/fullcartoon/1898, [23 July 2010].

[67] SAPA 2009, *Court declares soldiers' march illegal.* Aug 26 edn. M&G Media, http://www.mg.co.za/article/2009-08-26-court-declares-soldiers-march-illegal, [3 June 2010].

and those 'who abstain without permission would be treated as being absent and the full might of the military police [would] deal with them.'[68] Despite this warning, between 1 000 and 1 200 soldiers took part in the protest at the Union Buildings.[69] When the police began dispersing the crowd, the soldiers stormed the Union Buildings, attempting to scale the fence. The police used water cannons, rubber bullets and tear gas to disperse the soldiers which resulted in chaos on the lawns of the Union Buildings.[70] During the confrontation, a policeman and several soldiers were injured and there was significant damage to several police and military vehicles after they were hit by a petrol bomb.[71]

The Minister of Defence, Lindiwe Sisulu, condemned the strike, calling it a 'serious and immediate threat to national security.'[72] She described the protest as 'disgraceful' and 'unbecoming'[73] and argued that we 'cannot tolerate acts of lawlessness and anarchy by our uniformed soldiers'.[74] Sisulu defended the court's decision to declare the strike illegal arguing that the military constitutes an essential service and thus can be prohibited from striking when on duty, which many of the soldiers were. Sisulu expressed her concern for the low morale in the lower ranks of the SANDF but called the demand for a 30percent increase 'deliberatively provocative.'[75] Mthethwa, the Minister of Police, also condemned the strike although on different grounds. He contended that 'while

[68] *Ibid*

[69] Graham, S. 2009, *Sisulu: Soldiers were disgraceful*. Aug 26 edn. M&G Media, http://www.mg.co.za/article/2009-08-26-sisulu-soldiers-were-disgraceful, [14 June 2010].

[70] SAPA 2009, *Soldiers' violent protest condemned.* Aug 27 edn. M&G Media, http://www.mg.co.za/article/2009-08-27-soldiers-violent-protest-condemned, [1 June 2010].

[71] Graham, S. 2009, *Sisulu: Soldiers were disgraceful*. Aug 26 edn. M&G Media, http://www.mg.co.za/article/2009-08-26-sisulu-soldiers-were-disgraceful, [14 June 2010].

[72] SAPA 2009, *Soldiers' violent protest condemned.* Aug 27 edn. M&G Media, http://www.mg.co.za/article/2009-08-27-soldiers-violent-protest-condemned, [1 June 2010].

[73] *Ibid*

[74] Graham, S. 2009, *Sisulu: Soldiers were disgraceful*. Aug 26 edn. M&G Media, http://www.mg.co.za/article/2009-08-26-sisulu-soldiers-were-disgraceful, [14 June 2010].

[75] SAPA 2009, *Soldiers' violent protest condemned.* Aug 27 edn. M&G Media, http://www.mg.co.za/article/2009-08-27-soldiers-violent-protest-condemned, [1 June 2010].

members of the SANDF had the right of freedom of assembly and to protest, there can be no justification for their behaviour, which negated their status as the defenders of the nation.'[76] In this way he was supportive of the soldiers' freedom of association but condemned the violent and disobedient nature of the strike.

The Umkonto we Sizwe Military Veterans Association (MKMVA) has spoken out harshly against the strike, arguing that it is a 'thin line between mutiny and protest action by soldiers.'[77] The MKMVA suggested that soldiers should be protectors of the Constitution and their allegiance should lie to the country. The expectation should be that a soldier's actions are defined by pride, honour, duty and sacrifice.[78] The MKMVA goes as far as to argue that soldiers should not be allowed to unionise. It believes that there should be proper channels of communication that allow for collective bargaining and proper respect from the government but that there should be no unions in the military.

The issue of whether or not members of the military should participate in public protest action and be allowed to join trade unions came before the Constitutional Court in 1998. The initial ruling in the Transvaal High Court held that the provision of the Defence Act, 44 of 1957 which prevented members of the Defence Force from becoming members of a trade union or engaging in any protest action was unconstitutional.[79] This ruling had to be confirmed by the Constitutional Court before it could come into effect. The Minister of Defence and Chief of the SANDF opposed the ruling only in respect to the joining of

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[76] *Ibid*

[77] Rawa'a 2009, *700 South African Strike troops sacked*. March 13 edn. Paltelegraph, http://www.paltelegraph.com/world/africa/2093-700-south-african-strike-troops-sacked, [6 June 2010]

[78] *Ibid*

[79] Constitutional Court Explanatory Note, *CCT 27/98*. www.saflii.org/za/cases/ZACC/1999/7media.pdf, [2010, June 24].

trade unions.[80] Interestingly, the South African Defence Force Union was willing to concede that strike action was inappropriate in the military context but argued that this should not prevent members from joining a trade union.[81] The Court held, in a majority ruling, that it was a 'grave infringement on the fundamental rights of soldiers' to prevent them from participating in acts of public protest.[82] In addition, it held that in spite of the Constitutional imperative that the Defence Force be 'disciplined,' permitting Defence Force members to join a trade union would not necessarily undermine this provision.[83] It is worth noting Justice Sachs' qualification to the judgement: he contended that in light of the centrality of freedom of expression in our constitutional democracy, a 'blindly obedient soldier represented a greater threat to the constitutional order than a constitutionally conscientious one who regarded him- or herself as a citizen in uniform.'[84] This comment illustrates the shift away from Roman and Greek conceptions of military service that centred on absolute obedience. There is a different kind of duty for contemporary South African soldiers – one that it based on an understanding of and respect for the valuable role they play rather than one based on blind obedience.

The government reacted strongly to the strike, sending out provisional letters of dismissal to all who were involved. They had ten days in which to justify their absence or to prove that they were not actually involved in the strike. Sisulu defended the harsh response that she maintained was not a knee-jerk reaction but a well-thought out one. The government has indicated that the military is not the same as other civil service institutions and thus will receive different treatment. The Constitution calls on the military to be disciplined - something that is not said of any other government

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[80] *Ibid*

[81] *Ibid*

[82] *Ibid*

[83] *Ibid*

[84] *Ibid*

institution. The Defence Force is also governed by specific Defence legislation which takes precedence over any other labour laws.[85] Considering this, and its status as an essential service, Sisulu considers it unacceptable for the soldiers to strike illegally, and violently. Since the security of the nation is at stake when the military does not obey the government or courts, Sisulu regarded the dismissal of these soldiers as necessary and just.[86] She further added that it was important that South Africa had a military that made citizens feel safe and that they wished to have soldiers that felt a passion and calling to their profession.[87]

Sisulu was particularly dismayed at the actions of the soldiers as she and her department have been working on a solution to the problem. Sisulu had hoped to get the military to run under a new dispensation similar to the one for intelligence personnel.[88] The new dispensation for Intelligence Officers was justified on the grounds of the 'security' nature of the work they do, and Sisulu hopes to use this as precedent for her request for the Defence Force. This would mean that the Defence Force would no longer be a part of the civil service and would allow the Minister to determine the wages and salaries of the soldiers.[89] Currently soldiers are subject to the same pay schedule as the rest of the civil service despite the fact that they are in most respects considered to be governed by different rules. The Department of Public Services and Administration has authority over the salaries of public servants. It determines these salaries each year and decisions are often applied across the board to all civil servants of that particular salary level.[90]

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[85] Sisulu, L., Motau, M., Motumi, T., Ngobeni, P. & Heath, W. 2009, *SANDF personnel strike: Minister of Defence and Military Veterans & South African Council of Churches (SACC) media briefing* [Homepage of Parliamentary Monitoring Group], [Online]. http://www.pmg.org.za/briefing/20090902-sandf-personnel-strike-minister-defence-and-military-veterans-and-s, [17 May 2010].

[86] *Ibid*

[87] *Ibid*

[88] *Ibid*

[89] *Ibid*

[90] *Ibid*

Sisulu feels that this is often the problem and so can be solved if she is given the power to determine Defence Force salaries separately from the rest of the civil service.

The SANDF has also faced increasing criticism on its combat readiness. Leaked reports on the condition of the military 'allegedly warned that morale in the military was so low as to pose a threat to national security.'[91] While Sisulu has refused to present the reports to parliament on the grounds that they are not complete and have not been presented to the cabinet, she has acted on some recommendations from the report. These include raising the pay of those in the lower ranks of the military which was considered urgent.[92] This suggests that despite Sisulu's claims that there is 'no crisis,' the concerns about the morale and capacity of the SANDF are serious enough to warrant immediate action.[93] In 2009, 303 out of 828 posts in the South African Air Force (SAAF) were vacant.[94] These posts were for pilots, navigators, engineers and air traffic controllers and so the shortages clearly hindered the capability of the SAAF.[95] In November 2009, Sisulu added to these statistics, announcing that more than a third of the SAAF's posts for combat, helicopter and transport pilots were vacant. This meant that many of the air force's aircraft were standing idle. Sisulu claims that the job vacancies are mainly a result of lucrative job opportunities in the commercial sector. A similar problem has arisen in the case of engineers. The SANDF faces a 43percent shortage of engineers as the job opportunities in the private sector are far more varied and profitable.[96] The Military Skills Development Programme targets young graduates and matriculants and aims to train them in rare skills, ranging from the basics in military discipline to engineering,

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[91] SAPA. 2010, *Sisulu stands ground on report*, Sept 29 edn, News24, http://m.news24.com/new24/SouthAfrica/Politics/Sisulu-stands-ground-on-report [7 September 2010].

[92] *Ibid*

[93] *Ibid*

[94] Roodt, M. & Eddy, G. 2010, *Fast Facts January,* South African Institute of Race Relations, http://www.africa.fnst-freiheit.org/news/fast-facts-january-the-public-sector-faces-a-skills-black-hole, [6 June 2010].

[95] *Ibid*

[96] *Ibid*

navigation and pilot training that may be used in the military or in South African society.[97] But instead of remaining in the SANDF, many of those trained leave it for more lucrative jobs. In May 2008, *The Saturday Star* reported that three quarters of all submariners trained each year left the navy.[98] These job vacancies undermine the ability of the SANDF to function effectively – there is not the sufficient expertise to use and maintain the equipment which is then in many cases allowed to fall into disrepair.

4.3.2 Identifying the problem

As Sisulu stated in the press conference after the strikes, being a soldier is a different job from those of other civil servants.[99] The Defence Force works on the premise that soldiers will always obey the commands of their superiors. This chain of command goes all the way from a Sergeant obeying his Lieutenant to top Generals obeying the command from the Ministry of Defence and the Commander in Chief – the President. In a time of war, if this chain of command is broken, it is considered mutiny. The fact that soldiers feel that it is acceptable not only to disobey directly the orders of their General to stay in barracks, but to attempt to scale the fence around the Union Buildings – the work place of the Commander in Chief - suggests that there has been a severe break in this chain of command. The respect for the chain of command stems from the fact that being a member of the Defence Force is considered to be an honour, an act of fulfilling one's duty to one's country. In past conceptions of citizenship, such as Aristotle's, it was considered a part of being a citizen to be willing to defend your country. Conscription is also commonly used in a time of war which suggests that those who are fit and able have

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[97] SAPA 2010, *Defence Programme teaches Skills.* March 30 edn. Times Live, http://www.timeslive.co.za/business/article380311.ece/Defence-programme-teaches-skills, [19 May 2010].

[98] Roodt, M. & Eddy, G. 2010, *Fast Facts January,* South African Institute of Race Relations, http://www.africa.fnst-freiheit.org/news/fast-facts-january-the-public-sector-faces-a-skills-black-hole, [6 June 2010].

[99] Sisulu, L., Motau, M., Motumi, T., Ngobeni, P. & Heath, W. 2009*, SANDF personnel strike: Minister of Defence and Military Veterans & South African Council of Churches (SACC) media briefing* [Homepage of Parliamentary Monitoring Group], http://www.pmg.org.za/briefing/20090902-sandf-personnel-strike-minister-defence-and-military-veterans-and-s, [17 May 2010].

a duty to defend their country. While this may perhaps be too difficult a duty to impose on all citizens, joining the Defence Force is committing to serving one's country, putting one's duty to the country first.

Significantly, it appears as if Sisulu, while accusing soldiers of not fulfilling their duty, is now guilty of the same offence. A request has been made by the parliamentary defence portfolio committee to present the reports on the morale and service conditions in the SANDF in order to be fully informed in making decisions regarding the proposed Defence Amendment Bill (to create Sisulu's previously discussed proposed permanent service commission to deal with military conditions of service).[100] Sisulu has refused to release the reports on the grounds that the reports have not been finalised and have not been viewed by the Cabinet.[101] The Cabinet has supported her decision but parliamentary legal advisor Mukesh Vassen has argued that the parliamentary defence portfolio committee is legally entitled to request to see the reports under section 56 of the Constitution.[102] Opposition Member of Parliament, David Maynier has accused Sisulu of a cover up since she has had access to these reports for over six months and has yet to present them to the Cabinet.[103] While there have been calls to subpoena Sisulu to present the reports, with the backing of the Cabinet, Sisulu seems to have succeeded in keeping them from parliament.[104] Media leaks of these reports suggest that there are very serious concerns over the morale and capabilities of the SANDF, to the point of being a threat to national security.[105] It is thus concerning that Sisulu is firstly limiting parliament's oversight capabilities by refusing to present the documents, and secondly

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[100] Hartley, W. 2010, *MPs might subpoena Sisulu over report*, Aug 8 edn, Business Day, http://www.businessday.co.za/articles/Content.aspx?id=117704, [9 September 2010].

[101] Ibid

[102] *Ibid*

[103] SAPA. 2010, *Sisulu stands ground on report*, Sept 29 edn, News24, http://m.news24.com/new24/SouthAfrica/Politics/Sisulu-stands-ground-on-report [7 September 2010].

[104] *Ibid*

[105] *Ibid*

that she is potentially covering up serious problems within the SANDF – an institution that it is her duty to maintain. While Sisulu is quick to call on soldiers to obey their duties, she is not setting a clear example in refusing to submit to parliamentary oversight procedures which are clearly set out in the Constitution. Section 92 states:

> Members of the cabinet are accountable collectively and individually to parliament for the exercise of their powers and the performance of their functions. Members of the cabinet must act in accordance with the constitution and provide parliament with full and regular reports concerning matters under their control.

> (1996)

Furthermore, the constitution also allows that the national assembly or any of its committees may summon any person or institution to report to it (1996: S56). Sisulu is therefore disobeying a direct and ostensibly legitimate order – the very behaviour that she condemned in soldiers. In addition, she is not doing so discretely but telling opposition MPs to 'get over it' when they questioned her behaviour.[106]

Some who have entered the SANDF no longer seem to see the honour in their job and thus feel it is appropriate to disobey orders publically. It appears they treat their role as soldiers as a job – an instrumental means to survive economically. When the conditions of the job were unacceptable, they chose the most effective course of action to fix the problem. There is no doubt that striking has worked for many other groups of civil servants and thus, despite the fact that it was not in line with their duty to the country, they acted in their own best interests to achieve a particular end. The Constitutional Court did rule in favour of soldiers' right to protest action but soldiers are nevertheless required to gain permission to strike before they do so and in this case they were not

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[106] *Ibid*

granted permission. So it is important to note that soldiers have been granted the right to join unions and to protest legally yet despite this they made the decision to strike without permission and to do so violently. This is a fundamental shift in attitude to consider. While the idea of citizenly duty has faded over time, in many countries there is still a strong sense of honour and duty involved with the military. As mentioned earlier, soldiers in the USA Army are, on the whole, treated with the utmost respect – as is the case in most of the developed world. While militaries sometimes embark on missions with which not all citizens agree, in most cases the objection is to the specific mission and citizens still respect the military for its role as protector should danger arise. Soldiers used to be considered almost as the ultimate citizen – citizens who were willing to put duty to the country and fellow citizens over their own lives. The fact that in South Africa it appears to be merely a job to many soldiers undermines this important sense of duty that makes for an effective military.

4.3.3 Analysing the implications

Government

The Constitution calls on the Defence Force to be a disciplined force and claims that the SANDF will be the sole legitimate defender of the country and hence a central institution of democracy. The government has however not treated the SANDF with the respect that this entails. The fact that the members of the Defence Force have resorted to such extreme measures indicates to some extent not only that they are out of line, but that they are in a desperate situation. The MKMVA indicated that in this instance, the government had taken five weeks before it had even acknowledged the grievances of the soldiers and the battle for better working conditions had been ongoing in the new dispensation.[107]

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[107] Rawa'a. 2009, *700 South African Strike troops sacked*. March 13 edn. Paltelegraph,
http://www.paltelegraph.com/world/africa/2093-700-south-african-strike-troops-sacked, [6 June 2010]

In order to maintain the concepts of honour and duty in the military, the government needs to show respect to its soldiers. The same argument applies as the one I posited in the section on bureaucracy. If the government is unable to show that it values the members of the SANDF through higher salaries, it needs to make a concerted effort to show that it values the SANDF in other ways. Joining the SANDF needs to be considered a 'noble calling' as Zuma put it.[108] Zuma announced that 'we want to invest in the development of the Defence Force and the young people who are drawn into this noble calling of defending the country… the era of relative military neglect is over.'[109] In addition, Sisulu made a speech in parliament in April 2010 where she stated that

> We remain committed to building and fostering a new Defence Force; a Defence Force that can thrive and grow to ensure that we can protect our hard won democracy; a dispensation where the State can invest in the development of the Defence Force and the young people who are drawn into this noble calling; a Defence Force that can recapture and rekindle this spirit of patriotism, selflessness and a love for the people of our country; and above all, a Defence Force whose morale and discipline is equal to the development of our country, one whose dedication will inspire.[110]

It is statements like these that the government needs to be issuing in order to make soldiers feel as if they are serving their country and to make them proud to do so. While there is some hope given that the government is beginning to make these statements, it is however only the beginning of a long process of changing perceptions.

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[108] Modise, S. 2009, *South Africa's "shoot and kill the bastards" policy questioned*, Nov 13 edn. Afrik News, http://en.afrik.com/article16464.html, [24 January 2010]

[109] *Ibid*

[110] Sisulu, L. 2010, *Parliamentary SANDF Budget Report,* http://www.defenceweb.co.za/index.php?option=com_content&view=article&id=7760:unabridged-remarks-by-defence-minister-lindiwe-sisulu-ahead-of-her-budget-vote-seech-may-4-2010&catid=55:SANDF&Itemid=108, [15 July 2010].

Perhaps part of the problem has been that there has not been a large amount of work for the SANDF in the post Apartheid years. Since it is not particularly active it has perhaps fallen off the government radar in light of more pressing issues. When it has been discussed, it has mainly been in the negative light of the Strategic Defence Acquisition (Arms Deal) discussed below. The government should have considered using the SANDF in more tasks of everyday governing in the country like they did in the recent strikes. It is clear that the South African Police Services (SAPS) are struggling to battle pervasive crime in the country. The SANDF could help by doing jobs such as crowd control during strikes or large events or perhaps combating drug trafficking in the city centres. This would free up the SAPS to focus on the specific issue of crime. Furthermore it would give the SANDF an active responsibility that is visible to the public making it appear to be the valuable institution that it is. An example of the government doing this was seen during the 2010 FIFA World Cup where members of the Defence Force assisted with security and crowd control. Hopefully this will set a precedent that will result in the SANDF becoming more involved in public life.

Citizens

Currently, South Africa does not have any major external security threats and as such the Defence Force has lost a lot of its worth in the eyes of the public. If citizens do not feel as if they need protection from external threats, they will not appreciate the value of the SANDF. It then becomes an unnecessary and very expensive institution in the eyes of the public. The perception that the SANDF is perhaps a waste of money was only reinforced through the Arms Deal corruption scandal. Largely unnecessary equipment was bought from companies that had bribed various members of the ANC led government – by 2000 it was estimated that this deal cost the government R29,8 billion (Feinstein 2007:162). The largest contract was for fighter and fighter trainer aircraft

(despite the fact that the SAAF had 15 jets that had never been used). There were nine bidders and in the end the contract was awarded to BAE/Saab, a bidder that was over double the budget and did not fully meet the requirements of the SAAF (Feinstein 2007:165). According to Feinstein, 17percent greater technical value was chosen despite a 72percent increase in cost (2007:165). Feinstein was an ANC Member of Parliament and the head of parliament's Standing Committee on Public Accounts (SCOPA) at the time of the corruption scandal. He claims that the reason that BAE/Saab was awarded this contract was the numerous bribes that were paid to various ANC decision makers (2007). Although not directly linked to the actual soldiers in the Defence Force, the scandal has further lowered the public's opinion of the Defence Force. Citizens who do not actively feel threatened have little respect for an institution that they perceive to have wasted millions of rands on equipment that will never be used. To the citizen, this money could have been used for housing or healthcare – things that are much closer to home for them than the possibility of needing to defend the country.

Another consideration is the fact that there have been many reports that the Defence Force is chronically unfit and ill prepared to defend the country should the need actually arise.[111] There have been significant problems with the spread of HIV/AIDS in the SANDF resulting in physically weak and unhealthy soldiers. In addition soldiers' skills to use the equipment have been called into question. There were reports in 2008 of many officers cheating on the staff courses but still being allowed to remain in the SANDF.[112] There are also reports that a large percentage of military equipment has fallen into disrepair from lack of use and care – for example, the previously mentioned unused jets. The fact that money is being pumped into the SANDF with no real benefits visible to the public has resulted in a dismal public image. It is also important to remember that the

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[111] Heitman, H. 2008, *Unskilled, dishonest officers a blot.* July 20 edn. IOL, http://www.iol.co.za/index.php?set_id=1&click_id=139&art_id=vn20080720094241639C299945&page_number=1, [8 May 2010].

[112] *Ibid*

Defence Force during Apartheid regime was a very harsh enforcer of unjust laws. There are many South Africans who suffered at the hands of the SADF – either directly or indirectly. In addition it was involved in what many consider to be an unjust war in what is now Angola. The SANDF therefore entered the new South Africa with a very bad reputation despite it having distanced itself from the SADF. Regardless of the fact that it is a new dispensation, underlying prejudice may still remain.

The culmination of these perceptions appears to be that it is no longer considered an honour to be a part of the Defence Force. Unlike in the United States where soldiers are heralded as heroes and truly patriotic citizens, in South Africa soldiers are for the most part ignored by the public. They are not often seen in public and when they do appear in the media it is most often in a bad light – the Arms Deal, unfit soldiers, unused equipment and most recently in an illegal and violent strike. Citizens need to respect the SANDF as an institution of people who are serving their country. If they do not respect the profession, it makes it far less likely that young South Africans will feel that they have a calling to join Defence Force and that this is an honourable thing to do. Instead it will continue to be just a job for which those who cannot find jobs in the private sector settle. The fact is however, belonging to the national Defence Force is not just a job – it is serving one's country and thus soldiers will have to deal with lower salaries and will be expected to follow orders at all times. These less favourable conditions should, in the minds of soldiers and citizens, be far outweighed by the fact that soldiers are fulfilling a duty to the state by honourably defending their country. There is moral worth in belonging to the SANDF which seems to be completely overlooked by soldier and citizen alike.

4.3.4 Conclusion

Traditionally the military has held a place of honour in society. Soldiers were considered to be the ultimate citizen, fulfilling their patriotic duty to their country. It is therefore significant that those who were once considered the 'ultimate citizens' have now strayed from many of these ideals. Working for the SANDF appears to be an instrumental means to economic survival for many of its members: the sense of duty to one's country is no longer a priority as members of the SANDF are willing to strike illegally to improve their wages. This shift in attitude is significant to note as it is a change in one of the fundamental aspects of military service. Not only does this compromise the safety and security of South Africa but it also highlights the extent to which the classical conceptions of citizenship have been replaced with an emphasis on rational self-interest.

Chapter Five: Conclusion

In my conception of civil society, I suggest that citizens should be other-regarding: not to disregard their own interests but to leave room in the public sphere for the consideration of others; not only to seek their own advantage but to look for what is best for society as a whole and to find shared goods among fellow citizens. I argue that citizens should recognise the value of their role in civil society in ensuring a thick conception of democracy and to see this role as a duty. With this recognition of the value of real citizenship needs to come the respect for fellow citizens as individuals who also have this value to and for society. In addition, this respect should lead to the use of civil society as a space in which to act as a group rather than as individual self-interested citizens. Citizens need to recognise that participation in civil society adds as much value to the citizen as it does to democracy. Participation can help citizens to develop and exercise capacities of reasoning, discussion and socialising that they would not otherwise have the opportunity to exercise (Young 1989:262). Civil society can create the opportunity for citizens to move beyond their personal interests to address others and face them with respect and a concern for justice (Young 1989:262). Group participation can be seen as an important area of personal growth for citizens and a time of moral engagement with fellow citizens. Without this moral engagement citizens cannot develop as moral agents: it is only through our interactions with others that we can become moral.

From the empirical examples discussed in Chapter Four it has become evident that contemporary civil society in South Africa is missing many of the elements central to my conception of civil society. It would seem that citizens are concerned mainly with economic affairs, a concern that is closely linked to the tendency of citizens to be self-

interested rather than to consider the moral implications of issues. In addition, many citizens appear to be atomistic as they pursue their own economic ends with little consideration for those around them. Participation does occur but it is often only in cases in which individuals seek to improve their own welfare. They may act as a group but it is to achieve a certain individual end. It is not, in most cases, because citizens recognise the value of shared interests - it appears as if citizens do not see that moral engagement with fellow citizens and addressing key issues in society together have value. There is little sense of duty to the state or to preserving the integrity of South Africa's democracy. While participation is considered an important element in legitimising democracy by most citizens and the government, this is often linked exclusively to voting in elections. Voting is an important aspect of democratic representation, yet I have argued that it is not a sufficient criterion for democratic legitimacy. In order to create substantive political equality and true representation, civil society is needed as a sphere of engagement between citizens and between the government and its people.

I argue therefore that civil society in South Africa is not the kind of civil society needed to deepen democracy. In order to deepen democracy, civil society needs to provide the space for genuine and substantial representation and substantive political equality. Currently, participation and moral engagement are not evident in civil society as citizens seem to participate only when it can assist them in achieving a certain goal. There are a number of plausible explanations as to why citizens are behaving in this manner. The most prevalent of these possibilities in the literature include poverty, a lack of education and South Africa's Apartheid history. The first of these potential explanations is the poverty of South African citizens. According to Everrat's '21 Nodes' approach which considers factors such as dwelling type, crowding, employment, literacy, sanitation, water and electricity, a third (33.4percent) of South Africans lived in poverty in 2001 (Everrat 2006:34). While this is a small decrease from the 33.6percent of 1996, this is an exceptionally slow rate of improvement (Everrat 2006:34). These results were

similar to those found using a $2 a day scale of poverty (Everrat 2006:34). Large households are often supported by one breadwinner or one monthly social grant such as the R1 080 State Old Age pension or R250 Child Support grant.[113] The AIDS epidemic has resulted in many households being led by grandparents or the eldest child. Though child-headed households remain a small proportion of the population the numbers rose markedly between 1995 and 2005 (Richter and Desmond 2008:1). Overall 9percent of children under 15 years in sub-Saharan Africa have lost at least one parent (Monasch and Boerma 2004:56). While there is often another parent or grandparent to look after these children, research has shown that they face greater challenges than those who have both parents – children with both parents are, for example, 13percent more likely to attend school than those who have lost a parent (Monasch and Boerma 2004:62). Households are often large and without any consistent income. In these situations of poverty, behaviour can be said to be guided by severe need: one's own survival and the survival of one's family is the top priority and so the needs of the community are at times neglected. Even the most fundamental democratic act of voting is often neglected. Wolfinger and Wolfinger argue that there is a connection between socially vulnerable groups such as single mothers and a failure to vote (2008:1513). There are many possible reasons for this such as the fact that it takes time out of a working day and the cost of transport to cast one's vote. In many cases this cost may seem too high. Each citizen is doing a cost-benefit analysis in making their decision on whether to participate. For many, it appears that the importance of improving one's standard of living, even by a small amount, will often outweigh the value of public participation. According to a study conducted by Persell, Green and Gurevich, individuals who experience greater levels of economic distress are more likely to be 'consumed with self-interested, instrumental activities and would therefore have fewer associational connections and

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[113] South African Government Services 2010, 15 January 2010-last update, *Child Support Grant*, http://www.services.gov.za/ServicesForPeople/Parenting/Childbenefits/childsupporgrant.aspx?Language=en-ZA, [20 July 2010].

express lower levels of trust' (2001:208). These conditions indicate that it would be less likely for those who are struggling economically to vote or join groups within civil society.

Mattes argues however that this is not the case in South Africa. Using the Afrobarometer surveys of 2001 and 2006, he concludes that in South Africa the poor are more likely to be 'mentally engaged with the political process, and incorporated into their communities through civil society groups' (Mattes 2008:137). While this may not always be through official participatory channels, South Africa exhibits the highest rate of unconventional participation, in the form of protests and demonstrations, across the eighteen countries surveyed (Mattes 2008:121). These protests are often economic based, attempting to improve working conditions or gain access to certain services. Citizens are therefore participating, but often in a self-interested way which adds little value to democracy. If participation is self-interested, it represents only the particular interests of citizens rather than the shared interests of society. Public interest is not a central concern and so while self-interested participation occurs in the public domain, it does not address the issues of the public sphere. The interests and needs of the people are therefore not discussed and debated and so representation is not strengthened. The kind of participation that is necessary for my account of civil society includes engagement between citizens and is based on an other-regarding attitude. It is this kind of participation that suffers when citizens are in economic distress as their own survival becomes the priority above the interests of others.

Regarding the SANDF strikes, for example, one could argue the financial concerns of soldiers' families and the constant delays in wage negotiations pushed them to a point of desperation which resulted in the illegal strikes. The government's inability to commit to wage negotiations for over five weeks created the impression of a distinct lack of

concern.[114]   This impression in combination with economic distress seems to have resulted in high levels of frustration. Because unemployment stands at around 25percent, employees have few opportunities to find new employment.[115] Consequently, one's employer holds the power over one's income and hence one's standard of living. In this case the employer is the government, and the very long process of wage negotiations created the impression that there was little concern for the welfare of the employers. While to the government it is important that procedures are correctly followed and long term solutions are considered, to the worker in a difficult situation it is frustrating that the government is not implementing a solution. Similarly it may be poverty that leads citizens to steal from schools in their communities – the sales of stolen copper wiring will bring in much needed financial support to the family. According to Wolfinger and Wolfinger, citizens' behaviour is driven by desperation and thus it is their financial position that needs to be improved before they will be able to be other–regarding citizens (2008:1514). The emphasis of the argument is not so much that citizens are not aware of their role as citizens but rather that this role is secondary to the more pressing concerns of survival for them and their families.

The lack of education of many citizens is another important consideration. In order to understand the significance of making the effort to vote, for example, one needs to understand the value of democracy and how voting legitimises democracy. While I have argued that voting is not a sufficient condition of deep democracy, it is still a necessary one. Voting is still important in order to elect a government to run the country. Without the votes of the electorate the government lacks legitimacy as a democratic government since democracy is based on the involvement of the citizens in electing their

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[114] Rawa'a. 2009, *700 South African Strike troops sacked*. 13 March edn. Paltelegraph, http://www.paltelegraph.com/world/africa/2093-700-south-african-strike-troops-sacked, [6 June 2010]

[115] StatsOnline. 2010, *Quarterly Labour Force Survey*, Quarter 2 (April to June) edn, StatsSA, http://www.statssa.gov.za/keyindicators/qlfs.asp, [16 August 2010].

leaders. This kind of understanding requires some form of education – if not formal education, at least voter education is required. According to the United Nations,

> for an election to be successful and democratic, voters must understand their rights and responsibilities, and must be sufficiently knowledgeable and well informed to cast ballots that are legally valid and to participate meaningfully in the voting process.'[116]

Similarly, in order to understand the value of the Constitution, one needs a basic understanding of the South African legal and political systems – to be aware that the Constitutional Court is the highest court in the land on Constitutional matters and that the Court is importantly independent from the government. Citizens may have the understanding that the Constitution is valuable in that it secures them certain rights but it is important to recognise the value of the Constitution even when its decisions do not appear to be directly serving your interests. Ramphele points to an illiteracy rate of 60percent in some communities which makes it 'difficult for these citizens to understand their rights and responsibilities under the new Constitution' (2001:5). If citizens do not understand the value of the Constitution, it may not concern them to disrespect it. It is also difficult to persuade citizens that the Constitution is worth respecting over achieving their own interests if these citizens are not able to grasp the political significance of an independent Constitutional Court. In terms of education, those who have not received a formal education may not be aware of its value and thus the importance of supporting local schools and their children. A grandmother who only has a primary school level schooling may not recognise the need to help her grandchildren with their homework, and may not have the capacity to do so. In addition, surveys conducted by Persell, Green and Gurevich, suggest that there are links between levels of education and citizens' tolerance towards others, especially those who are different from them (2001:220). The argument is that citizens are not fulfilling their role as they do not have

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[116] United Nations, *Voter and Civic Education*. http://www.un.org/womenwatch/osagi/wps/publication/Chapter5.htm, [14 September 2010].

the necessary understanding of what that role is nor the capacity to act in such a way so as to fulfil it.

Another factor linked to capacity to fulfil one's role as a citizen is the suggestion that as a result of the Apartheid regime, many South Africans do not know how to be citizens (Waghid 2002:188). Those who lived in the Apartheid homelands experienced a traditional form of leadership. Similarly, in rural areas many were, and still are, under the power of Chiefs (Heller 2009:134). In a patriarchal society, as much of rural South Africa remains, those who are not the elders are taught to obey and not to challenge hence citizens become subjects (Ramphele 2001:3). As Ramphele suggests, 'the former subjects of client states often do not understand what it means to be a citizen of a true democracy' (2001:3). While a key factor of deep democracy is consultation, this is difficult to achieve if citizens are content to let others make decisions for them. While citizens are willing to protest after the fact when the decisions are not in their favour, it is problematic that many do not getting involved in the decision-making process. Firstly, this slows development as compromises are often only found after the policy implementation rather than during the decision-making process. The changing of Durban street names, for example, was severely delayed as citizens only protested the chosen names well into the process despite numerous calls for comment during the early decision-making.[117] Secondly, citizens who do not participate in democratic processes weaken civil society, and consequently democracy. The worth of civil society lies in the fact that it is a space in which citizens engage with each other and the state. This engagement allows citizens to develop morally as they become aware of others' interests and consider issues on a moral level: debating what is best for society rather than what is best for them as individuals. This interaction is therefore valuable as it allows citizens to

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[117] Goldstone, C. 2007, *Durban name changes 'will be in one go'*, Mar 1 edn, IOL, http://www.iol.co.za/index.php?set_id=1&click_id=13&art_id=vn20070301042047689C610228&page_number=2, [14 September 2010]

develop morally and become other-regarding and creates substantive political equality and representation of citizens' interests. This thicker conception of democracy – which entails greater representation and moral engagement between citizens - cannot be attained when so many are not participating.

The Apartheid government did not treat the majority of South Africans as citizens: by denying them the power to vote or the freedom to act politically, the government created subjects and not citizens. Almond and Verba argue that there are three types of political culture – parochial, subject and participant (1963). Parochial culture can be used to describe, for example, those under traditional authority. They are often not adequately exposed to the operations of government, or are only superficially interested and so do not actively participate (Almond and Verba 1963:16). The parochial citizen 'expects nothing from the political system' (Almond and Verba 1963:16). The subject is aware of the government's operations but is not included in the decision–making process (Almond and Verba 1963:17). The relationship between the state and the subject is 'essentially a passive relationship' (Almond and Verba 1963:17). In the participant political culture, citizens feel that they can make a contribution towards the political process and that this process has a real impact on their lives (Almond and Verba 1963:18). Almond and Verba contend that democracy has a greater chance of success when there exists what they term a 'civic culture' which is the correct combination of parochial, subject and participant cultures (Almond and Verba 1963:19). While they do argue that it is sometimes valuable for citizens to give the government a certain level of autonomy and thus be a part of a parochial or subject culture, they warn strongly against the dominance of any one of these cultures. Each citizen should participate when appropriate but also allow the government to make some decisions on their behalf.

In applying Almond and Verba's theory to South Africa, it appears that too many citizens are still under a parochial culture where traditional leadership overshadows political leadership. In rural areas, many citizens live under the rule of their Chief rather than the political leadership of the country (Heller 2009:134). In addition, many have not fully cast off the attitude of a subject from the Apartheid era. Ramphele suggests that black South Africans were not only denied the rights of legal citizenship, but were also denied the kind of education that would prepare them to become morally autonomous agents (2001:3). Generations were denied any opportunity to act as real citizens or to learn what citizenship means and thus may not have the knowledge of how to be citizens (Waghid 2002:187). Black South Africans were denied the right to participate in the decision-making process and so were treated as subjects rather than citizens. The mindset described here may be difficult to change over a short period of time, especially in those who have not received a full education. In addition, many will not have the knowledge or experience of what it is to be a citizen to pass on to their children and so cannot encourage them to participate in a valuable way.

While these explanations seem plausible and no doubt play a contributing role in citizens' behaviour, I suggest however that it is the government's behaviour that plays the pivotal role in influencing citizens. This is illustrated through the empirical examples discussed in Chapter Four and will be further analysed below. The issues discussed such as poverty, a lack of education and the effects of Apartheid history can all be addressed, at least partially, through the intervention of the government. The problem lies each time in the attitude of citizens – they are unwilling to put participation above their own economic needs or they are unable to see the value in participation. If the government actively seeks to change these perceptions it would go a long way towards shifting the attitudes of citizens and so their behavioural patterns. The government's attitude and actions have far-reaching influence in society – especially a society that is so dominantly in favour of the ruling party. In South Africa, the ANC has won every national election

since 1994 with overwhelming majorities – an average of 66percent (Heller 2009:129). There is thus a majority of politically active people who support the ANC-led government and are therefore more likely to be interested in, and influenced by, its policies and behaviour. It is important to note that these election results exclude considerations of those who are not registered to vote which, in South Africa, is not an insignificant number. According to the IEC, 23 million citizens were registered to vote for the 2009 elections out of approximately 27 million eligible voters.[118] While the 66percent may therefore not be a true reflection of the level of support of the ANC, the statistics still show that over half of the eligible voters in South Africa vote for the ANC. This support is problematic currently as the government's emphasis on individual human rights appear to be influencing citizens to be self-interested individuals who seem to disregard their duties and their fellow citizens. It does however also show there is a possibility of strong channels of communication between the government and citizens. Citizens who actively support the ANC are more likely to be listening to what the ANC-led government is saying, and watching what they are doing. Many of the problems in civil society could be changed by a change in attitude by the government and an active effort on its part to use these communication channels to change the attitudes of citizens. Since the government has this influence in society, there is a real possibility that it will have the power to shift the attitudes of citizens. Issues such as poverty or a lack of education cannot be solved in the short term. Citizens' attitudes however can be shifted.

In Chapter Two I set out the shifts in citizenship and civil society that I established in my honours work: duty to instrumental; moral to rational; group to individual. These shifts are illustrated by the empirical examples discussed in the previous chapter. There are many indications that citizens are choosing to act in their individual rational self-interest with little thought for moral considerations, the group or their duty. The shifts in civil

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[118] Gabara, N. 2009, *Voters' roll grows to 23-million*, Feb 11 edn, South Africa Info, http://www.southafrica.info/about/democracy/elections-110209.htm, [6 September 2010].

society can also be applied to the government in many instances. I am going to address each of these three shifts and draw the links between government and citizen behaviour, showing that there seems to be a correlation between government attitude and conduct and the shifts in citizen behaviour. The first shift identified is from the **moral to the rational**. The first concern is that citizens may not trust the formal channels. The fact that the formal channels of complaint, in many cases, are inefficient or do not yield any results could have influenced citizens' attitudes. It is difficult to see democratic institutions as valuable if the government is not able to get the institutions to work effectively. If the formal channels of complaint are too complicated, corrupt or distanced from citizens to yield results, it is not surprising that citizens turn to other methods. In recent years, many of the local level participatory institutions (such as community development forums) have been dismantled or hollowed out with the aim of enabling more efficient decision-making (Heller 2009:134). There are therefore fewer ways in which citizens can make contact with the government or take part in the decision-making process. In light of the crisis of service delivery, it appears that local government has come to be viewed as an 'instrument of delivery' rather than a 'forum for participation' (Heller 2009:134).

While the government's emphasis is on service delivery, there have been attempts at encouraging local participation through ward committees. Piper and Deacon argue that in terms of institutions, ward committees are key to representation at the local level (2008:62). They argue however that ward committees are currently ineffective. Even those that have been properly set up are 'too politicised to offer an independent source of non-electoral accountability to parties' (Piper and Deacon 2008:72). Piper and Deacon contend that ward councils are dominated by local political party structures and are thus unable to be independent (2008:62). Evidence from interviews with ward committee members indicates that ward committee and ANC Branch meetings are in some cases combined as the two are perceived to be 'practically the same thing' (Piper

and Deacon 2008:77). While these committees are intended to provide a forum for discussion and complaint for all citizens in that geographical area, this is not possible if one party's interests dominate the committee. Dominance of one party in these committees means it has the power to set the agenda which in turn can be used to exclude some citizens' interests (Heller 2009:134). According to Heller, ward committees actually feed into ANC patronage rather than provide valuable representation (2009:134). That is, the committees seem to further ANC interests rather than being an open forum for discussion of issues concerning the community.

In addition to the party dominance of these committees, there are cases of ward councillors who are members of the Council Executive Committee forwarding the interests of their wards above others (Piper and Deacon 2008:76). Once again, this points to a lack of independence and accountability in these institutions. The existence of corrupt behaviour in ward committees indicates a failure on the government's part to implement effectively the policy on local representation. The policy specifically calls for impartiality in ward committees yet the ANC (as the dominant party in the government) is one of the parties that undermines this impartiality (Piper and Deacon 2008:66). This behaviour by the government directly influences citizen behaviour in that it severely reduces the efficacy of the available channel of complaint, and indirectly influences them in undermining the value of this channel of complaint by not ensuring it is impartial and accountable.

A second reason why citizens may avoid formal channels is that they do not have the capacity to utilise them. This can be explained by the lack of education discussed earlier. Another, perhaps more troubling possibility is that the process of communication is complicated, excluding a large proportion of the population. Heller argues that there has been a bifurcation of civil society in South Africa between a 'organised civil society that

effectively engages with the State and a subaltern civil society that is institutionally disconnected from the State' (2009:139). So while the government does engage with civil society, it does so in a highly selective and controlled manner rather than allowing for open channels of communication (Heller 2009:139). Much of the government's interaction with civil society is through partnerships with professionalised Non-Governmental Organisations (NGOs) (Heller 2009:140). This is particularly true in the case of service delivery where partnerships with NGOs are used to expand the reach of government delivery (Kalis 2000:1). Communication between citizens and the government can also be facilitated by NGOs as NGOs often enjoy high levels of trust among developing communities (Gitau and Marsden 2009:3). NGOs are predominantly viewed as being on the citizens' side and thus are able to gain trust where perhaps it is harder for the government to do so. Kalis describes these relationships as being 'rooted in the acceptance of both parties of their shared vision and responsibility for the delivery of social services' (Kalis 2000:2). While these relationships are important and effective, it is problematic that they do not exist in tandem with grass root level participation. Citizens are perhaps discouraged from participating as they may begin to view participation as the role of organised NGOs. Moreover, the government is not successfully encouraging any participation beyond the formal interaction with NGOs. It is important to clarify here that there are successful and active forces in South African civil society extending from the large trade union COSATU to numerous successful organisations such as the TAC, the Women's Legal Centre, the Black Sash and Freedom of Repression Institute, to name a few. The first of these to discuss is COSATU who represents the majority of labour in the country. While COSATU is in an alliance with the ANC, it has to a large extent retained its autonomy, often voicing criticism of the government and staging broad-based and well-organised strikes to lever labour's bargaining capacity (Ballard *et al* 2006:226). COSATU focuses on the issues of labour and so while there are effective strikes on economic issues COSATU is not an example of full political engagement in the public sphere. Citizens participate in strikes, but tend to

be far less involved in discussing other political issues that do not directly affect their economic well-being. An example of this lack of participation can be seen in the issue of the Civil Union Act. Media reports suggested that the majority of South African citizens were against this bill yet there were few signs of this opinion being voiced in the public realm of debate.[119] While I am in no way encouraging opposition to the Civil Union Act, I suggest it is significant that despite widespread opposition to the bill, no substantial action was taken.

Another example of an active force in South African civil society that is worth discussing further is the Treatment Action Campaign (TAC). The TAC has been remarkably effective in influencing the government's policies regarding HIV/AIDS treatment. What is significant here is that the TAC has worked mainly through the judicial system, taking the government to the Constitutional Court in order to enforce treatment. This kind of civil society action, while valuable, is not available to all citizens for reasons of both education and wealth. If participation becomes a complicated process, some citizens may not have the capacity to participate. Even if participation is just perceived as complicated since only large institutions are involved this can still make citizens feel incompetent to participate. It is problematic if citizens continue to sidestep democratic channels as this undermines the strength of South Africa's democracy. Representation is central to democracy, and it is formal institutions that ensure that effective representation is possible. Citizens are failing to see the value of these formal democratic institutions in their role of maintaining democratic legitimacy. Instead, many citizens are choosing the method that will best achieve their ends with little regard for the value of formal institutions. The institutions appear to be regarded only as a means to an end, rather than something of value themselves. Since they seem to have only instrumental value to citizens, when they become inaccessible, corrupt or inefficient as described above,

[119] Kuppan, I., Naidu, R. & Quintal, A. 2006, *Civil Union Bill a 'slap in the face'*, Nov 14 edn, IOL, http://www.iol.co.za/index.php?click_id=13&set_id=1&art_id=vn20061114102125576C695511, [19 July 2010].

citizens are quick to choose other more 'efficient' channels as seen in the illegal SANDF strikes. The inaccessibility and corruption of these formal institutions, which can be largely attributed to government behaviour, give citizens little reason to treat formal channels as valuable or as the first recourse to address their problems.

An aspect of the shift – **from duty to instrumental** – that is important to consider is not so much how the government is not fulfilling its duty but rather how it is not encouraging citizens to respect the concept of duty. Evidence of this can be seen in the discussions on bureaucracy, the SANDF and education in Chapter Four. In order for the civil service to be effective, it needs to be considered an important act of service to the community and an act of fulfilling a duty to the country. Many jobs in the civil service, especially those at the street-level such as nurses and teachers, are performed in difficult conditions with low compensation. As previously discussed, in response to a survey which examined the personal impact of the free health care policy, between 48percent and 58percent of nurses ranked the following feelings as 'very important:' 'Felt I was exploited, 'Was burnt out,' 'Became frustrated'; 'Considered giving up my job' (Walker and Gibson 2004:1255). While these nurses are providing a vital service to citizens, they are underappreciated and overworked. In South Africa, the private sector mirrors large portions of the civil service. There are thus often similar jobs found in the private sphere with superior working conditions and higher compensation. Consequently, many civil servants are disillusioned but this could perhaps be ameliorated if their jobs were considered to be of moral worth. While the conditions would still be less favourable than in the private sphere, there would be a sense of purpose and pride in the job. These jobs are currently treated as instrumental means to economic survival rather than as an act of fulfilling one's duty to fellow citizens and the government. In addition, because these roles are seen only as jobs, citizens view them with the same expectations of good working conditions and high salaries as they would jobs in the private economic realm. Problematically, this creates dissatisfaction among bureaucrats as the government is not

always able to provide these conditions. In the public realm however the benefits should lie in the fact that one is fulfilling a valuable role in the running of the country and sometimes the conditions are going to be less favourable than in the private sphere as the government is less able to ensure large salaries and efficiently run businesses. I suggest that it is the government's role to ensure that citizens see the civil service as a service rather than a business. Currently the government not only leaves bureaucrats in what are often poor working conditions but it also treats the bureaucracy as an institution of job creation. South Africa has a bloated civil service because the government creates jobs in the bureaucracy in its attempts to address the unemployment crisis. It is difficult for citizens to view positions in the civil service as honourable when the government establishes these jobs just for the sake of employment creation. The value of these jobs is undermined as they are seen mainly as having value for providing a living to a citizen rather than as a service to all citizens. Problematically, the government does not actively attempt to show citizens where the real value lies in either its treatment of bureaucrats or its public discussions about the bureaucracy.

The government's poor treatment of civil servants can be illustrated in the example of the SANDF. Members of the SANDF are forced to work in tough conditions with poor compensation. Soldiers have struggled throughout the post-Apartheid era to improve these conditions but to no avail. The government claimed to be working on a solution, yet it had taken years to do so while soldiers' lives were being affected daily by their low salaries and poor working conditions. The Arms Deal further exacerbates the soldiers' dissatisfaction as it points to the fact that the government had spent large sums of money on arms rather than on salaries for personnel already employed. These arms were often unnecessary to the defence of the country and were bought from expensive bidders so that individual members of the government could receive generous personal bribes. The government MPs involved had a duty to the country to best ensure its defence yet they pursued their own, greedy self-interest above this duty. The government should be

trying to instil values of duty in the SANDF yet corrupt behaviour could undermine any attempts that it makes. The lack of respect for the role of members of the Defence Force, both in providing poor wages and the corruption of the Arms Deal, led to the illegal strikes of August 2009. Soldiers did not respect their duty as members of the Defence Force but chose to act in whatever way would best achieve the goal of improving their working conditions. This self-interested and instrumental attitude among members of the SANDF is indicative of the broader attitude among bureaucrats who do not consider duty to be of importance: favouring the 'best' way of earning a living.

The last shift is **group to individual**, where citizens seem to be acting as individuals rather than as a group. Their behaviour can be seen to be influenced by the government which itself views citizens as individuals, most notably due to the strong emphasis on individual human rights. Citizens are constantly reminded that as individuals they have these rights. There is no need to turn to others for help or to help them as the same individual rights protect each citizen. These rights empower citizens as individuals and provide important protection yet subtly individual human rights undermine the value of joining together as a group and being other-regarding. The government's emphasis is not on the other–regarding responsibilities that come with these rights but is focused almost exclusively on the entitlement to having these rights.

There are however some examples of South African citizens acting as a group: in areas such as education for example, community involvement has led to a distinct improvement in the education provided. This success was highlighted in the previously discussed examples of Piet N Aphane High School in rural Limpopo and Generaal Smuts

Hoerskool in Vereeniging. The government needs to get involved and encourage communities to see the value of education and the importance of supporting their local schools. A school is located within each community. The government therefore needs to encourage citizens to take advantage of this – to use the school as a community resource that it was intended to be. In communities where the schools are not valued and instead are vandalised during vacations and are plagued by violence, tardiness and absenteeism, the learning environment is negatively impacted and this is evident in the results. The value of acting as a group with shared goals is illustrated in these examples yet problematically community support of schools is the exception rather than the norm. It is however significant to note that while the government may not be encouraging citizens to act as a group, there is still evidence that many South African citizens do recognise the importance of group action and shared goals.

I suggest however, that far more encouragement by the government for community involvement is necessary in order to change the fate of education in the country substantially. It is important to note the correlation – where the government has led by example and actively encouraged citizens to become involved in community projects there has been success. In economic issues the influence of capitalism in the country on the government and citizens, has created far more problems. Citizens do not see overcoming poverty as a joint struggle but as an individual one and I suggest that this can be linked to the individualistic nature of human rights that the government advocates and the embracing of capitalism in the public domain. The links are clear – where the government has shown a lack of respect, so too have citizens. This is evident in the bureaucracy where the government has not actively expressed the value of the service and subsequently citizens see working for the civil service as a job (and not a very good one) rather than a duty. Similarly where the government has failed to respect the SANDF as a crucial service to the country, members of the SANDF have stopped viewing their role as an important duty but rather as a poorly paid job.

It is clear that the government has far-reaching influence in society. Currently this influence appears in many cases to be negative as the government is encouraging citizens to be self-interested, rational and individualistic. In my conception of civil society I suggest that citizens should rather be other-regarding and aware of the value of their and their fellow citizens', participation in democracy. In order to create the thick conception of democracy which I argue is necessary to South Africa's development we need to create substantive political equality among citizens and a shared sense of responsibility for the growth of democracy. In order to do this, citizens need to see their role as a kind of duty and they need to be able to see beyond their own interests so as to be other-regarding. It is therefore vital that the government's influence is used to further these ideals instead of the individualistic, self-interested and rational attitude it currently seems to perpetuate. While this may not automatically change the behaviour of citizens or substantially strengthen democracy, considering the extent of government influence a change in attitude on the government's part could make a real difference to the behaviour of citizens. This difference is significant when considered in proportion to the effort it would take to create this change. That is, the government needs to change its attitude which, while being a difficult task, does not have a high monetary cost. A change in attitude can be achieved without any substantial financial outlay. I argue that where the government cannot afford to show value in a monetary sense, it should make an active and public effort to show that it does value, for example the civil service or education. In addition, government officials should take extra care to act in a way that the government wishes its citizens to act. If the government is acting in the way it wishes its citizens to – with a respect for others, for democracy and a sense of duty toward both our fellow citizens and democracy, it is far more likely that they will in turn begin to conform to the conception of citizenship that contributes to deeper democracy presented here. Since the ANC-led government enjoys such high levels of support, it should have the ability to influence a large percentage of the population to become more moral

citizens. Not only does it have the ability to bring about this change: it has the responsibility too.

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