

Article

Apartheid race categories: daring to question their continued use

Zimitri Erasmus

zimitri.erasmus@wits.ac.za

Why this volume?

The colloquium entitled ‘Revisiting Apartheid’s Race Categories’, held at the University of the Witwatersrand in October 2010, and from which this special issue emerged, was inspired by a debate¹ ignited in 2007, at the University of Cape Town (UCT), in the process of a review of its admissions criteria (see SAJHE 24 (2) 2010). Among these, particular attention was given to the University’s use, as criteria for equitable admissions, of race categories legislated by apartheid’s Population Registration Act No 30 of 1950. At the time, these were ‘White’, ‘Native’ and ‘Coloured’ with ‘Indian’ a sub-category of the latter. From 1951 the National Party used ‘Bantu’ instead of the category ‘Native’. This became official policy from 1962 only to change again in 1978 from ‘Bantu’ to ‘Black’ (Horrell 1982). This use of the category ‘Black’ excluded people racially classified ‘Coloured’, referring only to those South Africans formerly classified ‘Native’ and ‘Bantu’ by apartheid law. In the 1970s the Black Consciousness Movement contested this narrow use of ‘Black’ defining it *not* as a race category or classification, but rather a global political identification premised on resistance to oppression in contexts of white supremacy. Post-1994 government policy and institutional practices in and out of government use various combinations of these conceptions of ‘Black’.

Contrary to popular perception that the categories are used to *replace* merit, the University of Cape Town uses the categories to *situate* the meaning of academic merit within the history of education under apartheid. Be that as it may, whether or not to continue using these categories remained a key question for the admissions review team in the context of the University’s commitment to both non-racialism and equitable admissions.

Significantly, whether or not to continue using these categories is a question with purchase beyond both the narrow bounds of higher education admissions, and the wider realm of administration, for example implementing Employment Equity and counting in the population census (Maré 2001). The use of apartheid race categories in research practice and social analysis has been questioned before (Taylor and Orkin 1995, Ellison et al 1996, Ellison and De Wet 1997, Bowman et al 2006, Ncaiyana 2007). Similar debates ensue in North America where researchers funded by the National Institute of Health are required to use US census categories to differentiate participants in their studies (Braun et al 2007: 1424). These debates generally address whether or not the use of race categories is scientifically justifiable, and/or whether class, understood as socio-economic status, is a more appropriate category of analysis. Some authors appeal to researchers and editors to avoid uncritical use of race categories (Ellison et al 1996, Ellison and De Wet 1997). Most conflate race categories with their social effects – a distinction I make later in this piece. Apart from a few exceptions (Franchi 2003, Braun et al 2007), suggestions for alternative means to account for the social effects of ‘race’ and racism in webs of disadvantage in SA, are rare. This volume attempts to expand these suggestions.

Given the absence of alternatives, UCT’s admissions review team proposed that use of the categories be retained considering that: a) the University’s commitment to non-racialism implies that continued long term use of apartheid race categories is undesirable; b) immediate requirements for redress were not best, but at least in the interim, practicably met by using these categories as a proxy for disadvantage; and c) devising indicators that capture both the complexities of historical disadvantage, and the effects of racism in the present, would require careful additional work (Soudien 2010: 222-3). In light of the relative marginalisation in contemporary SA of anti-apartheid debates that shaped principles of non-racialism (Alexander 1995, Taylor and Foster 1999) and of the paucity of alternatives (other than reducing ‘race’ to class) to the use of apartheid race categories, the colloquium sought to explore possible alternatives. As an outcome of its proceedings, this volume is by no means conclusive. Instead, it is a continuation of responses to this conceptual and practical challenge.

Framing the colloquium

As the key organiser of this gathering, I designed questions to frame it: a) *How are these categories used in post-1994 South Africa?* b) *What*

conundrums emerge from the continued use of race classification? c) Do we need apartheid race categories for the purposes of redress? d) What alternative indicators, analytical strategies and ways of seeing - necessarily informed by both the historical social effects of apartheid governmentality and by racism in the present - might one devise?

Drawing on two recent publications in which I argue for a critical-race-standpoint as a framework from which to re-think the continued use of apartheid race categories (Erasmus 2010a, 2010b), I prepared a concept paper to frame the questions and structure conversations at this gathering. In those works I posit this as a standpoint that troubles the taken for granted idea that apartheid race categories remain administratively and analytically necessary; one that questions the lens of race, reveals what lives behind 'race' and so disrupts structures of privilege. I present the basic premises of this standpoint as follows: 1) to conceive of 'race' as socially constructed is to allow thought and political practice toward its eventual demise; 2) methodologically this implies moving away from using race as an analytical category towards analysing the changing, often obfuscated, use of 'race'; 3) in practice this entails resistance to both the effects of 'race' *and* to the use of apartheid race categories for administrative purposes; 4) this implies doing the scientific work to devise and test new indicators – always imperfect approximations – for the inequalities that live behind apartheid race categories with a view to eventually replacing these as administrative categories; 5) this standpoint distinguishes between a) the theoretical and analytical conception of 'race' as socially constructed; b) apartheid and post-1994 administrative categories of race; and c) the effects of both these instances of 'race' (Erasmus 2010a, 2010b).

I argue that we need the analytical conception of 'race' in order to name racialised inequalities that continue to thrive behind the apartheid race categories and so differentiate access to various forms of wealth and well-being; to understand what lives behind racialised identifications and challenge their deployment where necessary; and eventually to undermine the idea of 'race'. The upshot of this argument is that we do not need race as an administrative category in order to enable redress that is also socially just. This argument does not diminish the historical significance of anti-apartheid struggles that drew on racial identifications to achieve their goals. At the same time, it is important to think through the possible limitations of this strategy today, and particularly the possible consequences of the continued bureaucratisation of apartheid race categories. It is important to

think critically about what Varshney (2002) calls ‘the pre-existing institutional framework of politics’ which we bequeath from dominant patterns in the anti-apartheid struggles.

Furthermore, I argue that a move away from common sense conceptions of race as ‘bio-cultural’ (Gilroy 2000:33), as primordial or familial, as an administrative necessity and, as merely socio-cultural (Seekings 2008:22) makes ‘race’ a political matter. Bio-cultural, familial and administratively-necessary conceptions of race engage in a politics of race, ultimately an identity politics, a politics of *managing* difference and inequality. Reducing ‘race’ to socio-cultural perceptions divorces histories of difference from political matters, and particularly from inequality. A politics of race – submission to and use of the category as a lens with which to look at the world and a tool with which to measure it – involves obedience to the category. Divorcing racialised difference from politics allows the category silently to live on. Making ‘race’ a political matter locates it in history, politics and power relations. Its primary aim is to promote *living with* difference and *challenging* inequality. It reveals numerous interlocking webs of power that shape its changing meanings.

Making ‘race’ a political matter helps one see the various intersections of ‘race’ and class which teach us that people are not incorporated into class positions in undifferentiated ways. It enables thought and practice in defiance of *both* the administrative category and its effects. It challenges common sense notions and uses of ‘race’ (Erasmus 2010a and 2010b). These ideas formed the initial frame for the colloquium.

Productive tensions and challenges

Presentations, responses and small group discussions engaged the questions noted above. These proceedings revealed a key tension: on the one hand, a desire to build a non-racial South Africa and on the other, a reluctance to let go of apartheid’s race categories. This tension manifested in the constant conflation in conversations of, on the one hand, the analytical and political necessity (given our history) of an understanding of ‘race’ as a social construct with material effects – a construct that can be unmade over time by addressing these effects – with, on the other hand, apartheid race categories as fixed administrative tools. Presentations showed how the law and knowledge about the law and about social issues generally rely as much on this conflation. Deliberations further revealed that most South Africans view goals toward equity primarily as a government imposed compliance

exercise (Mohamed 2010). This posed the challenge of how to cultivate views of these goals as part of democratic citizenship marked by histories of racial privilege and oppression. On a less difficult note, the proceedings showed that questioning the continued use of apartheid race categories for administrative purposes is not (as yet) outlawed. The challenge is to maintain the conditions that allow this freedom to question and to insist on innovative alternatives which *do not* lose sight of the continued significance of ‘race’.

Introducing the articles

Put differently, this volume explores how one might chip away at the resilience of the idea of ‘race’, and what hinders this process. Crain Soudien’s theoretical essay extends the frame for the volume by helping us understand some of these obstacles. He surfaces the profound yet well-concealed ways in which modern conceptions of human difference – specifically their evolutionary and hierarchical underpinnings and their assumptions about fixity, certainty and authenticity – shape recent thought in the human sciences. He foregrounds the disjuncture between on the one hand, formal principles hammered into being when ‘knowledge’ is bent and broken by political struggle and, on the other, learnt socio-historical rules in terms of which most of us conduct our conscious, and encounter our unconscious lives. In his terms: ‘the law’ and ‘the rule’ operate in contradictory fashion. Soudien places the concept of ‘race’ as socially constructed firmly within this disjuncture between formal knowledge that ‘*race*’ is not a valid scientific variable, and learnt habits of treating *race categories* as if these are fixed, and as if they are valid units of study and analysis. This brings into view analytical slippages in philosophy, historiography, sociology, jurisprudence and bio-technology that render the concept anti-political – what Garth Stevens, in his response to Soudien, refers to as the concept ‘folding in on itself’ (p41). Teasing out these slippages, Soudien extends the frame, presented in this editorial essay, for doing just the opposite: making ‘race’ a political matter. This is the value of his contribution.

In his response, Norman Duncan reveals an element of this disjuncture in this editorial essay when he notes my distinction between imposed classification and voluntary self-identification by ‘race’ without careful thought for the consequences of the latter. Stevens closes, if only momentarily, this set of conceptual openings to the volume. He alerts readers to further examinations of this disjuncture in the South African

context and beyond. He challenges readers to interrogate ‘the conditions of impossibility’ (p45) for cultivating a social imaginary less centred on ‘race’.

The works of Shaun Ruggunan and Gerhard Maré, Kate Lefko-Everett, and Kira Erwin constitute Part Two of this collection. Ruggunan and Maré, and Erwin return to the locus that sparked the colloquium – higher education. In their qualitative study Ruggunan and Maré focus specifically on how, why and to what effect apartheid race categories are currently used at the University of KwaZulu-Natal. These authors show that contemporary uses of these categories in classification practices often rely on ways in which the categories were used during apartheid. They show that these categories are rendered ordinary in this university’s bureaucratic procedures. They show the strategies people revert to when ‘correcting’ apparent ‘mis-classifications’. Erwin offers a critical examination of uses of ‘race’ in academic research practice, and of the research challenges posed by racialised lived realities. She suggests vigilantly reflexive research practice. Alongside these qualitative pieces, Lefko-Everett draws on quantitative findings of the annual South African Reconciliation Barometer surveys from 2007 to 2010. Given that these surveys indicate the continued impact of meanings of ‘race’ on lived experiences of the citizenry, as well as significant public support for the retention of apartheid race categories, she invites consideration of these findings alongside arguments for revisiting the categories. Erwin’s, and even more so, Lefko-Everett’s work resonate with Norman Duncan’s call for greater engagement with elements of common-sense understandings of ‘race’ in South Africa today, and with Garth Stevens’ call for an examination of the conditions that make un-doing meanings of ‘race’ either difficult or impossible. Together, these three articles examine specific sites for some of the practical manifestations of Soudien’s disjuncture between ‘the law’ and ‘the rule’. In his joint response to these articles, Harry Garuba offers another way of seeing this disjuncture – an ‘aporia sanctioned by the [South African] Constitution’ (p114).

Part Three grapples with the use of ‘race’ in post-1994 South African jurisprudence. Lee Stone and Yvonne Erasmus note that in the absence of clear legal definitions of the concept of ‘race’, and of specified criteria for the identification of race categories – assuming such specification is viewed possible – law in contemporary SA depends on the acceptance of apartheid race categories and/or on shared understandings of the idea of ‘race’ necessarily based on these categories and their histories. The authors locate this legislation within the provisions of the Constitution and show how

apparent contradictions in the Constitution are ‘resolved’ through particular interpretations across the law. We learn from this piece that current uses of ‘race’ in South African law (not necessarily the Constitution) rest on the assumption that meanings of ‘race’ and related identifications are static. Pierre de Vos complicates this conversation about ‘race’ in post-1994 South African law. He argues that the Constitutional Court – in its interpretation of the South African Constitution – locates the provisions of this document within master narratives of South Africa’s apartheid past and its negotiated transition, *as well as* within the Court’s own narrative of an unfolding democratic future. With reference to ‘race’, he argues, along similar lines as Stone and Erasmus, that this Court tends narrowly to deploy the two master narratives often lending rigidity to its interpretation of the equality clause. In this regard, he raises important questions about the Court’s awareness of possible pitfalls of legally mandated race-based programmes. However, of significance to the focus of this volume, De Vos argues there is space in the Constitutional Court’s jurisprudence for innovative, more critical conceptions of ‘race’. This space emerges from the combined effect of a) the Court’s awareness of a future unfolding into uncertainty, an awareness open to conceptions of ‘race’ as contingent and constructed; b) its interpretation of the Constitution as endorsing a *process* of achieving substantive equality, rather than an already existing state of formal equality; and c) its non-prescriptive jurisprudence on meanings of ‘race’, and on whether or not to rely on apartheid race categories. In addition, De Vos notes three Constitutional requirements for redress that enhance this innovative space. This volume reaches toward the untapped possibilities for anti-racialism permitted by this space. Given that the courts are one among several institutions of power that can enable social change, it might be important to think of ways in which to use this space to stretch the law toward a future less encumbered by apartheid’s race categories.

In her response to the two articles in Part Three, Dee Smythe calls for closer attention to ways in which ‘new’ South African legislation works in contradiction to the potentially innovative space identified by De Vos. In particular, she alerts readers to recent laws, modes of governance and courts currently in the making that re-produce both the apartheid grand system of racial classification and, inextricably linked, its ‘tribal’ sub-classificatory project. She refers to the Black Authorities Act Repeal Bill B9-2010, the Traditional Courts Bill B15-2008 and the Traditional Leadership and Governance Framework Act 41 of 2003. She asks: ‘What contemporary

interests converge in perpetuating the nexus between ‘race’, place, culture and identity that underpinned separate development?’ The articles in this volume, each in its own way, explore this nexus between ruling, knowing and living.

Just as Smythe brings readers to this localised historical weight of racialised modernity in the present, Harry Garuba contrapuntally returns us to the first significant moment in modern history when race categories were revisited: the Haitian Constitution of 1805. Closing the volume with *this* moment, Garuba reminds us to consider – in addition to linguistic and legalistic inaugurations of meanings of ‘race’ and related categories – the material conditions and power/knowledge structures of racialised modernity of which apartheid is but one example. He urges us, in today’s neo-liberal context, to ask more questions ‘of the world’ than we do ‘of the law’ (p176). Readers could not wish for a more thought-provoking closure.

Creating possible new indicators for (dis)advantage

Among the highlights of the colloquium were small group reports that used existing knowledge (IJR’s critical social indicators used in South African Reconciliation Barometer Annual Surveys, Darity and Nicholson 2005, Varshney 2002) to create possible new indicators that account for the social effects of both ‘race’ and class without surrendering to apartheid race categories.

Working in the context of twentieth century North America, Darity and Nicholson (2005) distinguish between wealth and income. They note racialised inequalities in wealth distribution are far more pronounced than such inequalities in income distribution. These authors do not tell us anything new. With reference to SA, Stephen Gelb (2008) differentiates between inequality and poverty. He argues that inequality can only be addressed by transferring or building assets: assets being ‘wealth embodied in forms which make it possible to earn income not only today, but in the future’. Land, education, skills, health and housing are examples of such assets. The value of both Darity and Nicholson and Gelb is that they put these issues into the language of economists and statisticians, without losing a sense of history’s place in wealth creation and its maintenance. Their attention to history and its politics is close to though not as deep as Ashutosh Varshney’s (2002) work on Hindu/Muslim conflict and ‘co-operation’ in India.

Darity and Nicholson (2005) write about the place of intergenerational

transfers of wealth at crucial moments in living life: graduation, marriage, childbirth. They draw our attention to both *in vivo* transfers of wealth, and to inheritance – transfers of wealth after the death of a parent. Of interest to our context is the reality that in the US, citizens who identify as African-American have had roughly three generations of tertiary education stemming from the system of college education there. In South Africa, we can count barely one such generation among South Africans from various black experiences. Many, though not all, South Africans considered ‘white’, have at least three generations of tertiary education in their families. Given the significance of education as an asset enabling wealth creation, well being, social mobility, engagement in the economy and enabling one’s means to translate rights on paper into living rights, this racialised history of intergenerational asset transfer is key to programmes of both racial redress and broader social justice in SA. Secondary and tertiary education as an intergenerational asset is a significant factor differentiating the middle-classes in SA. I would imagine that *in vivo* transfers of wealth and inheritances would be significant, too. For working class and poor people access to asset worthy education, and to the capacity to create wealth, as opposed to being dependent on welfare, are significant. For these reasons, we need to focus both on racial redress *and* broader social justice as a multi-pronged strategy for addressing inequality, not just poverty.

In the process of thinking about possibilities for new indicators, we need to bear in mind that substantive transformation is neither about ticking nor dropping apartheid race categories. It is about addressing *what lives behind* them. It is about, as Varshney (2002:21) illustrates, bringing to our work ‘a sensitivity to specific histories of communities [individuals] and regions’ and to the significance of symbolic meanings (ibid). We need to remind ourselves that not all aspects of redress and transformation can be settled by data, or more specifically, factual data. A large part of it is about a shift in orientation: both methodological and political.

Working with this knowledge as a backdrop, reports from small group sessions at the colloquium suggest *we can* do much better than capitulate to customary practice. *We can* access what lies beneath and behind ‘White’, ‘Black’, ‘Coloured’ and ‘Indian’ in the present. *We can* access what might lie beyond life with these categories. While indicators would need to be tailored to specific institutional contexts (Lefko-Everett, in this volume) and social purposes, among those suggested were which languages do you speak, read, write; did you / did your parents have the right to vote before

1994; what kind of setback, if any, did you have during high school, for example, violence at school, political action, pregnancy; how many generations of your family have had access to tertiary education; do you have access to the internet; do you have access to clean water; how do you get to school each day: by bus, by car, on foot; if on foot or by public transport, how long does it take you to get to school.

Although but one among a growing number of small beginnings, I came away from this gathering re-assured that doing away with apartheid race categories in the short to medium term *does not imply not naming* ‘race’ and its effects. In closing the colloquium, Gerry Maré soberly reminded: ‘this is a process, not a moment’, and asked, ‘How do we keep it alive’?

Note

1. The author was part of the debate. She presented one of the key positions on the use of apartheid race categories for equitable admissions.

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