Article

On the (im)possibility of social justice in South Africa

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*Justice is a name for certain classes of moral rules, which concern the essentials of human well-being more nearly, and are therefore of more absolute obligation than any other rules for the guidance of life.* John Stuart Mill, *Utilitarianism* (1863:315-6)

Introduction

Justice is widely regarded as an important virtue of both individuals and societies. Indeed, to act justly has long been considered a defining feature of human civilisation. The notion of justice invokes equity or fairness, with persons treated as they deserve to be: advantage bestowed by some measure of entitlement and penalty according to the magnitude of the offence. To the imperative of balanced judgement, symbolised by the scales of justice, is added the value of impartiality, reflected in the image of justice blind to all but morally relevant circumstances. In short, justice is a matter for very careful consideration, to match the strength of its moral obligation.

The concept of social justice is of more recent origin than that of justice itself, and has a variety of meanings. The term social justice is sometimes used to distinguish ‘distributive’ from ‘retributive’ justice. It can distinguish distributional outcomes from the fairness of the process involved, or ‘procedural’ justice. It may signal concern with a range of ‘social’ conditions, distinguished from others regarded as ‘economic’ or ‘political’. But the most comprehensive and useful meaning of social justice is to identify justice in any sense as social, as something happening in society. To say that social justice is a social construct is to capture both the social character of justice in general and how justice is actually practised in different societal contexts. This is to distinguish social justice from ‘natural’ justice as a universal feature of the fabric of the world, if such a property is conceivable.
The purpose of this paper is to explore the meaning of social justice, in general and within the particular context of South Africa. It draws freely on a number of my previous publications (listed in the references and not cited individually in the text). The intention here is to make more explicit a position stated obliquely in the conclusions of some of my recent writings: that it is difficult if not impossible to imagine social justice in South Africa. The argument is based on problems with the concept of social justice, and on the reality of South Africa emerging from apartheid.

**Background: theories of social justice**

The notion of justice as a virtue of the good life can be traced back to the ancient Greeks. Agnes Heller (1987) has explained how the ethical and political aspects of this traditional concept of justice were separated during the 18th and 19th centuries. The former came to constitute the modern field of ethics or moral philosophy while the latter became concerned with institutional arrangements. The question of the best social world became largely a matter of the just distribution, or what is now commonly referred to as social justice. The elaboration of social justice has itself subsequently attracted a diversity of theoretical perspectives, further to complicate its meaning.

From the rise of modern liberalism well into the 20th century, the dominant perspective was that of utilitarianism. Embedded in the abstract formalism of neoclassical economics, social justice became a matter of maximising society’s ‘welfare’ as the sum total of ‘utility’ enjoyed by individuals. Despite the egalitarian implications of the assumption of decreasing marginal utility (whereby aggregate welfare is increased by transferring resources from rich to the poor who can gain more from them), a defence of unequal societies was provided by the Pareto criterion (whereby increases in aggregate welfare require there to be no losers). Thus, utilitarianism failed definitively to resolve the question of the just distribution.

The virtual hegemony of utilitarianism was eventually challenged by John Rawls (1971). He proposed a deontological rather than teleological perspective, arguing for justice as what is right rather than concerned with some ultimate good. He took the natural attributes and social-environmental circumstances from which personal advantage tends to arise as beyond individual responsibility, and thus morally arbitrary. While this might suggest equality in the distribution of his ‘social primary goods’ of liberty
and opportunity, income and wealth, and the bases of self-respect, some degree of inequality may be justified. Rawls’s ‘difference principle’ required social and economic inequalities to be arranged so that they are to the greatest benefit of the least advantaged group in society. This is the resolution persons are supposed to arrive at by viewing society from behind a ‘veil of ignorance’ as to their actual position within it, accepting that they could be among the worst-off and therefore wishing them to be as well-off as possible. Thus, justice was based therefore on a social contract among self-interested but cooperative individuals.

Rawls provoked a flourishing of interest in social justice, with alternative theoretical perspectives competing for attention (Kymlicka 2001; Smith 1994). The first major critique was from Robert Nozick (1974), whose exposition of libertarianism argued for the entitlement of persons to benefit from their ‘holdings’, including favourable natural attributes and such assets as capital, land and its resources. A vital proviso was that holdings had been acquired justly, for example by gift, inheritance or purchase. Expropriation by force and similar injustice required rectification, an aspect of Nozick’s perspective that is often overlooked by those seeking to justify the outcome of unequal initial endowments.

A more potent challenge came from Marxism, which recognizes the intrinsically exploitative character of capitalist social relations. Karl Marx and his followers were suspicious of the very idea of social justice under capitalism, but not very specific about what would follow the revolution other than that distribution according to need should eventually prevail. It took a contemporary moral reading of Marx by Ronald Peffer (1990) to show that distributional principles similar to those of Rawls might be deduced, but with economic and social security given precedence over liberty: a reversal of conventional liberal priorities. However, Marxism remains much more a critique of capitalism than a prescription for social justice in practice.

Another challenge came from communitarianism, stressing the relational nature of human life against the tendency of liberalism to atomise the individual without social context. Michael Walzer (1983) argued that the meaning of goods to particular societies could require different distributional principles in different ‘spheres’. Michael Sandel (1982) saw social justice as a remedial virtue, coming into play only when communal understandings of entitlement break down. More generally, communitarians tend to argue the cultural (and local) relativism of distributive justice, against universalists
such as Rawls.

The relational basis of social justice has also been emphasised by feminists hostile to the impersonal rights and rules of mainstream (some say masculinist) perspectives. The ethic of care initially proposed by Carol Gilligan (1982) stressed response to the needs of particular others, and the importance of understanding social context. More recent work has sought to integrate the care and justice perspectives, arguing that they are complementary rather than alternatives (eg Clement 1996). How far the spatial scope of caring relationships can be extended, from close and familiar persons to distant strangers, is an issue similar to that raised by communitarianism, with important implications for social justice at an international scale (Chatterjee 2004).

Further theoretical diversity was provided by the emergence of a politics of difference, elaborated most influentially by Iris Marion Young (1990). She argued for an approach focused on the processes of domination and oppression, identifying unfair treatment on such grounds as disability, ethnicity, gender and sexual orientation. Some saw this move as cultural domination supplanting exploitation as the fundamental injustice, and cultural recognition displacing socio-economic redistribution as the remedy. But others pointed out that cultural claims are often means to more material ends associated with economic and social equality; difference arising from membership of a particular group should not be a disadvantage.

Despite this diversity of perspectives, some common concerns can be detected. One is with the distribution of means of human well-being; while Young (1990) was critical of what she referred to as the ‘distributive paradigm’, distributional inequalities are intrinsic to concerns about discrimination associated with social constructions of difference. The second is with (in)equality; indeed, Brian Barry (1989:3) claims that ‘the central issue in any theory of social justice is the defensibility of unequal relations between people’. The third is with the structure of society and its institutions; quoting Barry again: ‘a theory of justice is a theory about the kind of social arrangements that can be defended’.

However, these three concerns together constitute a very thin general conception of social justice. The problem is that their further specification, or thickening, reveals important differences. With respect to the object(s) of distribution, there are differences as to the crucial means of well-being; for example, they could be defined in terms of Rawls’s primary goods, human capabilities, rights, opportunities, or the basic needs that have
figured prominently in development theory and practice. With respect to (in)equality, there are differences concerning the crucial dimension; for example, it could be ethnicity, race, occupational status, gender or even geographical space. As to the structure of society, there are differences about the crucial aspect of social identity and relations (for example, class, culture or citizenship), as well as about institutional responsibility (for example, the respective roles of the public and private sectors).

Recognising the seriousness of these issues as impediments to the specification of social justice in practice, there have been moves to resolve them within some overarching theoretical perspective. For example, there has been an attempt to theorise human need independent of the relativism of culture (Doyal and Gough 1991), and to reassert the case for essential characteristics of human being (Nussbaum 1992). Agnes Heller (1987) has argued for a new ethico-political concept of justice, concerned with the best possible moral world. Indeed, she describes the triumph of the right over the good in Rawls’s conception of justice as merely ‘the shabby remnant of the “sum total of virtues” that was once called “justice”’ (Heller 1987: 93). Her proposal (re) reconnects social justice to broader considerations of the good life, or what it means to live well; as Michael Walzer (1994:24) has remarked: ‘we are distributing lives of a certain sort, and what counts as justice in distribution depends on what that “sort” is’.

Moving towards a thicker conception of social justice also implies recognition of geographical and historical context. If there are essential human needs to be satisfied anywhere and at any time, the extent of the shortfall and the specific goods and services required to meet this will depend on the here and now of actual human experience. The relevance of such categories as ethnicity, gender and race will also depend on the context, including the historical legacy of specific forms of discrimination and the grounds on which political mobilisation and struggle are most effective. As to the question of the best possible institutional arrangements to achieve distributive justice, these will depend on the capacity to change the existing structure of a society, and on the broader (international) context within which it functions.

**Interlude: South Africa after apartheid**

This paper is not intended to provide empirical detail on the trajectory of economic and social change in South Africa since the end of apartheid. Space precludes such an exercise valuable though it would be. Instead, I
offer a few selected observations of particular relevance to the context within which any conception of social justice might be evaluated, taken from two quite different sources.

The first is from a review by Firoz Khan (2004), in an issue of *Development Update*, focusing on the city but of more general relevance. He highlights the following problems, as ‘inequitable outcomes’ of South Africa’s transformation and development (Khan 2004:14; sources cited therein): unemployment estimated at 41.5 per cent (2001); a million jobs lost (1994-7); growing intra-racial inequality, with the income of the top 20 per cent of African households estimated to be about 40 times higher than the poorest 20 per cent (2001-2); a drop in the share of income of the poorest 50 per cent of households, from 11.4 to 9.7 per cent (between 1995 and 2000), with the biggest decline among the poorest; growing poverty, especially among children; a decline in the United Nations Human Development Index, with South Africa falling from 93rd to 107th out of 173 countries (from 1992 to 2000); and a worsening income distribution, with the Gini coefficient rising from 0.56 to 0.57 (from 1995 to 2000).

He sees inherited patterns of uneven development supplemented by new forms of division and exclusion. These include: the social divide between the abandoned city and enclaves of luxury and security; the widening gap between the township, inner city and suburb; and the deep divisions between township residents in formal housing, backyard shacks and informal settlements. Khan (2004:25) also draws attention to ‘sanitised and clinical suburban shopping malls, fantasy worlds ... and gated communities ... the play and living spaces of the affluent, these built environment interventions whose objective is to avoid and/or eliminate “difference”/“other” – perceived as overwhelming and dangerous’.

Reflecting on the broader implications, Khan (2004:8) identifies a ‘brutal and sadistic normlessness, the exact antithesis of an imagined post-apartheid moral economy that strikes at the heart and soul of the reconstruction and transformation project’. Finding redistribution absent from the existing macroeconomic policy, he suggests that there is ‘no coherent narrative/script/conception/theory of social change and how it is to be engineered, managed and sustained’ (2004:16). In practice, he finds an upward redistribution of resources, effected by a new coalition of the old white and new black elite working to the detriment of the poorest 50 per cent of black households. This interpretation is echoed by Ebrahim Fakir (2004:130) in the same issue, referring to “new and surprising social and political
contours emerging – increasing levels of social inequality, continuing poverty and unemployment, modest levels of economic growth with little widespread redistribution, and with an increased share of economic prosperity only for old elites and an emerging black technical and managerial occupational class’. Khan (2004:43) concludes: ‘There is no more urgent task in our new democracy than to embark on the long journey of re-dreaming our urban future firmly grounded in the values of social justice, human solidarity and equity’.

The second source is a feature by Rory Carroll (2004) in the British newspaper *The Guardian*, on the new black elite. It refers to ‘South Africa’s first black rand billionaires, men who have zoomed from modest means to mega-wealth in a few years’. Some see them as models of what is possible in the post-apartheid era, while others condemn them as ‘the embodiment of crony capitalism, which enriches a few and leaves many in poverty’. The black economic empowerment legislation introduced in 2003 was designed to transfer parts of the South African economy to those previously disadvantaged by white rule. While empowerment agreements worth about R10 billion were reported in 2003, critics point to the same men (sic) with political connections being repeated beneficiaries. The question raised is how far this form of black economic empowerment will generate other, smaller-scale enterprises with significant growth and redistributional effects, rather than merely transferring ownership of existing assets and widening gaps within the black population. As to overall racial inequality, it is pointed out that blacks still control less than four per cent by value of shares on the Johannesburg securities exchange, and that nine out of ten senior management positions are still held by whites.

Not all observers would stress these same aspects of post-apartheid South Africa. Some would point to new freedoms associated with the removal of discriminatory legislation and the introduction of a universal franchise. Others would emphasise improvements in the conditions of many of South Africa’s poorest citizens, especially with respect to servicing informal settlements. However, vast differences in living standards remain, within the cities and between urban and rural areas. That inherited patterns of inequality are being restructured rather than removed, with those originally based on race interpenetrated by class, is part of the reality challenging the achievement of social justice after apartheid.
Challenge: social (in)justice after apartheid

Liberal egalitarianism, as elaborated by the likes of Rawls, provided an obvious critique of the injustice of apartheid. Race is an un-chosen identity; like other social-environmental contingencies as accidents of birth, it should carry no moral credit or penalty, and should have no independent bearing on living standards. It followed that social justice could be defined as ‘racial equality’. But in practice, arguments for racial equality focused very much on the repeal of discriminatory legislation in the interests of liberty and in order to equalise opportunities. While equality of outcomes or living standards by ‘race group’ might have been the ultimate objective, this was seldom stated explicitly, which greatly limited the egalitarian expectations.

More radical views associated with Marxism, stressing the structural injustice of racial domination and oppression under capitalism, were muted in apartheid South Africa. This included the African National Congress (ANC), with its commitment to nationalisation of major sectors of the economy within a socialist society. With respect to other challenges to liberal egalitarianism, elements of communitarianism could be detected in respect for the culture of different population groups, which was by no means confined to apartheid ideology, but this did not protect communities formed by Africans, Indians and Coloureds in supposedly ‘white’ cities from destruction under Group Areas legislation. As to the politics of difference, with its progressive expectations, opposition to apartheid was more a case of stressing the common humanity of South Africa’s peoples against the social construction of difference based on race. The way in which residential segregation and petty apartheid enforced separation and regulated encounters among strangers, especially within the cities, was a far cry from Iris Marion Young’s equality of groups with mutual recognition and respect.

The end of apartheid and the election of an ANC government raised great expectations. The Reconstruction and Development Programme (RDP) placed primary emphasis on the satisfaction of basic human needs, reflecting the mainstream development discourse of the times. There was a Rawlsian ring to the commitment ‘to improve the quality of life of all South Africans, and in particular the most poor and marginalised’ (ANC 1994: 15). However, there was also a hint of Pareto in the suggestion that all would gain (implicitly, none would lose), a comforting piece of rhetoric which failed to recognise that hitherto privileged sections of the population might make
sacrifices for the betterment of severely disadvantaged others. The RDP was responsible for some positive impact on housing and service infrastructure in localities occupied by poor blacks, and in this respect some erosion of racial inequality could be identified.

However, the RDP was shortlived, to be replaced by the macro-economic strategy of ‘Growth, Employment and Redistribution’ (GEAR). The emphasis of GEAR on reduced state spending, investment incentives, wage restraint, labour market flexibility and privatisation, strongly resembled the neoliberal development strategy promoted elsewhere by the International Monetary Fund in its structural adjustment programmes. GEAR promised accelerated economic growth but projections of new employment proved optimistic, and the strategy has generated limited benefits for the mass of the deprived population. Patrick Bond (2000:19) is not alone in considering that state policies are excessively neoliberal: ‘too market-oriented, stingy, insensitive to poverty, incapable of integrating gender and environmental concerns, unsympathetic to problems associated with public health and worsening geographical segregation’.

The critique of GEAR is too familiar to require repetition here. However, in the context of alternative perspectives on social justice it is worth a reminder of how Nicoli Nattrass (1996) saw competing moral claims reflected in contrasting approaches. Big businesses supported GEAR in the implicit moral claim that lower wages are good for the poor because a more flexible labour market encourages the expansion of employment; so promoting the interests of capital through an investor-friendly environment is necessary for growth and promotes equity in the long run. The position of organised labour turned this moral argument on its head, proposing that high levels of inequality undermine growth, and that reducing inequality should be a precondition rather than merely an outcome; so poverty should be addressed at least in part through improving the wages of low-paid workers. In Rawlsian terms, the business (and government) position is that initial inequality in favour of the better-off can be justified as in the (eventual) interests of the worst-off. The opposition view is that initial moves towards equality are in the interests of the worst-off. If there are no empirical or logical means of adjudicating between these two alternative theories then it becomes a matter of faith.

Contemporary neoliberalism, with its reliance on relatively free markets, is not the only alternative to liberal egalitarianism. What of the other challenges to mainstream perspectives on social justice, introduced earlier
in this paper, as applied to post-apartheid South Africa? While Marxism remains a powerful source of analytical insight into the workings of a capitalist economy, the prospects of influencing the trajectory of change in South Africa quickly faded with the abandonment of the ANC’s original revolutionary aspirations, and with the contemporary demise of Soviet-style socialism. Indications of communitarianism may be detected in suggestions of a return to traditional African values associated with group identity and solidarity, or *ubuntu*; Augustine Shutte (1993) has argued that such premodern ethics provide an alternative to both liberal individualism and socialist collectivism. This reflects a search for perspectives grounded in Africa and Africanism, manifest in assertions of an ‘African Renaissance’. Some see links between premodern African communitarianism and the contemporary ethic of care, and between an ‘Afro-centric’ morality and the relational ethics associated with feminism. With respect to the politics of difference there has been an attempt to make a virtue of population diversity, reflected in the notion of a ‘Rainbow Nation’: South African citizenship is supposed to transcend ethnicity and race, while still recognising and respecting difference. However, none of these perspectives seem capable of challenging the predominant ethics and practice of (neo)liberal individualism.

It is also possible to identify what may be described as new discourses of social justice in South Africa. One is that of human rights, often invoked in the general sense in the critique of apartheid, but now stressing rights of citizenship through the Bill of Rights incorporated into the 1996 Constitution. Environmental justice has become part of the policy agenda (McDonald 2002); the right to an environment not harmful to people’s health, and to sustainable development, is included in the Bill of Rights. The notion of sustainability is itself the subject of much recent interest, in the context of sustainable cities, for example (Swilling 2004). Sustainability raises the issue of intergenerational justice, including the awkward question of how far into the future a society should project itself, if not indefinitely. Looking back leads to arguments for reparation as compensation for past injustice, including restitution of land and other assets, as well as coming to terms with the kind of experiences addressed through the Truth and Reconciliation Commission. There are also more practical and pragmatic approaches to redistribution, in affirmative action and empowerment programmes, though there is the danger of perverse outcomes pointed to in the previous section.

The irony is that such varied perspectives compete for attention, as Firoz
Khan (above) calls for resurrection of the values of social justice, human solidarity and equity to counter the prevailing normlessness of the post-apartheid era. The point is that what these values mean is itself contested.

**Dilemma: what could be social justice in South Africa?**

Alternative perspectives may be deployed to make a case for a particular conception of social justice in South Africa. It could be the liberal commitment to racial equality but this is complicated by increasing inequality among the black population, which makes group averages a dubious basis for comparison. It could be libertarian entitlement theory, though full rectification of historical injustices in the acquisition of resources would be inconceivable as the limited progress of land restitution demonstrates. It could be the Marxist commitment to fundamental structural change, though the collapse of socialism elsewhere makes this more unlikely than ever. It could involve the resurrection of community, difficult though this is against the contemporary forces of cultural homogenisation. It could be manifest in an ethic of care, though this is hard to promote in an environment of individual materialism. It could involve the recognition of difference as grounds for positive rather than negative discrimination, though there are powerful objections on the part of the hitherto advantaged. While these perspectives are not all mutually exclusive there are clearly limits to their congruence.

At the risk of taking theoretical thickening too far, it is now proposed to suggest a basis from which the question of the (im)possibility of social justice in South Africa might be posed more constructively. This involves elaboration of the three common elements in the alternative theories outlined earlier in this paper: the distribution of means of well-being, a concern with (in)equality, and the structure of society and its institutions, to which must now be added the time scale. Space constrains inclusion of detailed substance and argument (to be found in some of my other publications).

The composition of that which is to be distributed has been the subject of extensive debate. The resolution ranges from minimal requirements of food, clothing, shelter and so on needed to ensure physical survival, to formulations recognising a range of ‘higher’ needs, including those of a psychological and even spiritual kind, required to sustain human life qualitatively different from that of other sentient beings. What is feasible along this continuum will depend on the context, including what the society
in question may be able to afford. In South Africa, additional guidance is provided by the Bill of Rights, uncertain though some of its provisions are until clarified in the process of substantiating claims. Without being more specific, this context suggests that, as a matter of both justice and rights everyone should be entitled to the satisfaction of material and security needs, including decent housing and a comprehensive service infrastructure, within an environment superior to that of the existing townships and shacklands (and much of the countryside).

Inequality can be identified in various dimensions. While race remains the most obvious in the South African context, both technical and ethical problems arise from the continuing adoption of the former apartheid race-group categories. Attention has also to be given to issues somewhat neglected in the preoccupation with racial inequality, including the disadvantage experienced by women and by poor whites. However, there is one dimension which commends itself as particularly suitable for the identification and evaluation of inequality: geographical space. Inequality among territorially defined population aggregates, in the tradition of geographical analysis, has the advantage of incorporating other dimensions. Insofar as spatial patterns of housing and environmental quality, and related aspects of living standards, are likely still to reflect the racial residential segregation inherited from apartheid, progress in eroding ‘racial’ inequality is addressed indirectly by this approach, originally referred to as that of ‘territorial social justice’. The appropriate scale of spatial disaggregation would not be hard to determine from existing patterns of differentiation, for example between individual townships and well-to-do suburban neighbourhoods.

The structure of society is a more difficult issue, particularly when context is introduced. With respect to institutional fairness, or procedural justice, the elimination of racial discrimination from present institutions in South Africa would pass a test which those of the apartheid era would have failed. However, there could still be institutional bias in favour of those already in positions of privilege (for example, by virtue of political connections), and against the poor, as is argued by some critics of the post-apartheid state. And it does not require commitment to Marxism to identify class advantage in any capitalist system driven largely by market forces; markets respond to those with the money to influence them (literally, purchasing power), and if the existing distribution of income and wealth arose under conditions of blatant injustice (as under apartheid), then this
source of inequity will tend to be perpetuated. Iris Marion Young (1990: 245) draws attention to what David Harvey (1973) originally describes as ‘hidden mechanisms’ of (re)distribution that produce and reproduce inequalities to the disadvantage of the poor and marginalised, as illustrated by the upward redistribution of resources effected by elites identified by Firoz Khan (see above).

The fact that institutional arrangements may have been arrived at as an outcome of a democratic process may not be entirely convincing as a test of their fairness, such is their vulnerability to the exercise of economic and political power. Another test has been proposed by Onora O’Neill (1992: 68), who asks ‘to what extent the variable aspects of any arrangements that structure vulnerable lives are ones that could have been refused or renegotiated by those they actually constrain’ (O’Neill 1992:68). This resembles a principle advanced by Brian Barry (1995:7): ‘it would widely be acknowledged as a sign of an unjust arrangement that those who do badly under it could reasonably reject it’. There is a suggestion of Rawls in both formulations, with their assignment of the power of veto to the badly-off. While the ANC retains its dominant position in South African politics, there are growing indications that some of its policies might not survive this kind of test. The ultimate test is the effectiveness of institutions in bringing about distributional justice, manifest in substantial improvements of living conditions in impoverished parts of the country.

One further consideration required by theoretical thickening is the time scale. The conception of social justice proposed here requires a process of equalisation, at least with respect to the means of well-being needed to live decent human lives, and arguably with respect to living standards more generally. While perfect equality could be the aim, some degree of inequality might be justified on moral grounds, the most persuasive (following Rawls) being that it is in the interests of the worst-off. Two difficult questions arise. Within what length of time is it required to achieve equality, or to converge on a justifiable degree of inequality? And what degree of inequality can be justified, on the grounds that it benefits the worst-off? Both questions raise issues which require not only moral judgements but also empirical knowledge of the functioning of the South African economy and society, now and in the future. Hence the difficulty, highlighted by Nicoli Nattrass (above), in deciding between competing claims as to the significance of existing inequalities in promoting a more equal society.

So, what are the prospects of achieving social justice in the sense
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suggested here? If the key is further sustained improvement in the living standards of the poor, then there are some formidable obstacles. The initial task of getting better services such as water supply, electricity and garbage collection into townships and shacklands was easier than addressing the structural features of poverty built into an economic system that has not been subject to fundamental change. And there are new and growing calls on hard-pressed public expenditure, notably arising from the proliferation of AIDS. Thus, the prospects for substantially relieving poverty do not look promising under the development strategies currently on the political agenda, given the present structure of society, its institutions, and the macroeconomic policies to which the government is committed. This raises the kind of spectre suggested by Hein Marais (1998:5): ‘Left unchecked, the defining trends of the transition seem destined to shape a revised division of society, with the current order stabilised around, at best, 30 per cent of the population. For the rest (overwhelmingly young, female and African) the best hope will be some trickle-down from a “modernised” and “normalised” new South Africa’.

As well as poverty, there are physical development problems constraining further progress towards social justice. South Africa entered the 1990s with a legacy of apartheid planning and construction manifest in spatially segregated, highly differentiated, sharply fragmented and dispersed urban areas. A major impediment to equalisation is the inherited housing stock, with its spatial pattern of extreme contrasts between self-built shacks of informal settlements typical of poor third-world urbanisation and affluent suburbs comparing favourably with those of North America and Western Europe. President Thabo Mbeki’s mandate is to clear slum settlements within ten years; KwaZulu-Natal’s Housing Minister aims to eradicate them in the next six years, with an even shorter time scale promised in Gauteng to replace them with formal housing. However, the prospects of substantially improving, never mind eliminating, the vast swathes of shacklands within a decade seems highly optimistic. In any event, in situ upgrade is likely to perpetuate unsuitable locations, despite official aspirations to the contrary, and with it the pre-existing spatial arrangement of settlements. And the best-planned schemes of local government may be frustrated by the people themselves, including such fraudulent practices as trading the rehousing opportunities represented by shack ownership (see for example The Mercury, August 20, 2004).

The main objective of post-apartheid physical planning has been the
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creation of more compact and integrated cities. However, some observers find that the decade has ended ‘without much meaningful progress’ (Donaldson and Marais 2002:198); the reality appears to be further fragmentation (Harrison, Huchzermeyer and Mayekiso 2003). The affluent minority seem increasingly to be seeking the defensive exclusion of gated neighbourhoods. Karina Landman (2002) points out that, whereas urban policy formulated in the 1990s sought to rid South Africa of the segregation and fragmentation of the apartheid city, these settlements have exacerbated the situation.

But it is not just a problem of physical development. These new forms of spatial and social fragmentation risk undermining the common purpose required for a sustained attempt to promote social justice as equalisation. While gated settlements may provide some positive elements of local community for their inhabitants, their exclusivity and control allows those who can afford it to opt out of shared services, taking care only of themselves and their immediate neighbours. They can also create barriers to interaction among people of different races, cultures and classes, adding to the difficulty of building social cohesion. Gated neighbourhoods thus ‘touch on the very issue of individual rights to public space and the fundamental principles of democracy’ (Landman 2002:217-8). Lindsay Bremner observes that ‘the gaps between the worlds of the township, the inner city and the suburbs are widening. The chances that the people of the city will develop a sense of shared spaces, of shared destiny, grow slimmer by the day’ (quoted in Donalson and Marais 2002:6).

Difficult as it is for the state substantially to change the highly unequal spatial structure of South African society, the problems are exacerbated by investment priorities of private capital, eager to fund property development for upper-income groups and the latest refinement in entertainment. There is money to build Johannesburg’s expensive gated suburbs like Dainfern and a vast new casino and commercial complex in the form of medieval Tuscan town (Montecasino), but not to rebuild decaying African townships like Alexandra. Capital has been found for the art deco extravaganza of the Suncoast Casino and other similar ventures in the Durban metropolis, but not to rebuild informal settlements like Inanda. The proliferation of gambling venues is of particular moral significance, with media reports of ‘gambling mania’ and ‘the poor blowing their cash’; as Ashwin Desai has pointed out, life for many people in places such as Phoenix ‘is already a roulette wheel’ (Tribune Herald, January 28, 2000).
There is an influential strand in the discourse of social justice referred to as luck egalitarianism, which (following Rawls) seeks to minimise the role of good or bad fortune. The implications in South Africa are clear. Only a few miles separates Dainfern from Alexandra yet they represent two different worlds. For all but the most exceptional inhabitants of somewhere like Alexandra, the possibility of moving to a home in somewhere like Dainfern is as remote as a trip to the moon, no matter how hard they work. And the difference between these life chances is very largely a matter of luck: no one deserves the good fortune of being born and brought up in the affluent suburbs rather than the townships or shacklands. Such inequalities are morally indefensible, not only from a liberal egalitarian perspective but within any current conception of social justice except an extreme form of libertarianism.

Social justice in South Africa requires a vigorous process of equalisation, narrowing gaps arising from morally irrelevant accidents of birth and subsequent contingencies, very much in the spirit of John Rawls. One interpretation of Rawls’s veil of ignorance behind which we are supposed to approve social arrangements, highlighted by Stuart Corbridge (1993: 464), is that it invites us to think ourselves, literally, into the place of others and imagine what it would be like to be among the worst-off. It invites relatively privileged South Africans to ask what kind of society they would endorse, if under present circumstances they might find themselves living somewhere like Alexandra or Inanda.

Now we come to the fundamental problem frustrating the achievement of social justice in South Africa. Formulated as a process of equalisation, social justice cannot be envisaged as bringing the mass of the poor up to the material living standards of the well-to-do minority for this is both economically unattainable and environmentally unsustainable. If the good life is represented by the spacious suburban home with its manicured garden and other material refinements that go with it, and if the aspiration of the impoverished majority of the present population is to achieve something similar, there will be massive disappointment. The satisfaction of everyone’s basic subsistence and security needs, everywhere, entails a more equal sharing of the means of a much more modest material conception of the good life. If we are distributing lives of a certain sort, as Michael Walzer reminds us, this sort must surely be capable of extension to everyone, within a time scale that makes it worth working for. Insofar as it is evidently so exclusive, the way of life exemplified by South Africa’s affluent suburbs
with their gated neighbourhoods cannot be defended morally, here and now. Yet this is the reality, so sharply differentiated from places of poverty, here and now.

The notion of sustainability has recently entered the policy discourse in South Africa, as indicated above. Sustainable development is conventionally interpreted very much in the context of the physical environment, pointing to limitations on present levels of material consumption enjoyed by affluent populations, if resources are to be maintained and the environment protected for future generations. But it is possible also to identify a moral aspect of sustainability as an interpretation of society that can be propagated convincingly enough to sustain a collective sense of the fundamental fairness or justice of its social arrangements and outcomes. Without such moral sustainability, as an aspect of social cohesion, it is hard to see a sustainable South African society more generally. As Hein Marais (1998: 5) warns, in response to the divisions which he predicts (above): ‘This raises not only moral but political dilemmas, not the least of which is the danger that the incumbent elites come to view the excluded majority as a threat to newly acquired privilege and power, thereby introducing the spectre of a new bout of authoritarianism in response to social instability’. Finding a way out of this dangerous trajectory, if there is one, requires some new ethico-political concept of justice, as called for by Agnes Heller, powerful enough to influence personal conduct and state practice.

However, at present it is hard to see any alternative ethics, or political philosophy, dislodging the individualistic materialism and neoliberal capitalism driving the perpetuation of inequality in South Africa. If the challenge is nothing less than to transform the prevailing political economy and its ethical foundations, the prospects are hardly encouraging. Fundamental social change may depend on the daunting task of devising and propagating a new theory of the good, incorporating inclusive material living standards, combined with an ethic of responsibility to the weak and vulnerable, persuasive enough to be a source of moral motivation. Failure could be a prescription for growing political and social instability from which the well-to-do, with most to lose, may suffer most. In these circumstances, perhaps the prudence of self-interest rather than morality can point the way towards a much more equal society, in the interests of all. However, there is little indication of such thinking in contemporary South Africa. Meanwhile, the best prospect may be piecemeal programmes and projects generating benefits for the worst-off: far short of the ideal of a just society.
Conclusion
The thrust of my argument has been that it is very difficult, if not impossible, to envisage social justice in South Africa. The concept of social justice itself is subject to a variety of interpretations. Any attempt to construct some overarching theory against which competing perspectives might be judged, encounters the philosophical problem of how to provide convincing foundations in a (postmodern) world hostile to essentialism and to the universal aspirations of metatheory. The best we can do is to work with, and between, such theory as is available and the actual contexts within which thicker understanding of social justice arises. Hence my attempted framework in the previous section.

But even here the outcome is unsatisfactory in the sense of a conception of social justice with some prospect of achievement in South Africa. There are major impediments to the extent and pace of equalisation required: economic, political and in the inherited social structure and its spatial form as a built environment. The emphasis might be shifted therefore from what is desirable in some ideal moral world to what is feasible, given the way things actually are and the constraints on structural change. There is a commonly espoused philosophical axiom that ought implies can, relieving individuals (and states) of the moral responsibility to do the impossible. But this merely shifts attention to what is actually possible in South Africa – another highly contentious question. And even if there was an obvious answer would this necessarily qualify as social justice?

It might be tempting to conclude that South Africa is a case of particularism, even exceptionalism, given its distinctive history and uniquely challenging present. However, the country could be regarded as a microcosm of the world at large, with its growing gulfs between affluence and social security on the one hand and dire poverty on the other. As the vast inequalities opened up in the 20th century show no sign of substantial reduction, and as aid from rich to poor countries remains miserly, social justice via redistribution is losing its potency. There is no prospect of raising the living standards of the world’s poor to that currently enjoyed by the affluent of North America and Western Europe: this would be environmentally unsustainable as well as economically and politically inconceivable. Therefore, social justice becomes a matter of ensuring everyone, everywhere, satisfaction of basic material and security needs. As in South Africa the good life has to be (re)defined in these terms, rather than by the mass consumption of the privileged to which the vast majority cannot
realistically aspire. Such an exclusive conception challenges the very meaning of the good life, requiring fundamental reconsideration of how humankind should live, as a matter of prudence as well as of ethics.

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References


