

THE STATE IN SOUTH AFRICA : LEGITIMATION PROBLEMS & LEGITIMATING STRATEGIES

(Introductory synopsis for discussion on Saturday, August 24, At 1.15pm).

This paper will consist of a brief summary of some of the thinking behind my doctoral research into a series of major commissions of inquiry into what used to be known as "Native Affairs". It is not my intention to analyse the current crisis of the South African state. Nor will I be addressing the question : How Long Will South Africa Survive?

The argument proceeds from the proposition that it is worth taking the idea of there being a divided state in South Africa, or a "state within a state", seriously. Further, that the history of the state in South Africa should take account of two related but relatively distinct processes of formation : one of overall state sovereignty, the other of authority structures specifically limited to control of the African population. This dual structure was conceived in the period after the Anglo-Boer war with the express purpose of allowing the creation of instruments of state control to facilitate the exploitation of Africans as cheap labour by the gold mining industry. The reason it is argued that the South African state should be conceptualized in this way is not just because at the ideological, juridico-political and even fiscal levels the state has taken a dual form, but because the foundation of the exclusive state authority over Africans has been rooted in a particular construction of divided territory. And the elaboration of divided spheres of rights and obligations within the state was historically derived from principles supposedly determining the exclusive rights of Africans to land within reserved territories. An important implication of this approach is that the development of what was known as "Native Policy" (and which is now generally subsumed under the heading "racial policy") should be analysed as being constrained by a logic of development of the state itself, as well as being shaped by political struggles, class interests and ideologies.

Since the discovery of gold, South Africa has experienced greatly uneven development of capitalism and the large-scale transformation of pre-capitalist economies and societies. The state has played a crucial role in this transformation, involving massive social engineering in the creation, control and distribution of an African working class. The divided state has enabled the creation particularly useful instruments for capital in this process. But at times of generalized economic and political crisis involving re-alignment of class forces within the state the divided structure of the state and the nature of domination over Africans have produced special legitimation problems. During these periods, representatives of state and capital have endeavoured to develop new strategies for reorganising and re-interpreting state structure, policies and practices in line with changing circumstances. Because of the divided nature of the state, the principal concern of such strategy was with solving the "Native Question". A major problem consisted of producing a central legitimating discourse capable of being addressed to the constituent elements of the power structure from which the state was seeking support. But the divisions within white society and the sectional nature of political parties meant it was rarely feasible for the sort of overarching strategy of legitimation to be produced within the party political sphere of the white state.

The power structure to which the South African state has had to address its efforts at legitimation during times of crisis throughout this century has consisted of five main elements:

- (1) powerful organised economic interests;
- (2) important social, political and cultural organisations of the (white) electorate;
- (3) those elements of African society which the state intended utilizing as authority structures for the maintenance of order;
- (4) certain foreign powers and international organisations;
- (5) those powers internal to the state apparatuses capable of inhibiting or disrupting policy.

In other words the state sought support from those who mattered, those powers within society capable of successful resistance. At the same time as seeking support through legitimation from those who mattered, the state sought to disorganise those elements which had the potential to resist. Because of the divided nature of the state and the exclusive spheres of rights based on territory, the state has been unable to incorporate the broad mass of Africans within the same processes of legitimation engaging the power structure of white society. The compliance of the majority of Africans in the order of domination was never primarily secured through legitimation. Rather, the state has concentrated on structuring conditions for Africans in ways designed to make non-compliance difficult if not impossible.

My argument is that the South African state has in fact produced just such a legitimating discourse during periods of crisis and has used the institutional means of the commission of inquiry to do so. The commission of inquiry is the political institution which due to its relatively independent status, mode of operating and organisational ideology is best capable of sounding the views and requirements of all the important elements of the power structure and unifying them into a coherent scheme for use by the state. During the four major periods of crisis for South Africa (Anglo-Boer war to 1910, late 1920s to 1934, post World War II to mid 1950s and mid 1970s onward), the state has responded by appointing major inquiries into the central aspect of state structure: the "Native Question". The commissions so appointed are remarkable in that they took onto themselves the responsibility of addressing fundamental questions of policy and principle rather than simply focussing on the narrower issues of their terms of reference. They each produced an integrated analysis and strategy reckoned in accordance with the imperative of achieving a practical "solution" to the "Native Question" consonant with the material requirements and ideologies of the particular configuration of forces comprising the power structure within which they operated.

