'Positive Discrimination' and Minorities in Post-apartheid South Africa: A Case Study of Indian South Africans

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Abstract

There are numerous ways in which people attempt to make sense of the transformation that is taking place in contemporary South Africa, especially with respect to 'positive discrimination' and 'affirmative action' – often used interchangeably as synonyms[1]. Against the background of its racialised past, characterised by the highest privileges for Whites and a narrowing of privileges for Coloureds, Indians and Africans (in this order) – during apartheid, reference to changes is often made in the context of a continuation in discriminatory policies that resembles institutionalised patterns of 'reverse discrimination', a somewhat grim reminder of the Apartheid era. As people (Indian respondents) refer to this they often bring up a sense of turgidity in at least 3 issues such as 'positive discrimination', 'affirmative action', and 'Black Economic Empowerment'. In a similar vein, their references to these being forms of xenophobia, ethnocentrism, ethnic nepotism, collective narcissism, or sheer racism in reverse, shows the lack of clarity that the lay person often has about the academic contexts of these concepts. This article argues that while they may not be accurate, as people often tend to use them interchangeably, the terms often overlap in definitions and they do have one thing in common i.e. reference to institutionalised forms of discrimination and polarisation. While South African Indians often feel that the alienation brought about by affirmative action/positive discrimination is harsh and reverse racism, the evidence herein suggests that ethnic nepotism is a more

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[1] For the purposes of this article both words will be taken as synonyms.

appropriate concept than its related counterparts because it does not have their inbuilt harshness.

Keywords: Affirmative action, positive discrimination, xenophobia, Black Economic Empowerment, minorities, South Africa, Indians

Introduction

From about May 2013 a pressure group calling itself the Mazibuye African Forum began making provocative statements against the building of a statue to commemorate Mohandas K (Mahatma) Gandhi in Durban. They claimed that Indians were too privileged under minority rule and were generally racist towards Africans. Their call was for Indians to be excluded from Black Economic Empowerment (BEE) programmes and for greater socio-economic parity for Africans, especially in the province of KwaZulu-Natal. The call was immediately rebuffed by a number of people across the racial divides in South Africa, and the state appears to have acted swiftly in curtailing the group from further derogatory statements, understood in South Africa as 'hate speech'. The interesting aspect about this racialised rage lies in ignoring the contemporary realities of the South African political economy – that while Africans are in control of the political arena, Whites are still largely in control of the economy. Yet there has been no rage against Whites and the hegemonic position that the elitists among them still occupy.

However, the ways in which people responded demonstrated the varying perceptions that prevail in South Africa about the nature and pace of transformation in the country. While some assume that there was a clear divide between Whites and other subjugated groups (African, Coloureds and Indians) during the apartheid period, others believe that Indians and Coloureds collaborated with Whites to frustrate African advancement. In on-going media and academic analyses, and as responses from the field accrue, it is clear that there can be no simplistic analysis of the direction that South Africa is taking towards satisfying the needs of all its citizens.

Despite the noises by the Mazibuye Africa Forum, a critical statement from a senior member of the ruling African National Congress (ANC) party, Mathews Phosa, placed the nature of transformation into a perspective that is shared by many commended analysts:

> South Africans started designing the first draft of the black empowerment policy in 1990. The unfortunate fact is that black economic empowerment, although a work in progress, did not make any meaningful or substantial contribution towards addressing the twin ills of poverty and unemployment. It did not address a fundamental issue, namely that for economic transformation to be successful, we had to create black entrepreneurs who were not the beneficiaries of wealth created by others.[2]

In a more incisive attack on contemporary characteristics of political leadership, Winnie Madikizela-Mandela made Durban's evening *Daily News* front page headlines with the caption: 'Stop the greed… It is time for the ruling party to take stock'. She was forthright in her attack against rogue elements in the party:

> I cannot pretend all is well…today it is all about self-enrichment. The struggle was never about individuals but today you open a newspaper there is a councillor being charged and there is a government department being investigated and an institution in trouble because it cannot account for huge amounts of government expenditure[3].

While Phosa attacked policy failure, as noted in the first quotation above, Mandela attacked self-interest and greed within the party – warning the state of a possible revolt by the poverty stricken masses. In doing so they are alienating themselves from the mainstream population[4], including the African majority. But there is a way that the ruling party (ANC) is trying to

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[2] Cf. http://www.polity.org.za/article/bee-not-working-phosa-2012-10-26.

[3] *Daily News*, Wednesday, September 18, 2013, page 1.

[4] Told this in two independent conversations by African individuals (males) living in squatter camps, who want to vote for the White led Democratic Alliance (DA) (March 2013). They believe the ANC no longer has the confidence of the Black majority. N.B. this is not meant to be evidence, but a reflection of at least how some Africans are beginning to think about the ruling party.

circumvent its increasing alienation from the masses viz. through 'justifiable discrimination', also referred to as 'positive discrimination'.

Durban's Archbishop Wilfrid Napier publicly denounced this approach in a more recent Sunday Tribune edition (27 January 2013) against discrimination in South Africa, while attacking President Zuma on his moral behaviour:

> Today many, including myself, are upset about being victims of a new race classification which is passed off and applied as 'justifiable discrimination' because it is meant to benefit the previously disadvantaged. It is a moot question whether discrimination can ever be justified. Whether it is white discrimination or black discrimination, it remains discrimination. And our constitution says there should be no discrimination. And Nelson Mandela said he would stand up against any type of discrimination.

Against the background of the ticket that the ANC used to unify the previously disadvantaged in South Africa viz. the Freedom Charter, their about turn in selectively creating opportunities for the African majority is viewed widely among Coloureds and Indians as akin to treacherous practice.

The Freedom Charter and Expectations of Non-Racialism

As the post-apartheid regime surges ahead in attempting to create level playing fields in employment, access to learning institutions, and political office across racial boundaries, it is seemingly alienating many of those they once pledged to incorporate into their equity programmes. Evidence about such perceptions is replete among White, Coloured and Indian citizens[5]. When statements around responses such as: 'We are no longer confident about future prospects in this country', or 'the privileges of employment and promotion in government departments no longer exist for us because we are not Black enough' are repeatedly made (by respondents during this research

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[5] Reference to these racial categories still prevail in South Africa, and are not intended to be derogatory.

exercise), several critical questions arise about the nature of the state with respect to either multi-racialism or non-racialism, and the future of minorities in South Africa. These questions become ever more critical when budding contributors to the essential services such as in health-care feel constricted - from the point of entering medical learning institutions to their post-graduate employment. There were huge expectations, especially among those still referred to as 'Coloureds' and 'Indians', who believed that the major political force in the country viz. the African National Congress (ANC), was committed to the principles enshrined in the Freedom Charter, adopted in 1955 by a multiracial gathering calling itself 'Congress of the people'[6].

The Freedom Charter, adopted by the non-racial Congress Alliance in 1955, was the cornerstone around which opposition to Apartheid was mobilised, particularly through the United Democratic Front (UDF, formed 1983). It facilitated support from across the four racial categories in South Africa, although support from Whites was minimal, and Coloureds and Indians showed substantial but not necessarily majority support[7]. One of the most important pillars of this document was its bold rejection of race as a criterion for entry into educational facilities, residential areas, employment and economic and political opportunities. It was emphatic about discarding the notion altogether in order to create a non-racial society based upon meritocracy and achievement[8].

The new South African constitution, introduced in 1996 after the first democratic General Election on 27th April 1994, incorporated most of

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[6] The Freedom Charter was the statement of core principles of the South African Congress Alliance, which consisted of the African National Congress and its allies the South African Indian Congress, the South African Congress of Democrats and the Coloured People's Congress. It is characterized by its opening demand; The People Shall Govern!

[7] However, in the race-based elections in 1983, in which Africans were excluded and relegated to ethnically enclaved and relatively unproductive areas called 'Homelands', Whites, Coloureds and Indians were cajoled to vote for their respective representatives in what was called the 'Tri-cameral' parliament. The overwhelming Indians and Coloureds chose to boycott the elections, because it was White controlled.

[8] http://www.sahistory.org.za/cape-town/formation-and-launch-udf?page=3

the principles of the Freedom Charter and it introduced the Equity Bill in 1998, which was aimed at specifically monitoring fairness in implementation and practice. In Section 6, Paragraph 1 of the Equity Bill, the statement is clear that discrimination of any sort on the basis of at least 19 grounds, including ethnic background, race or language, is unconstitutional and a libellous offence. The Department of Labour has strengthened this point by emphasising that 'Affirmative Action ensures that qualified people from designated groups have equal opportunities in the workplace'[9]. 'Designated Groups' in this context is understood to include Africans, Coloureds and Indians, and implies non-discrimination among them.

South Africa's apartheid past with respect to discrimination across various fronts has made the legal system and organs of the state ever more conscious of how not to persist (seemingly) with this practice in whatever form it might emerge. The recent case of Jon Qwelane, a journalist, for instance bears testimony to this. It showed the level of seriousness South Africa's democracy watchdogs can take against issues such as hate speech - when Qwelane wrote pejoratively in the Sunday Sun about homosexuals: 'Call me names, but gay is NOT okay' (*The Witness* Thursday 29 August 2013: 2), the South African Human Rights Commission (SAHRC) instructed Qwelane to pay a one-hundred-thousand rand fine, and to apologise through the Sunday Sun, against which he intended to appeal.

The point about the SAHRC is that as an organ of a constitutional democracy and it being independent of the state, it can take up issues of a discriminatory nature and impose severe penalties upon transgressors. However, issues around 'positive discrimination', implemented through the policies of affirmative action, seldom reach the SAHRC. An understanding of 'African' entitlement prevails in South Africa to a point where Whites, Coloureds and Indians submit somewhat helplessly to it when jobs are not offered to them in favour of Africans - even when they might be more appropriately qualified and meet the criteria. This 'reverse discrimination' is seemingly justified through reference to Africans being the most marginalised during the years of colonialism, segregation, and apartheid. There is a widespread belief that in terms of the racial hierarchy that was

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[9]   http://www.workplacelaw.net/human-resources/blogs/41023/positively-unfair-workplace-discrimination-in-south-africa.

created by apartheid there was a condescending order that put Whites on the top, Coloureds and Indians in the middle, and Africans at the bottom. Hence access to employment and the quality and investment in education was staggered along this hierarchical basis. It is against this background that post-apartheid democracy aspires to bring about equity, especially for Africans. However, while there is a significant amount of truth about South Africa's racialised social order, there is a tendency to downplay the extent and nature of poverty among Coloureds and Indians when compared to the situation of Africans. In the sprawling municipal provisioned housing in urban complexes, widely referred to as 'townships', such as Chatsworth and Phoenix for Indians and Wentworth for Coloureds, the nature and depth of poverty among all three of the classified population categories could hardly be different from one another. The poverty in Coloured and Indian townships was and still is no less among those who have been structurally alienated by apartheid's policies (Desai 2002; Desai & Vahed 2013). The significant difference between Africans and Coloureds and Indians is that the former is a substantially bigger population group that the latter two. While there has been visibility of the Indian and Coloured middle classes, the overwhelming majority of the people from both these categories still reside in townships and are still as economically and politically alienated as they were during apartheid. There is little, if any difference at all in the extent and nature of poverty among Africans, Indians and Coloureds when compared in terms of household-for-household.

One of the main problems of affirmative action cum positive discrimination in South Africa is that the issue of race is placed before economic status. Many of those benefitting from positive discrimination policies are from the African middle classes rather than from the working and underclasses – where the greatest attention is needed[10]. It is in these types of issues that accusations about a lack of vision, opportunism and reverse discrimination have been attributed to the successive post-apartheid governments soon after the first democratic General Election in April 1994. Public cries about reverse discrimination are an almost daily issue in the popular print media, in staff room meetings, social gatherings and in one-on-one interviews. Against the background of such frequency and prevalence, it

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[10] http://www.economist.com/node/244570.

would be prudent to suggest that debates about its merits be brought out into the open in order to ascertain the legitimacy of latent fears and possible directions that the state is taking in respect of addressing minority fears.

When issues of discrimination are raised in the context of multi-racial societies and where hegemonic forces are at play, they raise crucial questions in analytical studies, especially with respect to how they should be understood. When the application of positive discrimination among Africans themselves ignores issues around class, it adds to a racialised situation that is already complex. For instance, former South African President F.W. de Klerk has acknowledged that apartheid was fraught with problems and that some form of positive discrimination ought to be applied in order to correct the imbalances of the past. But his view was that this should not occur at the expense of the potential that lurks among the young and talented from among the other racial groups[11]. De Klerk however, emphasised the plight that young Whites were facing as a result of positive discrimination, with little attention paid to the plight of Coloureds and Indians. On the surface of contemporary politics in South Africa, it does appear that the grouses are more about mere accessibility to employment or places in educational institutions, than about more severe forms of discrimination. When severe forms of discrimination do arise, crucial to this is how we contextualise prevalent perceptions and experiences, especially where evidence is available.

Contextualising Economic Redress and Positive Discrimination

In bigger and more diverse countries such as India and the USA the practice of positive discrimination cum affirmative action is usually reserved for minorities who have been politically and economically marginalised within the mainstream economy. The difference about positive discrimination in South Africa is that it applies to the majority population and discriminates against the minorities. Over the years, the Union Government since 1910 and

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[11]   http://www.telegraph.co.uk/news/uknews/1545193/De-Klerk-condemns-positive-discrimination.html.

since apartheid in 1948 African movement into and out of the urban areas in South Africa was regulated by influx control laws that were rooted in the Native (Black) Urban Areas Act No. 21 of 1923 which was applied stringently to control African movements to meet White labour requirements. By 1937 the law was revised in order to strengthen control over African movements into urban areas. Africans were given 14 days to find employment or return to the areas then known as 'Reserves', subsequently changed to 'Bantustans' and then to the more aesthetically sounding word: 'Homelands' (Sharp 1988).

While the political and legal references changed, the extent and material circumstances of these areas remained the same. The majority of the population, which happened to be African and in excess of 80 per cent, remained constrained to the smallest vestiges of the most unproductive land in the country. Such restrictions on Africans however, did not mean that Coloureds and Indians had similar privileges to Whites in several respects viz. freedom of movement, ownership of land, access to business opportunities, access into political office, or free choice of employment and career building. In movement, occupation and ownership of land, Indians were constrained long before apartheid came into effect in 1948. There are a series of enactments that date back to the 19th century that demonstrates how people of Indian origin were continuously harassed, constrained and blatantly discriminated against to ensure that their upward economic mobility was limited to levels that did not challenge White business, political or social interests[12].

As early as 1876 the Free State passed legislation that prohibited Indians from becoming citizens there, precluding them from ownership of property or establishing long term interests. In the South African Republic (or the Transvaal – now known as Gauteng) Law 3 of 1885, enacted similar measures against Indians. A petition was filed by the British Indian Government against these measures, but was rejected - only this time the demeanour assumed a punishing plot - it placed all Asians on the same level as 'Africans' i.e. as labourers. On 11 September 1891 all Indians were forced to close their businesses and were removed from the Free State without any

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[12]   http://www.sahistory.org.za/politics-and-society/anti-indian-legislation-1800s-1959

compensation. While Africans were disenfranchised in 1865, Indians in Natal were disenfranchised through the Franchise Act No. 8 of 1896, through a process that began in 1894. Act 17 of 1895 imposed a three pound tax on ex-indentured labourers, which was to include all males of 16 years and females of 12 of age from 1901. This law was rescinded in 1913 through a non-violent protest led by MK Gandhi (Swan 1985). This law and subsequent protest of 1913 bore significant similarities to the Bambatha Rebellion in 1906 when the imposition of a poll tax turned into a bloody confrontation between the British and the Zulus, who had no alternative but to fight against it in this way.

Containment of the African majority was further perpetuated through restrictions on Africans from acquiring competent education and training in skilled employment. Their task was to remain in menial, subservient and unskilled labour that ensured a subversion of potential threats to White hegemony in every aspect of South African life. People who were classified Coloured were permitted to vote and were allowed to enter into apprenticeships in skills training from the 1950s. Indians were only accepted as South African citizens in 1961 and those classified as 'Indian' were granted permission to enter into the building trade in the 1960s and into the engineering trades in the early-1970s. It was forbidden to offer Indians apprenticeships in jobs that trained them as electricians, metal workers, welders, motor mechanics, or as fitters and turners for most of their stay in South Africa. Visibility among Indians in South Africa emerged mainly through professional work in law and medicine, in businesses through petty entrepreneurship and small scale retailing, and in semi-skilled office and factory work that was generally low paid. While a few managed to break through middle barriers and enter into relatively big manufacturing businesses, or in agriculture, they were few and far between. None of them however, were able to match or compete with the enormity of big White capital in the country (Arkin *et al.* 1989).

Such opportunities were delivered as 'privileges' to Indians and not as citizen based rights. As confidence in White minority rule consolidated through the 1950s and 1960s, Africans were being increasingly relegated to their reservations or restrictive high density townships. Their only recourse to paid employment was through unskilled labour. As conditions in the reservations and townships deteriorated, so did the patience of African youth

and their political leaders[13]. Agitation against the oppressive system rose to a point of entrenched opposition to apartheid and a determination to completely dismantle it. At least four incidents in each of the decades stand out in the history of opposition to apartheid and a widespread opposition by people of all racial groups. An 'early' sign of this movement was at Kliptown on 26 June 1955, when progressively minded politicians and their followers from across the racial spectrum in South Africa met to declare their opposition to apartheid's practice of institutionalised discrimination. The major parties viz. the African National Congress (ANC), The South African Indian Congress (SAIC), the South African Congress of Democrats (SACD) and Coloured Peoples Congress (CPC) opened the meeting with the declaration that 'The People Shall Govern', and thereafter referred to the event as the 'Congress of the People'. The second major hallmark in oppositional politics was on 21 March 1960 in Sharpeville when thousands, mainly Africans, marched against the state to protest against 'pass laws' that also required Africans to carry their identity documents with them at all times. Around 180 people are said to have been injured and at least 69 people died as a result of police brutality. The subsequent banning of the respective Congresses led to a lull in oppositional politics and to the strengthening of White minority rule. However it all came to a head when the then Minister of Bantu Affairs wanted to make Afrikaans a compulsory language in African dominated schools. The aim was to bring Afrikaans on par with English and subjects such as mathematics, arithmetic and social studies had to be taught in Afrikaans. This led to the third major event in 1976, when African high school learners in Soweto marched against the state and were once again met with brutal police force. While many learners died others subsequently began leaving the country to join banned organisations like the ANC and PAC because they no longer saw any value in peacefully protesting against the state (Lodge 1983).

The fourth major opposition was marked once again by the well pronounced multiracial opposition in 1984 – when elections for the 'Tri-cameral Parliament' was set up by then President PW Botha and his government. But the Houses for Indians (House of Delegates) and for

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[13] I use the phrase deliberately, because leadership was based then on racially based distinctions.

Coloureds (House of Representatives) had suffered a credibility crisis when only 16.2 per cent of these population categories turned out to vote. The lack of participation among these classified racial groups was not mere complacency about voting, but it was an active publicised campaign to discredit the entire tri-cameral system because it excluded Africans. Most individuals who stood for elections then were not popularly sanctioned by their respective constituencies and were not known for any measure of critical engagement against apartheid's system of institutionalised discrimination[14]. When opposition against racism in South Africa was challenged, it was done so by such candidates on the basis of sectional interests. They firmly represented interests of Indians, Coloureds or Whites only. It was the ANC however that represented the interests of all, on a somewhat non-racial basis. It was their adherence to the Freedom Charter and the continuous popularisation of the 'Congress of the People' in 1955 that brought most Indians and Coloureds under one political umbrella, albeit in varying degrees of affinity and trust in the rhetoric that they dished out to the masses.

In the period that Nelson Mandela reigned as President of South Africa (1994-1999), the relatively large number of Indians who were in senior parliamentary and political appointments created consternation among Africans who felt uncomfortable about it[15]. This gave rise to internal murmuring and then to more public statements against such levels of representation so high up in politics. In the Thabo Mbeki[16] era, followed by that of Jacob Zuma, rumblings about Indian representation slid downwards to include employment and admission to the educational institutions as injustices to African attempts towards upward economic mobility. This has been implemented to a large extent, but has surfaced in numerous ways, according to Whites Coloureds and Indians as alienation, narcissism, reverse discrimination, and the admission or employment of inappropriately qualified people whose under-performances are already showing in the lack

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[14] http://www.apartheidmuseum.org/sites/default/files/files/downloads/Learners%20book%20Chapter5.pdf.

[15] The issue came to the fore when Thabo Mbeki replaced Nelson Mandela as State President in South Africa.

[16] South Africa's second post-apartheid President.

of service delivery. Accompanying this situation is the perception of alleged impatience towards transformation and increasing public cries about inefficiency, hampered service deliveries and concerns about the future viability of the state (Desai 2002).

Evidence from the Ground

There are clear signs of discontent among minority groups throughout the country about accessibility to education and employment. In a survey of 20 households in two middle-class neighbourhoods viz. Clare Estate/Reservoir Hills and Westville, during the months of June and July 2013, and among six of my own siblings with respect to these 'cries' about being marginalised, some interesting facts emerged. In the 26 households there were a total of 58 'children' between 21 and 31 years of age, who had reached graduation levels at technical institutions and universities. All of the 58 were gainfully employed in their respective areas of specialisation. Against this, what then could the problem be?

Three key issues emerged as common grouses. First, that state funded primary and secondary schools have been 'swamped' by African children from neighbourhood squatter camps and from neighbouring African townships. This was because the alleged perceptions among African parents was that Indian teachers and schools are the most preferable to White teachers and schools, which were better equipped but too costly for them to send their children. Secondly, this necessitated Indian parents having to send their school going children to White dominated schools much further away. The costs in terms of time, transport and school fees increased phenomenally for Indian parents, because, as all families claimed, learning with Africans who were not conversant in English was too much of a 'risk' – in that it compromised the pace of teaching and learning in the class (Singh 2001). And thirdly, while all of the respondents were employed, their tasks of acquiring employment were made more difficult because of affirmative action that favoured Africans before any other racial category. Within their work environments too much emphasis upon a preference for African employees over other racial groups tended to emphasise their distinctiveness as 'the other'. In the course of interviewing at least three statements are worthy of recording here since each one led to further investigation:

- I had to send my child away from the school only 3 doors away from our home because it was impossible for him to continue learning with the Black children. If they can't speak English then when are the teachers going to talk to our children in English? What would have become of him and his cousins in high school and university if they carried on there?

- My grandson applied to Wits and UCT medical schools, and both warned us not to have our hopes up for him. So we also applied to a medical school in Mauritius. Of course when I look at what UCT did to that Indian family there we are no longer banking on him studying medicine here in this country. (See Case Study 2 below.)

- We had an African woman employed at the call centre in the municipality. She was given the post of supervisor, but the job was entirely out of her depths. After she made a mess with job, the very people who supported her appointment, that is Africans themselves, turned against her because she was useless. But the xenophobic tendencies in the municipality against Indians are strong. There is no way Indians are going to have much of a chance in employment anymore.

The statements above illustrate how words such as 'xenophobic' and related concepts emerge in implicit ways to argue the uncertainties they feel about transformation. In other responses people referred to the pattern of transformation as being 'reverse discrimination', 'African racists/racism', and 'narcissistic'. Numerous references were made to known incidents that caught the attention of the media and became public issues – especially with respect to what the implications for Indians in SA, in the future. Each statement is followed by a case study below which provides incidents of perceived xenophobic cum racist practices and how such issues are being viewed as deliberate attempts to alienate Indians.

CASE STUDY 1
SR - a 60 year old widow recalled how she and her husband's brother had to

follow what their entire neighbourhood had to do since 1996 in order to save their children from what they deemed was the unfolding of an inferior education, brought about by an unbridled entry of non-English speaking African leaners into their junior primary school. The situation became increasingly intolerant when Indian children had to sit in classes of more than 40 learners, being threatened and having their stationery and lunches allegedly stolen, and in several instances the children were assaulted for standing up against being bullied and threatened. African learners were allegedly often older than their Indian counterparts and did not share much in common with them as speakers of a different language and as learners from different class backgrounds. The neighbourhood was generally complacent but at individual levels they complained incessantly about how insensitively the state was handling their educational institutions. The residents in the area saw themselves in oppositional terms on various fronts: that they were being undermined because they were a minority far smaller than the those classified as 'Whites' and therefore easier to manipulate; that they were property taxpayers and the Africans as squatters were not; that while the ANC spoke about transformation towards a non-racial South Africa, in actual fact they practiced reverse discrimination towards Indians by ignoring their contributions towards stable and prosperous neighbourhoods; that Africans were being given greater attention because their bigger population numbers gave the ANC greater political mileage during elections; that Africans do not have a tradition of literacy like Indians and Whites – thereby making fair competitive meritocratic performances untenable in education, training and employment practices. SR and her neighbours were grateful that they moved their children away from the district primary school and placed them in ex-Model C schools (previously for Whites only during apartheid). While they moped about the astronomical costs and inconveniences this decision imposed upon them, they marvelled at the fact that their children were now well educated University graduates in well placed employment.

CASE STUDY 2

In March 2005 an Indian couple applied to the Cape Town High Court to have their daughter admitted to the University of Cape Town Medical School, while their admissions policy was being reviewed. The High Court

ruled against their appeal and ordered them to pay the University's hefty legal bill. The couple's daughter, Sunira, was one of 2100 applicants for 200 places in UCT's medical school. Seeing that their daughter would have lost the year, the couple decided not to pursue the case any further. But the ruling was based on the approach that Sunira's legal team adopted viz. that all learners from among Africans, Coloureds and Indians, were equally disadvantaged, even if they attended private schools. Judge Rosheni Allie said that while both UCT and Sunira's parents agreed that the University's admission policies appeared to be discriminatory, they differed in terms of whether the policies were reasonable, justifiable and capable of dealing with the iniquities of the past. While Senior Counsel for Sunira argued that all Coloured and Indian learners were discriminated against despite their schooling backgrounds, Indian learners were divided into two categories i.e. whether they attended private schools or government schools, and are regarded either way as not having had disadvantaged education under apartheid, or under contemporary conditions[17].

CASE STUDY 3

The respondent who made the third statement above was an engineer who was employed by a major municipality in KwaZulu-Natal province. While he enjoyed being employed there, he finds the emphasis on affirmative action too alienating and often 'openly racist'. His relative satisfaction emerges out of the fact that he gets along well with all of his colleagues who work around him, irrespective of race or department. But his problem is with how vacant positions are filled and what is often said, especially by Africans themselves, about who should be considered. The case of the Floor Manager in the Call Centre for instance was one of the more talked about positions because of the popularity of the previous person. She was Coloured, had

> … excellent managerial skills and was a people's person… Since she ran the department so well people did not think about how complex the duties were and how important it was to be a committed but

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[17]   http://www.iol.co.za/news/south-africa/indian-couple-to-pay-uct-s-legal-fees-1.235661?ot=inmsa.ArticlePrintPageLayout.ot.

approachable manager …. Only when she left and was replaced did many realise that personality and capability was more important than race. It was a relief for all of the staff of the Call Centre when this newly appointed African botched up enough and suddenly resigned. While management realised that it was their obsession with affirmative action that led to the situation, they still wanted to persist with employing another African, until staff from the Call Centre insisted that an Indian woman who was a deputy, be given an opportunity to fill the post – and it is working far better this time ….

A similar situation exists in all of the engineering departments. When African graduates cannot be sought for the positions, the posts are left vacant for up to a year before a person from another racial group is considered. But in such periods service is seriously affected and pressure mounts upon available staff.

In each of the case studies above there is evidence of at least three crucial issues: that Africans are now the most preferred candidates for the entry into medical teaching institutions; Indians are feeling the negative impact of positive discrimination; and state departments – being service driven as opposed to profit driven, have little interest in filling vacancies where Africans are not available to occupy them, even if service delivery is compromised. While each of the statements above is from/about individuals, they point to how positive discrimination is being implemented and how it is impacting upon perceptions and experiences among the designated groups that feel victimised by it. The second case study above was chosen to complement the first and third case studies that are presented here as material from interviews.

A crucial question here is: Is Section 6 of the Equity Act and the statement made by the Department of Labour real commitments to achieving equity for all those who were previously discriminated against, or is it merely rhetorical and for mere public distraction? Is South Africa receding into an apartheid-like situation that has once again adopted institutionalised forms of discrimination that can be matched to issues such as xenophobia, racism and ethnocentrism? The discussion below is intended to find discerning ways of understanding the nature of discrimination in post-apartheid South Africa.

Is a Singular Paradigm Possible?

In the course of interviews and in general day-to-day interaction, it is not unusual to have someone refer to the notions of affirmative and positive discrimination in South Africa by one of its various related concepts viz. xenophobia, ethnocentrism, narcissism, and racism. While there are specific meanings attached to each concept, there is also a significant overlap among them, causing people to use the words rather loosely. The genesis and meanings of these concepts have been widely researched and debated globally (see for instance LeVine & Campbell 1972; Burns *et al.* 2004; Billiet *et al.* 1996; Blalock 1967; Coenders & Scheepers 2003). Against the information that has been provided above, it would be appropriate to delve into at least a glimpse of how the respective concepts have been defined, and to gauge whether they are befitting to the process of transformation in South Africa:

- Collective/group narcissism – when an individual in a group demonstrates excessive love for his/her group. The concept is related to ethnocentrism[18];

- Ethnocentricism - The term ethnocentrism was first used in 1906 by Sumner to describe a cultural narrowness in which the 'ethnically centered' individual rigidly accepted those who were culturally alike while just as rigidly rejecting who were culturally different. Ethnocentrism refers to the belief that the in-group is the center of everything and is superior to all out-groups (Öğretir & Özçelik 2008);

- Xenophobia – generally understood as a natural dislike or hatred for out-groups; in South Africa xenophobia is racialised, even though it is widely associated with local Africans showing antagonism against Africans from outside the country (Harris 2002;Warner & Finchil-

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[18] Documents\Paper on Collective narcissism - Wikipedia, the free encyclopedia.mht.

escu 2003; Jost *et al.* 2013; Patel 2013)[19]; and

- Ethnic nepotism – applied in multi-ethnic societies in ways that discriminate against out-groups, especially in situations of intense economic competition[20] (see also Sailer 2004; Vanhenen 1999; Salter & Harpending 2013).

While South Africa's intensely racialised history has enforced a spill-over of racial prejudices into the contemporary era, it is in the last bullet above viz. ethnic nepotism, that much of the 'positive discrimination' appears to apply in South Africa. Although Indians are a minority of barely 2.5 per cent of the country's total population, the economy over the last two decades has not grown sufficiently to embrace the increasing number of job-seekers, creating tensions between classified groups over who should receive highest privileges in the emerging democracy that is South Africa. Indians are widely viewed by Africans as being more privileged in economic opportunities, leaving them with the justification for privileged access to work. There are two issues that emerge out of what prevails in the country and how people conceptualise around what they see and experience. The first is that Africans as the new preferred segment to economic and political privileges are viewed as deliberately alienating minorities who were equally disadvantaged; and the second is that placing Africans in positions of responsibility when they are not adequately ready for it is pathological. When viewed retrospectively the beliefs and concepts that prevail in the mind-sets of minorities, via their contemporary experiences as victims of institutionalised racism, are difficult to box as being of one type or the other.

Against the background of an aesthetically pleasing and unifying concept that emerged soon after the 1994 general election that acquired international currency viz. 'Rainbow Nation', how is that South African minorities find themselves in a situation that reflects a widespread reduction in pride and patriotism? Much of the answer undoubtedly lies in its history of colonialism, apartheid as well the contemporary post-apartheid era. Like

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[19] See also reports at: http://www.news24.com/tap/topics/xenophobia; and http://mg.co.za/ tag/xenophobia/attacks.

[20] http://en.wikipedia.org/wiki/Ethnic_nepotism/.

most pluralistic societies, South Africa's trajectory of racialised planning, with the chief characteristic being for preference groups over different eras, continues to mould and entrench attitudes in terms of in-group/out-group mentalities. During colonialism and apartheid those who were classified as 'Whites' were the preferred group and most privileged beneficiaries of state driven programmes and incentives, as well as in big private businesses.

In the vitriolic opposition to apartheid over the years, especially in the 1980s, the all-embracing concept of 'Black' was bandied about to refer to all the designated groups that did not receive the same privileges as Whites. Soon after April 1994 'Black' gradually took on a reference to the African majority, excluding those who were classified under apartheid as Indian or Coloured. The dismantling of apartheid did not lead to the dismantling of boundaries that divided people along racial lines. In both situations, institutionalised racism that previously operated in favour of Whites, and positive discrimination that currently operates in favour of Africans, is ascribed with a pathological tinge that endlessly focuses upon racial boundedness. Contemporary South Africa is a juxtaposition of all four areas of discrimination mentioned above, coupled with the irony of a progressive constitution and progressive trends towards de-racialisation. It is the scramble for scarce employment, scarce state funding for entrepreneurial opportunities, and degrees of collective narcissism that adds to the robustness of post-apartheid South Africa. But the experiences of people across the nine provinces in South Africa are too varied and complex to box them into a single paradigm. They do however vary to the extent that they could fall into the related categories of xenophobia, ethnocentric behaviour, racist attitudes, ethnic nepotism and narcissistic egoism.

Conclusion

When a senior politician such as Mathews Phosa makes a public statement about how the state is failing in their social service delivery to disempowered Africans, there must be some substance to it. And when such a statement is backed up by another generally popular woman politician among African youth such as Winnie Madikezela-Mandela about politicians needing to be less selfish and more committed to service delivery, it confirms the extent of the pathology that has set into the real politic in South Africa. Such public

statements reduce the Mayibuye Africa attacks against Indians as no less than racial ranting. Phosa's and Madikizela's open admissions and challenges that are thrown out at politicians flies in the faces of narcissistic organisations such as the Mazibuye African Forum, that blames African lack of advancement on Indian privilege under White minority rule rather than on the short sighted policies of BEE as pointed out by Mathews Phosa, or on the greedy politicians that Winnie Mandela had referred to. However, such candid public declarations against their own political party should not shift attention away from the fact that BEE rests upon politicians lack of vision and greed, and that it is in these ways that the minorities who have much to offer economically and politically are being alienated in ways that often show indifference towards their feelings of helplessness. The fact that all of the graduates surveyed had employment does not necessarily mean that the South African state is doing an acceptable job. Most of them are employees in profit driven private enterprise, not in service driven state departments. When equity enrolments in tertiary institutions such as the case of Sunira against UCT precludes a child entry into a course that she wants to study, or when the local government hires an inefficient person as a manager largely because she was African, then such policies go beyond either individual or collective narcissism. Such instances point toward practices that are no less than crude forms of racism, ethnocentrism or xenophobia (see Billiet *et al.*1996). The common factor in each of these forms of discrimination is that they appear in either veiled forms of ostracism or bold acts of exclusivism because they have the power to do it. Excluding Indians from the same privileges that Africans now enjoy after building up their hopes during the struggle against apartheid constitutes an about turn that operates on a form of selective amnesia. Against perpetual exclusivism in admission to tertiary institutions, to employment opportunities and to political office, the inclination to believe that racism, ethnic nepotism, xenophobia and/or ethnocentric attitudes are at work should not be too far off the mark as an analytical derivative. But the fact that in the snap survey of 26 households with graduates who were all gainfully employed and who experienced no overt animosity in acquiring their jobs, demonstrates that alienation of Indians is more contextual than crudely racist or xenophobic. The shrinking national and global economies, as well as corruption across civil society, including state officials, would serve as more convincing explanations for the

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intense competition in accessibility for learner and economic privileges.

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