

Thuli Madonsela

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Former public protector Thuli Madonsela. (Pic: Wil Punt, Peartree Photography)

If we don't urgently find a way to manage racism and racism allegations in South Africa, we are going to cause harm to individuals, workplaces and our young democracy. A young artist, Skivvy G, said in his song at the end of a Thuma Foundation democracy dialogue on Youth Day, that South Africa is a nation in therapy. I sincerely believe that if that therapy process is not handled with care, we risk further fracture at national level and mental health challenges at the personal level.

I thought about this when I watched the news last night and learnt that the much-anticipated MultiChoice investigation into the Ashwin Willemse matter found no racism, intended or otherwise.

I had somehow predicted this outcome the moment the alternative dispute resolution process was abandoned, in favour of an investigation, with a high-powered lawyer roped in to take charge. I recall verbalising my misgivings about this at a seminar on social justice and disability. I alluded to the same during some of my public pronouncements on social justice, which is the focus of my professorship chair at Stellenbosch University.

MultiChoice and the nation's handling of the Willemse incident are symptoms of the pathos that bedevils our nation's response to alleged or suspected racism. We either deny it or quickly clamour to have the suspect(s) burnt at the stake. Our transactional approach seeks an elusive silver bullet to solve a systemic problem. This is bound to fail.

I have the greatest respect for advocate Vincent Maleka, whose legal footprint is impeccable. But I don't know him to be an expert on diversity awareness or in affirming and managing diversity. From the moment the investigation was announced, I predicted a disappointing ending. I understand MultiChoice's plight, though. As soon as Willemse walked off a live TV set with the entire world watching, all eyes were on the process. As if this alone did not create enough brand risk, the minister

of communications wasted no time in calling for Willemse's allegedly offensive colleagues to be suspended.

Why is MultiChoice wrong in its handling of the Willemse incident? And why is our nation equally wrong in its pursuit of the whodunit approach, by baying for the blood of whoever is perceived as racist.

When my son Mbusowabantu was in Grade 4, I approached his school principal about my concern regarding the way he was being taught history. While helping him with homework, I came across a disturbing passage in his textbook. The offensive text said something along the lines that "when the people trekked into the interior of South Africa, they were faced with many dangers, which included snakes, wild animals and natives".

When I asked where my son and the handful of black children in the school locate themselves between the people and the dangerous things, the principal had no answer. A kind, considerate and respectful man, Mr Pretorius had never said anything to me or my children that would have warranted viewing him as a racist. My efforts at getting the textbook changed were unsuccessful. My remedial action was transferring my son to Waterkloof Primary School.

How many of our people went through history lessons similar to this one? What did this do to their psyche and perceptions of each other on the grounds of race? You must agree that apartheid was not only anchored through history books. It was anchored through all agents of socialisation such as church sermons and visual representation (advertisements).

As we confront alleged and perceived racism, sexism, disability discrimination and other forms of bigotry today, shouldn't we ask if we have truly transcended the legacy of our unjust past, where the hierarchisation of difference was not just the order of the day, but also a legal requirement? If we believe we have transcended the legacy, how have we achieved that?

Great as our Constitution is, it is, like all constitutions, only a road map. A road map provides a vision and direction, but cannot, on its own, miraculously deliver the desired end state. Processes have to take place that move us from where we were on adoption of the Constitution, to where we would like to be, as envisaged in the Constitution.

It is my considered view that we have not done enough to shift the apartheid mindsets that hierarchise difference. Today is indeed better than yesterday, but we are still far from where we want and need to be.

We must accept that the average South African is, for lack of a better word, contaminated with racism or racial prejudice, sexism, disability bigotry and other social remnants of previously legalised injustices.

The architects of our democracy were aware that there needed to be a transformation process to get us to that new world, where everyone's humanity is embraced and we coexist harmoniously, regardless of diversity.

Firstly, equality as a value is captured in an aspirational manner, being "the achievement of equality". As a right, equality is articulated as substantive equality, which transcends the prohibition of discrimination and incorporates the adoption of positive measures to redress imbalances of past injustices. And human dignity is made central.

Am I saying we should do nothing until we have mastered systemic transformation? No. Individual cases should still be dealt with as such and experts should be used and the right questions asked. In addition, the systemic approach must be implemented.

This should transcend the workplace and the economy, currently addressed through employment equity and BEE. We need an all-sectors approach as envisaged in the inexplicably abandoned chapter 5 of the Promotion of Equality and Prevention of Unfair Discrimination Act. The whole of society was contaminated and the whole of society must be detoxified.

On the Willemse case, the choice may not have been between whether he experienced racism or not. The question may have been whether the team of three, from disparate backgrounds, had been given adequate tools to value, affirm and embrace diversity and outgrow homosocialism.

It's said that we often mistake excellence for a reflection of ourselves in others. Could this be the basis of the comments by Willemse's colleagues? The choice may not have been whether the culprit was Willemse or his co-presenters. It may have been what prevents them from working together in harmony. Is that a bridge that may be crossed with the help of the right diversity management expertise?

As Public Protector, I'd tell my team that it is better not to investigate a case than to investigate it and report that there was no wrongdoing when all the bases were not covered. The problem with that is that it unintentionally signals that there's nothing wrong, implying that the status quo should continue. At the level of an individual such as Willemse, we must understand that the greatest injustice is not that we are bigoted, but that we deny the existence of bigotry. Such denial deprives those at the receiving end the legitimacy of their experience.

- Madonsela is professor and chair of Social Justice at Stellenbosch University and founder of the Thuma Foundation



Eradicating inequality and collaboration – these were the two elements required to give corruption the deathblow, according to former public protector Thuli Madonsela.

"We're riding the crest of hope at the moment in the country," Madonsela, these days a lecturer at Stellenbosch University and recently appointed to the board of global corruption busters Transparency International, told a stakeholder engagement organised by the Special Investigation Unit (SIU) in Cape Town on Tuesday.

"We are seeing an end to impunity," she said.

According to Madonsela, one of the things that depressed South Africans the last few years was "seeing that some get away with anything".

"We are riding the crest of hope because we are seeing that accountability has dawned," she said. "I've seen as Public Protector, that no matter how dark the night is, the dawn always comes."

There was, however, a "but" from Madonsela: "But we haven't seen the end of it."

State capture subdued

She warned that state capture had been subdued but had not ended.

She also said the SIU had thrown its hat in the ring to fight corruption and said "Thuma Mina" (Send me), again using the parlance of the Ramaphosa era.

"But what about the rest of us?"

She said corruption thrived through collusion, and the answer in fighting it was for anti-corruption entities to collaborate.

"We are riding the crest of hope, but we can fall if we're divided," she warned.

She also related an Ethiopian saying: "When spider webs connect, they can even tie up a lion."

SA - the most unequal society

She referred to the World Bank's recent report that rated South Africa as the most unequal society.

Madonsela said a part of preventing corruption was the advancement of social justice.

"We can't end corruption without ending poverty," she said.

According to Madonsela, some people were dragged into state capture because of need.

She said whistleblowers should be protected.

Earlier, Western Cape premier Helen Zille said being investigated by Madonsela was "not a pleasant experience", but these days they only talk about their grandchildren.

Its all about accountability

"Democracy is only as strong as the accountability to which the voters hold government to account," said Zille, who completely ignored her prepared speech.

"Fighting corruption depends on voters who will not tolerate it."

She predicted that former president Jacob Zuma would say at his upcoming corruption trial that his actions were necessary for the advancement of black economic empowerment and warned that we must be careful that legislation for BEE doesn't become a "fig leaf" for corruption.

"We must look at laws which legalise corruption," said Zille.

She said corruption enriched a small elite at a cost to the poor, the antithesis of black economic empowerment.

Head of the SIU Andy Mothibi said he guaranteed that they would do their investigation into the controversial Trillion deal without fear, favour or prejudice.