

TEXT OF SPEECH DELIVERED BY DR. F. VAN ZYL SLABBERT, M.P.
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INTRODUCTION

The only predictable thing about politics is its uncertainty. Otherwise politicians would not speak with such apparent confidence and conviction about what they fear or would like to see happen. They very often have to present the desirable as the inevitable - their visions and dreams as part of our shared reality.

That is why, at the outset, I wish to give a well-meant word of warning : Be sure that, at all times, your caution matches the confidence with which a politician addresses you. I have only one request : Do not reserve all your caution for me; keep some for my opponents as well.

SOUTH AFRICA : RIPE FOR REFORM

The debate in South Africa is no longer about whether there should be reform but rather what reform should be like and how quickly it should take place. It is to the credit of the P.W. Botha period of government that it has encouraged this debate and made the word "reform" fashionable in White politics. The debate about what kind of reform is necessary is a far more important and difficult one than the one on whether or not there should be reform. In this new debate we argue about priorities, means and ends, and practicalities. It is a debate where confusion must inevitably abound; where people who agree on the same ends disagree on the appropriateness of the means to achieve those ends; and where others who strongly disagree on the ends may find themselves supporting the same means in the hope of achieving different ends. In the case of the C.P. and myself we even agree on the inappropriateness of the same means to achieve totally opposite ends. There is nothing strange about

this really. Surely only the most simple of minds would think that Muslims and Orthodox Jews share a hidden agenda to dominate the world simply because they both do not eat pork. So it is also as far as the C.P. and the P.F.P. are concerned. Let me, for the record, make it quite clear : We do not share a hidden agenda. In fact, I often wonder whether we even share the same planet.

The debate about reform is a clear signal that South Africa is ripe for it. And, being ripe for it, she is also ripe for danger. De Tocqueville's warning surely must be heeded at a time like this :

"Experience teaches us that, generally speaking, the most perilous moment for a bad government is one when it seeks to mend its ways". (De Tocqueville, "The Old Regime and the French Revolution").

These are very wise words indeed and since De Tocqueville uttered them we have learnt a great deal more about the dilemmas and pitfalls facing any society caught up in the process of reform. The distinctive feature of reform is that it is an attempt at deliberate and planned change. It obviously presupposes the achievement of some desired end state of affairs. The extraordinary thing about this constitutional debate is that, almost without exception, those who wish to vote "yes" on November 2nd are agreed that the new constitution is not an end state but rather a passing phase - "a step in the right direction". Even so, there appears to be no unanimity as to exactly where that direction is likely to lead us. There are those who differ from the Government on what it clearly says the end state is going to be, yet wish to vote "yes" on November 2nd because they believe that somehow it will be a step toward what they hope will be an alternative end state. They do so without attempting to explain how another man's means is going to bring about their own desired ends. We have the situation that Einstein described when contemplating the discovery of the atom bomb : "the perfection of means

with the confusion of ends". This he called the dilemma of our age. It is certainly a very real constitutional dilemma for South Africa.

Another dilemma of reform that has to be guarded against is that the unintended consequences of reform can very often undo the good intended. There is mounting and compelling evidence that the intended participation of Coloureds and Asians in the new constitution will increase the alienation of Blacks to such an extent that the possible advantages of the one state of affairs will be outstripped by the clear disadvantages of the other.

It is one of the very important insights of Milton Friedman that no reform is sometimes better than inadequate, half-hearted and unsystematic reform. He was talking, of course, about attempted economic reforms to combat inflation but what he said of reforms in that sphere is as true for constitutional reform. This does not mean that I am advocating a total or complete package, a kind of "all-or-nothing" approach. On the contrary : I do not believe that is possible. However, what is important is that steps towards constitutional reform must bear some relation to the central social, economic and political problems facing our country. Creating an inadequate constitutional arrangement between Coloureds, Asians and Whites simply does not qualify in this respect. Even the most uninformed foreign visitor to South Africa will instinctively tell you : "That is not where your real problem lies".

I wish to make two more preliminary points about the dilemmas of reform. The first is that failed reform experiments narrow down a society's options to come to grips with real reform. This is so because one has to contend with the consequences of such failure in addition to bringing about new reforms. For example, if real reform in the constitutional sphere has to do with White/Black co-existence, and the consequences of failure of the new constitutional experiment are increased racial tension and hostility (as I believe they will be), then it is going to be even more difficult to create an atmosphere of negotiation and co-operation to bargain

about new initiatives. In a very real sense Ian Smith had run out of options at Lancaster House and he and the Whites simply had to take what they could get.

Secondly (and I am indebted to Sir Karl Popper for this brilliant, yet most simple, insight), when attempting reform it is far better to avoid what you know through experience to be wrong and unworkable than to convince the whole society to pursue a course of action which you hope will be right. In other words : learn from your mistakes and do not use old mistakes to make new ones. We know from bitter experience that racism and racial domination are the most costly mistakes a society such as ours can make. We will be sadly deluding ourselves if we think we can use them to bring about a better deal for all. It is with regret that I have to conclude that both these mistakes appear to be deliberately built into this new constitution.

Because I am mindful of these dilemmas of reform and because I have studied this new constitution as thoroughly as I am capable of doing, I feel obliged to warn the voters of the White electorate, and anyone else who cares to listen, that this constitution holds very real dangers for our country and that a successful "no"-vote would be in the best interest of us all. I am well aware that this is not a popular line of argument in the mood prevailing amongst men of industry and commerce. Let me say immediately that although we may differ in this respect, I do not for one moment doubt that we would both want the best for our country. Where some of us may differ is that I do not believe that this new constitution is going to help us get it. In fact, I believe it will prevent us from getting it or at least make it considerably more difficult to get it, whereas some of you hope that it might be a step towards what is best for us all. Fortunately, the correctness of either point of view does not depend purely on speculation and conviction but largely on fact and plausible argument. I hope I can present you with some of both in arguing my point of view.

THE POST-REFERENDUM DEBATE

Most of the lobbying for a "yes"-vote focuses the attention on the presumed consequences of a successful "no"-vote in the post-referendum situation. I have listened carefully to these arguments lest I may inadvertently be helping to bring about the folly which the well-intentioned "yes"-voters say they hope to avoid. I am unimpressed by most of these arguments, especially the variety which indulges in hyperbole and makes extravagant claims totally unrelated to the constitution itself. For example, the first full-page advertisement of the Government claims that a "yes"-vote would bring about every conceivable good thing in life including almost a cure for the common household cold, whilst a "no"-vote would herald Armageddon itself. This is, of course, childish nonsense. I cannot promise you great and wonderful things if a "no"-vote is successful. Our problems are going to be difficult to solve whichever way the vote goes. I simply believe it is going to be so much more difficult if a "yes"-vote is successful.

Two arguments on the post-referendum, successful "no"-vote situation offered by well-intentioned "yes"-voters (the "its-flawed-but-worth-a-try" protagonists), deserve more detailed attention, more for their popularity than for their substance and logic.

- (a) The first goes more or less like this : A successful "no"-vote would be seen as a victory for Andries Treurnicht and the right wing.

Given this assumption it is then not difficult to proceed with painting the most gloomy of scenarios - loss of business confidence, increasing international isolation, increased pressure for disinvestment, etc., etc. Not one of these arguments, including the original assumption, has any relation to one single clause in the constitution. Because surely, if the opposite "yes"-vote carried the day then at least some of these negative consequences are going to be

avoided as a result of the working of the new constitution. It is precisely at this point that the "its-flawed-but-worth-a-try" "yes"-voters suspend analysis and argument and even admit that the constitution is an "abortion" and has "calamitous" shortcomings. The whole emotional and, I might add, irrational weight of the arguments rests on the assumption that a "no"-vote will be seen as a victory for Andries Treurnicht and the right wing.

How credible is this assumption? I believe it lacks any substance whatsoever and the facts bear me out. In Rapport of 5 June 1983, the results of a nationwide poll were published. This poll was conducted by Mark- en Meningsopnames (Edms) Bpk., known for its accuracy and reliability. It shows that in April 1982 Andries Treurnicht's Conservative Party had 18,3% support of the White electorate and in May 1983 had dropped to 12,2%, a decrease of 6% one year after its inception. The H.N.P., by the way, had dropped from 6% to 2,9% over the same period. Furthermore, if the referendum had been held in May this year, the outcome (according to the declared position of the Parties) would have been 55,8% "yes" and 33,2% "no", where the majority of the "no"-voters would have been P.F.P. and not C.P. supporters.

But, in addition to that poll, the result of another was published on 11 September 1983 (i.e. two weeks ago). In screaming headlines we read : "It's 'yes' : 2/3 for the constitution" and I quote "The surprise is that the so-called 'English-vote' over which much has been speculated, is strongly in favour of the new constitution - 63,7% will vote 'yes' whereas 36,3% will vote 'no'." The overall total is 67,4% "yes" and 32,6% "no".

Have you considered that if a "no"-vote is successful on November 2nd and Andries Treurnicht can claim to be responsible

for it, what this means? It means that if all 18,1% of the P.F.P. voted "no", then in addition a massive 18% shift of voters to Andries Treurnicht away from the N.P. must have taken place between May and November 2nd this year so that his support would have increased from 12,2% to 30%. (The 2,9% of the H.N.P. would have brought the total to 51%). There is not the slightest bit of evidence that this has happened or is about to happen. On the contrary, all evidence points in the opposite direction.

But what is abundantly clear is that the so-called "English-vote" is going to determine whether there is a victorious "yes" or "no"-vote on November 2nd. This is indeed a very grave responsibility. History will not record that the English voted "yes" and thereby stopped Andries Treurnicht, for the facts will show this not to have been the case. History will only show that the "English-vote" brought about a new constitution for the Republic of South Africa because they wanted it. It is therefore, I believe, far more important for them to know exactly what kind of constitution they are going to vote for, than to labour under the illusion that by voting "yes" they are performing some kind of patriotic duty in stopping right-wing growth. In fact, it is my conviction that the implementation of this constitution will do far more to stimulate right-wing growth than by saying "no" to it.

- (b) The second currently popular argument about the presumed consequences of a successful "no"-vote is that "it would stop reform in its tracks".

To elaborate on this argument we are told, for example, that "The Prime Minister will be in trouble"; "Chris Heunis's political head would be on a plate"; "there would be a succession crisis and F.W. de Klerk would take over and try to re-unite the Afrikaner"; etc., etc. In short, whatever timid and half-hearted reform is going on now would be

snuffed out and we would be back to the status quo. This argument is problematical on two fronts. We are seldom told what exactly is meant by "reform" and in the few exceptional cases where this is done it is quite clear that the new constitution would be an obstacle to reform rather than an instrument in bringing it about. Secondly, for every speculation about what crisis would be precipitated within the National Party, a more plausible alternative speculation can be presented.

But the most fundamental assumption underlying this argument is that, however flawed this constitution is, it is some kind of instrument (means) towards promoting reform (end). To assess the validity of this point we must identify where the greatest pressures for reform are building up in our society? Again, we can be reliably guided by research reports, some of them initiated and sponsored by government departments themselves : Black housing, job creation, urbanisation and rural Black poverty. These are socio-economic pressures for reform which will inevitably find some kind of political articulation. This new constitution, as Mr. Heunis himself says, does not even "address" these problems. It has nothing to do with them. The most important areas of reform in our society lie outside the framework of the new constitution. Not only is this the case, but the very people who cry out for these reforms are specifically and deliberately excluded from the constitution in which they could attempt to bring them about in an orderly manner.

However, let us consider the argument that at least the new constitution could help to remove racially discriminatory legislation. That would be an important step forward. Again it is quite easy to demonstrate that this is not the case. In the first instance the Government does not have to change the constitution to repeal or amend legislation. It can in any case simply use the majority it has under the present circumstances. If it is difficult for the Government to do

so now it is going to be as difficult to do so in the new constitution because its majority position remains unaffected and is indeed strengthened and it would be subject to the same caucus pressures that it is subjected to now. However, the new constitution explicitly builds in racially discriminatory legislation as a condition for Coloured, Asian and White participation. So much so that those Coloureds and Asians who are contemplating participating in the new constitution have declared their intention to first reform the constitution before they can reform society. Surely, an extraordinary state of affairs.

When I point out these shortcomings to well-intentioned "yes"-voters, they turn on me and say that it is wishful thinking on my part to think that the Government will "go back to the drawing board" and start all over again. What is most likely to happen, they say, is that nothing will happen. This is of course sheer nonsense. There is not one single moment in history where "nothing happened". By "going back to the drawing board" I do not naively imagine the Government sitting around the table with some constitutional experts and drawing up another constitution. Heaven forbid that they should repeat the blunders they committed while drawing up this one. But what they will have to do, whether it is this Government or any other that is in power, is that they will have to come to terms with what the real priorities for reform are. In this they have no choice whatsoever. The forces of history are on the march in South Africa as anywhere else. What this new constitution does, is precisely to draw our attention away from those forces at a time when we need all our resources and ingenuity to cope with them. To say "no" to this Government is to say "Do not waste our time with artificial and useless constitutional experiments; get back to our real problems". The Prime Minister himself has admitted that if the constitution is rejected the Government would remain in power and "any new reform initiative would have to be taken by it". This is a far more sensible attitude to adopt than to advocate that a "no" would "stop reform in its tracks".

THE CONSEQUENCES OF A "YES"-VOTE

Permit me, as a "no"-voter, to also speculate as plausibly as possible on the consequences of a "yes"-vote being successful.

1. In the first instance, there can be no doubt that the "English-vote" would have been the crucial factor bringing it about. This is what all the surveys and polls indicate at present. By saying this I am not saying that those English who vote "yes" have mala fides in doing so. Most of them would no doubt do so with the best of intentions. But it is ironical that this section of the voting public which has been politically impotent for so long, holds the balance of power in determining the result on November 2nd.

2. Secondly, a successful "yes"-vote would introduce a period of implementation of a new constitution which will drain valuable energy and resources away from other urgent areas of reform. A great many vested interests and personal reputations are at stake and therefore every effort will be made to make an unwieldy and unworkable constitution as workable as possible. This period of implementation would involve at least the following stages :
 - (a) Soliciting some credible minimal Coloured and Asian support. Even now we have no idea when and how the Government intends testing Coloured and Asian support. This is the first major dilemma after November 2nd. Whatever method is going to be used, present indications are not very encouraging for the new constitution to say the least.

 - (b) Assuming some kind of Coloured and Asian involvement, the next stage must be the creation of a physical infrastructure where these racially segregated Houses of the same Parliament are going to sit. Some well-intentioned "yes"-voters are actually under the impression that we are all going to be in the same building and assembly. In terms of the constitution the latter is not possible and the former not physically feasible at this stage.

(c) The next step is the first operational phase, i.e. testing the new system and, as it were, trying to get it on track. I think it is not unreasonable to assume that all this should take a minimum of 3½ to 4 years, by which time Black urbanization would have increased by approximately 15%. Of course, this constitution does not, as Mr. Heunis points out, "address" itself to this problem.

3. Which brings me to the third point and that is, whatever the good intentions of the "yes"-voter, his vote will be seen by Blacks as a "no" to their right of being citizens of South Africa. I am not alone in saying this (although I believe it to be absolutely true in its consequences); one moderate Black leader after the other has tried to make this message heard with an almost desperate urgency. Ever since I entered politics I have repeatedly and often said that there is only one constitutional issue of major consequence in South Africa, and that is that the manner in which Black South African citizenship is settled will determine the prospects and extent of violence or relatively peaceful stability in South Africa. Throughout the entire constitutional debate government spokesman after government spokesman has been unswerving in maintaining that Black constitutional development has to follow another constitutional path. That path means for Blacks : homelands, pass laws, the status of migrant guest workers in the land of their birth and no South African citizenship. A successful "yes" on November 2nd would mean the perpetuation of exactly this for the vast majority of Blacks. There is no doubt in my mind that this must increase the potential for racial conflict in our society.
4. Finally, and I am particularly mindful of the nature of my audience when I say this, a successful "yes"-vote will give ideological momentum to anti-free enterprise movements amongst the politically conscious Black group. If you do not believe me, read the speeches and papers delivered at the National Forum and U.D.F. meetings. As one Black leader said to me with devastating simplicity : "The preamble of the constitution says a national goal is 'To further private initiative and effective competition' but the content of

the constitution says : 'No Blacks allowed'; where does this leave me when I am confronted by the radicals?" It has long been a favourite argument of neo-Marxist intellectuals that there is a clear correspondence of interest between capitalism and Apartheid or Separate Development. There have been valiant attempts to dispel the fallacies behind such arguments. This new constitution gives credibility to many of those arguments. I sincerely believe that businessmen, in particular, would do well to reflect very seriously on what their perceived role will be in actively promoting a "yes"-vote on November 2nd. It is shortsighted and dangerous to limit this constitutional debate to an all-White party political affair. We must see it in a much broader context.

CONCLUSION

I fear I have sorely tested your patience in taking such a long time to state my case. Let me sum up :

- (a) I have warned you to be cautious of the confidence of politicians and invited you to listen critically to what I have to say as well as to the views of my opponents.
- (b) I have tried to illustrate some of the very real dangers that a society faces when it goes through a process of reform.
- (c) I have also tried to illustrate how this new constitution as well as some aspects of the debate surrounding it are actually leading us toward the very dangers we have to avoid if we are going to have successful reform.
- (d) I have, in motivating why I believe a "no"-vote is in our country's interest, tried to do two things :

- (i) Firstly, to base my speculation on available evidence as to trends and developments currently taking place in our society; and
 - (ii) Secondly, to relate my constitutional objections directly to the contents of the legislation that is supposed to become our new constitution.
- (e) I have also tried to demonstrate that the most popular arguments in favour of a "yes"-vote cannot be supported either by the available evidence or by the contents of the constitution.

In conclusion, let me repeat a simple point. The outcome of the referendum on November 2nd is not in the hands of Andries Treurnicht or even the National Party. It is going to be determined by the English-speaking voter of South Africa. As Mr. Owen Horwood said in Parliament : "He (the English voter), has come in from the cold and is never going to look back". That may very well be so and I, for one, would welcome it. But the wisdom, foresight and intelligence with which this voter votes on November 2nd, is going to have a decisive impact on what we can all look forward to in our country. Successful constitutional change is dependent on White initiative and the quality of Black response to it. By "Black" I mean all those who are not classified "White". On November 2nd the White initiative reaches a crucial stage. The next stage will be determined by the quality of Black response to that initiative. We cannot divorce the outcome on November 2nd from that response.