will turn into political defeats if UN peacekeepers enter into a war with the people they were sent to protect. National governments, moreover, will refuse to have the blood of their soldiers shed for foreign causes, however just.

Still, the UN will find it difficult to stay out of violent civil conflicts. Simple prudence will keep it out of the affairs of powerful states, unless countering international aggression—the UN's first purpose—mobilizes the world community as it did against Iraq. For the most part powerful states will be free, as they always have been, to oppress their populations as they see fit. Elsewhere the UN's further purposes—to defend human rights and promote social progress—will be heard. Humanitarian needs will not wait upon the agreement of all the parties, and even an agreed peace will often fail (as the Addis Ababa agreement among the Somali factions did). The scale of human suffering if the UN abandons its humanitarian effort may leave no choice but slogging on.

With popular support, superior force, and the diplomatic engagement of the international community, "peace enforcement" may then seek to create and defend a narrow corridor of continuing humanitarian support as it has in Bosnia; this will probably be the outcome in Somalia come March. It may, on the other hand, create a partial peace (as might now be done in Somalia outside Mogadishu) as a holding operation to a slowly expanding wider peace.

Peace cannot be forced. It must be negotiated. The UN can try to feed the hungry and protect those driven from their homes until warring parties can be induced to make their own peace. These are the thin hopes that sustain UN efforts. They are also still the best hopes the international community has.

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Ian Shapiro

LETTER FROM SOUTH AFRICA

These are heady times here, in many ways reminiscent of the period following the referendum almost two years ago. Then, as now, the white minority had taken an inexorable step in the direction of turning power over to the majority. Two-thirds of the white electorate had voted to authorize the government to negotiate the apartheid regime out of existence. The government had won decisive majorities in every region of the country, and it seemed as if anything was possible. Multiparty roundtable negotiations to draw up an interim constitution made rapid progress. Difficulties set in as groups opposed to a settlement fomented violence, culminating in the massacre at Boipatong that precipitated the collapse of the roundtable negotiations. Bipartisan negotiations between the government and the ANC (African National Congress) soon began again, however, as leaders in both parties realized that the risks of failing to reach a settlement outweighed those posed by reaching one. The result was the interim constitution adopted by parliament just before Christmas of 1993 in the run up to the multiracial elections scheduled for April 1994.

Once again the possibilities seem heartening. True, some of the principal players have not signed on to the present accord and threaten to disrupt the elections. But the leadership of the

government and the ANC have displayed consummate skill—and benefited from some good luck—in coopting and dividing potential opposition to the transition. Much has been said in the Western press about the failure to get Inkatha and the right-wing Afrikaners on board. Less has been said about what has been achieved. In a major reversal, the Pan Africanist Congress (PAC—perhaps best known in the West for its slogan: "One settler, one bullet!") has suspended its armed struggle and decided to take part in the elections. The PAC may win a substantial portion of the rural vote and might even hold the balance of power in some regions. Inkatha is deeply divided as to whether to participate in elections in which their own polls suggest that it can expect to receive only about 8 percent of the vote. Its current stand against participation may fracture the organization or, perhaps more likely, relegate it to political obscurity once elections are held. The National party/ANC coalition has exploited these divisions, releasing documents that reveal plans for racial genocide in the Orange Free State by right-wing Afrikaners. These documents make it undeniable that the so-called "Freedom Alliance" between Inkatha and right-wing whites is no more than a marriage of convenience, and their release makes it unlikely that the alliance can hold together, given the divergent and incompatible interests of its members.

The Transitional Executive Council, a multiparty body created to oversee the actions of the government in the approach to the elections, is an intelligently conceived institution that, it is hoped, will make the transition a *fait accompli* by the time the elections are held. Its gradual accretion of power should mean that disrupting the elections through violence will appear increasingly pointless to groups that are inclined to do so; disrupting the elections will not stop the transition. No doubt there is some probability that the transition will collapse in the face of civil insurrection, but every week that goes by without this occurring makes it less likely. Too many people know that they have too much to lose from civil war and much to gain from a successful democratic transition.

It seems, then, that a democratic political order is emerging in South Africa. But what sort of democracy will it be? Through much of the negotiations, when various white and other groups advanced the view that South Africa is unique and needs a democratic constitutional order that reflects the peculiarities of its ethnic and racial composition, Nelson Mandela and the ANC held fast to the view that what they wanted was an "ordinary democracy." This provoked considerable skeptical commentary in Western academic circles, since it is evident that there is no such animal. What was—and remains—principally at issue in the South African debate is the issue of minority rights. Which groups, if any, should be protected from the operations of majority rule, and by what mechanisms? Are territorially based enclaves, or even separate states, justifiable? If not, what institutional devices should be put into place in the new electoral rules, parliamentary arrangements, and constitutional system to protect minority rights?

Although the government and the ANC have insisted on the maintenance of a single unitary state, incorporating the present South Africa as well as the "independent" homelands (artifacts of the apartheid system that were never recognized by any country outside South Africa), the constitutional settlement goes a considerable distance toward accommodating various demands or the protection of minorities and individual rights. Eleven official languages are recognized in the new constitution. This remarkable (112-page) document enumerates inalienable rights of citizenship, freedom of movement and domicile, universal franchise and access to the courts, and robust protections for criminal defendants. This last is a significant inclusion, given the political uses of the criminal law in the past. Children's rights and gender and racial equality are affirmed, as are freedoms of speech, press, and religious conviction and association. The Constitution explicitly affirms the supremacy of the rule of law, to be enforced by an independent judiciary through a constitutional court. The Constitution is a patchwork of negotiated compromise, "a historic bridge," as its concluding paragraph notes, "between the past of a deeply divided society characterized by strife, conflict, untold suffering and injustice, and a future founded on

the recognition of human rights, democracy and peaceful coexistence." It calls for "understanding but not for vengeance" and "reparation but not retaliation," designed to achieve "reconciliation between the people of South Africa and the reconstruction of society."

Inevitably, there are those who maintain that these (or any) constitutional assurances are not enough, insisting that nothing short of territorially based independent states can protect them from an ANC-dominated government. This is the view of Afrikaner separatists, and of the leaders of various black groups who have derived benefits and spoils from their semi-independence during the apartheid era. Reliable evidence about the strength of grass-roots separatist sentiment is difficult to come by. Most polls do not give Inkatha—the only historically black party now clearly identified with a separatist agenda—more than 8 to 10 percent approval ratings. Estimates of how many Afrikaners will try to dig their heels in when push comes to shove are necessarily speculative. I have heard numbers ranging from ten to fifty thousand, which, out of a white population that now approaches five million, is not very considerable.

Inconclusive numbers aside, do the political aspirations harbored by those who reject the new constitutional agreement merit serious consideration? How does one decide at what point separatist political demands are legitimate? Democracies are supposed to be governed by the people; what if some subsection of the people desires to form its own independent nation?

The demand by a minority to be allowed to secede is a special case of the demand for special protection of that minority from the operations of majority rule in an established territorial state. In fact, there is nothing in the theory of democracy to suggest that special protections for ethnic or racial minorities is warranted simply by virtue of their ethnic or racial identities. It is true that in the United States a venerable tradition of democratic constitutional argument guarantees protection for racial minorities. It was articulated by Justice Stone in a famous footnote in *U.S. v. Carolene Products* in 1938. But Justice Stone was careful to limit his remarks to legislation enacted by the majority "which restricts those political processes which can ordinarily be expected to bring about repeal of undesirable legislation," or "statutes directed at particular religious . . . or national . . . or racial minorities." It is only in such circumstances, when the majoritarian political process is directed against "discrete and insular minorities," that the "special condition" is created "which tends seriously to curtail the operation of those political processes ordinarily to be relied upon to protect minorities. . . ." Justice Stone's remarks have been taken to be a democratic justification for limiting majoritarian procedures in order to protect minority rights, but only when the procedures in question systematically prevent members of a minority from pursuing their interests through the political system—as when laws were enacted in the American South that made it practically impossible for blacks to exercise their right to vote. In such circumstances extramajoritarian remedies, designed to stop the systematic domination of a targeted minority by the majority, can be defended in a democratic political order. But nothing in the logic of *Carolene Products* entails that minorities should in general be entitled to protection from the results of democratic politics, and nothing in democratic theory does either. Indeed, the great nineteenth-century movements for democratic reform through expansion of the franchise were intended precisely to *deprive* powerful minorities of the powers they had accumulated in the monarchical and feudal past.

The situation of the white Afrikaners in South Africa is directly analogous. They articulate no justifiable reason to believe that they will be systematically persecuted in a democratic state. What is being required of them, and what the National party leadership has agreed to do, is that they give up a monopoly of power to which they have never been entitled. To be sure, the Afrikaners have vivid historical memories of ethnic persecution. Many of their forebears, the Dutch Huguenots,

made their way to South Africa in the seventeenth century to escape religious oppression in Europe, and the persecution of the Boers by the British in the nineteenth century (marked, among other things, by the invention of the modern concentration camp) is legendary. But there is no history of Afrikaner persecution, or even the attempt of it, at the hands of the black majority. On the contrary, it is the black majority that has been subjugated by the whites through the decades of apartheid and before. That Afrikaners are suddenly proclaiming the importance of respecting individual rights better reflects the fear that the proverbial chickens may be coming home to roost than any legitimate moral claim for special ethnic protection.

Is the fear that the chickens will be coming home to roost credible? If it were, a case might be made for special protection on some variant of the principle that two wrongs don't make a right, or by appeal to the notion that the sins of one generation should not be visited on the next. Again, the eighteenth- and nineteenth-century history of Europe is instructive. The landed classes opposed expansion of the franchise largely out of fear that the new majority—after centuries of simmering resentment—would seize the minority's wealth and redistribute it to the poorer classes. No doubt this was a rational fear. When the major reforms were enacted (for example in Britain in 1832, 1867, and 1885), this was in a context of working-class revolution that had twice shaken the entire European continent and produced waves of Chartist rebellion in England. Yet if the opponents of expansion of the franchise in Western Europe and North America were alive today, they would be stunned by how little it has affected the distribution of income and wealth there. Democratic politics turned out to be infinitely more complex and unpredictable than those who anticipated zero-sum distributive conflict could ever have imagined. To the dismay of international socialists, nationalism turned out to have a stronger pull on the working classes of Europe than proletarian solidarity in 1914—even in nations like Germany and Italy that had been in existence as nations for less than half a century. Since that time, economically and culturally conservative political parties have managed to sustain working-class allegiances throughout the West that few nineteenth-century radicals (or conservatives for that matter) would have believed possible.

We should also be mindful that the global context is now quite unpropitious for nationalization and ambitious redistributive programs. Communism has collapsed worldwide, and even democratic socialism is on the defensive almost everywhere. These developments have had a powerful impact on South African politics, leading the ANC and even the (historically reactionary) South African Communist party largely to abandon commitments to nationalization and to accept, however grudgingly, the imperatives of market economics. Private property rights are guaranteed in the new Constitution, and the ANC leadership has made it clear that creating a climate attractive to foreign investment is one of its principal commitments; in this circumstance, the notion that the wealth of the "haves" is any more threatened in South Africa than elsewhere in the democratic world over the past century and a half is difficult to take seriously. No doubt there will be political battles over marginal tax rates, inheritance taxes, land reform, and the distribution of scarce goods such as education and health care, and doubtless there will be some downward redistribution. It would be astonishing if this were not the case; South Africa currently has one of the highest levels of economic inequality of all countries for which data are available. The luxurious lifestyles of many whites—which often still include minimally paid servants even for whites of relatively modest means—will indeed fall to some degree. But there is no reason to expect that redistribution will be more radically egalitarian than has taken place elsewhere in the democratic world. Whatever the egalitarian aspirations of the new government, the balance of pressure on it is likely to be toward creating a stable investment climate as a magnet for foreign aid and investment; scarcely a recipe for expropriating the expropriators. In this light, perhaps a more serious worry than what black political elites will do

with their newfound power over whites concerns what they will do when they discover how little power they really have. How will they respond to the inevitable and massive frustration among their own grass-roots constituencies, once it becomes evident that there is little scope for redistribution and that the government lacks the resources to fulfill even minimal social and economic demands?

What of the cultural aspirations of the Afrikaners, regardless of their overblown fears of subjugation in the new South Africa? Is there no legitimate claim based on the distinctiveness and traditions of Afrikaner cultural identity? The answer must be a decisive no. Afrikaner calls for a referendum on this subject in the Orange Free State among all *whites* (as opposed to a referendum among Afrikaners) signal that those calling for it are motivated less by their sense of ethnic identification than by simple racism. It should come as no surprise, therefore, that elements of this group appear to have been making plans for racial genocide in their new state, as was widely reported in the South African press in late December 1993. That the Afrikaners lack a territory in which they live exclusively and which might supply a natural basis for an ethnic state reflects a reality that Afrikaners themselves created when they had a monopoly of political power. Dispersed throughout South Africa, they manufactured an economic system that is critically reliant on black migrant labor. Apartheid's architects never intended to give up control of the country's valuable natural resources or centers of commerce. There is no credible evidence to support the view that those calling for a separate Afrikaner state today would accept anything less, and, given past behavior and the unequivocal statements that pour forth from the AWB (Afrikaner Resistance Movement), the burden of reasonable skepticism must surely work against them. It would be more reasonable to anticipate that any Afrikaner *volksstaat* would become a staging ground for a war of attrition against the new South African nation.

Other demands for the expansion of regional autonomy, which in the press are often pushed to the point of de facto separatism, should also be resisted. Buthelezi and other leaders in "independent" homelands and autonomous regions face obvious incentives to maintain the spoils of (often highly undemocratic) local fiefdoms in which they have enjoyed decisive control over political office, patronage, and police power. In the past, such leaders have enjoyed political power unencumbered by the inconvenience of having to compete for it in a democratic political arena; they are understandably reluctant to begin doing so. In fact the new Constitution provides for substantial regional autonomy and recognizes the force of customary law in such areas as marriage that are critical to the maintenance of traditional cultures and the local authority of traditional leaders.

The merits of such concessions to traditional ways of life are debatable from the standpoint of democratic politics. The requirements of democracy have always lived in some tension with the institutions that make up civil society. Moreover, the most effective and sustainable forms of democracy are seldom imposed *tabula rasa* by reference to any blueprint or plan. Often they are grafted onto undemocratic institutions and social practices, reshaping them gradually in directions that are increasingly democratic. It will often be unwise for democrats to try to do everything at once, and it seems evident that concessions to customary law and the local authority of traditional leaders were essential to securing the agreement on the new Constitution. In contrast to those who are unalterably opposed to the very project of democratization (who should, indeed, be marginalized and opposed by force if necessary), those who accept the principle of a democratic order are allies whose values and aspirations merit respect. Nonetheless, arguments for the protection of "traditional" institutions and practices from the operation of democratic politics should always be looked on with suspicion by democrats. Too often they are mere rationalizations for the maintenance of oppressive social relations. The clash between "traditional" South African family and kinship structures, on the one hand, and democratic

values, on the other, will consume much of the political energy of future generations of South Africans. Democrats can be persuaded to put some of these conflicts off for prudential reasons, but not to abandon them. Certainly there is no democratic justification for the maintenance of "traditional" enclaves designed to sustain the arbitrary powers of unelected leaders and insulate undemocratic cultures from the operation of democratic politics.

It is also wise from the standpoint of economics for those who value democracy to insist on the maintenance of a unitary national state in South Africa. South Africa has a highly developed industrial and financial infrastructure and a modern technological economy. We have yet to witness an example of a successful democracy being built in the contemporary world without a relatively developed market economy (though, as the Indian example illustrates, the level of development need not be of first world proportions). South Africa's physical infrastructure manifestly outstrips any in Africa. The roads in and through the major industrial centers are on a par with the best in the world. There are areas north of Johannesburg that were *veld* twenty years ago but could easily be mistaken for Silicon Valley today. The financial infrastructure is no less impressive. South Africa has a modern stock market and banking system, a sophisticated reserve bank whose relative independence from politics is preserved in the new Constitution, highly developed trade union laws, corporatist traditions of industrial relations (with the rights to unionize and form employers' associations also now constitutionalized), and a business sector that is solidly behind the transition and critically reliant on its being successful.

To be sure, South Africa also has substantial economic problems, such as massive levels of unemployment—approaching 50 percent in some urban areas—foremost among them. Low productivity, inflation, an archaic tax structure, and a currency that has been in semi-collapse since the mid-1980s are not far behind. But the solution to theseproblems does not lie in balkanizing the South African economy. If South Africa is going to compete in global trade with the emerging economies of Asia, not to mention the developed West, it is going to have to do so as a consolidated entity, taking full advantage of economies of scale and human and natural resources.

For all these reasons, it is encouraging that the National party and ANC leaderships are doing their best to marginalize groups bent on scuttling or dismembering the transition. Yet it is one of the profounder tensions of democratic politics that the same features of the political situation that give cause for optimism in the short term become sources of misgivings when one speculates about the longer term future. The elite-level pact between the government and the ANC threatens to undermine the possibility of effective political opposition once the period of crisis has passed and the democratic regime—as distinct from any particular government or governing coalition—is secure. Yet no democracy can survive in good health without a vigorous but loyal opposition. Opposition institutions ensure that dissatisfaction is channeled into the democratic political order, rather than become fodder for groups dedicated to the overthrow of that order. Oppositions are necessary also to keep governments honest, and to demand public justifications for what governments do. And oppositions are sites for the organization of alternative potential governments. If governments are to be able to fall without precipitating the collapse of the democratic regime, there must be potential alternative governments waiting in the wings. Without an organized parliamentary opposition it is difficult to see how these can emerge.

The National party and the ANC have accepted the idea of a government of national unity—"power-sharing" in the terminology that the ANC swore it would never accept but did. The electoral system virtually guarantees that there will not be a strong parliamentary opposition. Of the four hundred representatives in the national assembly, half will be elected at large from party lists, the other half from party lists in each of the nine provinces (which will replace the four existing provinces). In addition, seats in the cabinet will be allocated proportionately to all parties provided they win twenty seats in parliament, and parties that win

eighty seats (or the second largest party if no party crosses this threshold) will be entitled to an executive deputy president. The thinking behind this is to assure significant minorities that they will have a say in government, and so to assure their assent to the new order. But little thought appears to have been given to the question: what kind of democratic opposition will be possible under such a system? If every political force of any significant size is in the government, where will the "loyal" opposition come from? Who will be in a position to question—and have an interest in questioning—what the governing elites agree on?

These worries are fed by another notable feature of the electoral law. This is the requirement that any member of parliament who ceases to be a member of his or her political party will also cease to be a member of parliament, being replaced by someone else from the parliamentary list. It seems hard to overestimate the power that such a system will concentrate in the hands of party elites. They will have at their command the most powerful whip system in the parliamentary world. Not only will it be impossible for dissidents to threaten to change party affiliations, but party leaders will have a powerful weapon to silence criticism within their own ranks.

We are confronted, then, with the paradox that an elite pact is necessary to achieve a negotiated transition from authoritarianism to democracy, yet the elites who negotiate the pact find themselves compelled to so weaken opposition to their democratic venture that they threaten its long term viability. This is the central institutional conundrum that should be commanding the creative attention of committed South African democrats today. It should lead them vigorously to press the view that the interim Constitution should not become permanent (no easy thing, if history is any guide), and to argue, once the elections are over, for the creation of institutions through which the new political elite can be held democratically accountable as it governs, and vulnerable to replacement in the normal course of political competition. This will necessarily include modifications to the electoral system to bring about the emergence of conventional "loyal oppositions," even if this diminishes the extent to which the government reflects every shade of political opinion in the country. It should also include great pressure to democratize the internal governance of political parties, given the power they are going to have in the new parliamentary system. In this context, an American model of open parties, and perhaps even contested primaries, seems preferable to the British system, which is tightly controlled by party organizations and small groups of activists. No doubt there are other possibilities. Whatever the devices employed, the goal should be to create opposition institutions that can play a part in democratic order over the long term. They should be designed to foster resistance and dissent but also to channel it into the regime. Unless this happens, social dissatisfaction will, increasingly, be directed at the regime rather than the government, diminishing the likelihood that governments can fall while the new democratic order remains intact. Effective opposition, no less than representative government, is the lifeblood of a democratic political order. □