

Resistance to an Unjust Government: A Case Study of Apartheid in South Africa

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Abstract

This discourse examines the dynamics of ethical dimensions pertaining to unjust governments, using apartheid South Africa as a case study. Qualitative methodology was used to analyze morality of violence, using autonomy and civil disobedience as footstools. This piece will expose its readers to philosophical concepts such as norms, ethics, foundational beliefs, epistemology etc. It is the aim of this piece to dissect the perception of totality and reality in the formation of social processes.

Keywords: apartheid government, ethics, norms, autonomy, violence, civil disobedience, foundational beliefs.

Introduction

The South African apartheid was a system of government set in place to protect the supremacy of a minority group (Whites) and to repress a majority group (Blacks) through a policy of almost complete separation¹. The European colonization of South Africa by the Germans and English settlers began in the 17th century². Apartheid was instituted as a policy in order to further the continuation of domination and supremacy of whites over the country and its resources³. Through this, the black South Africans were systematically marginalized, “The rights of black South Africans were systematically stripped away, they were denied citizenship and forced to live in either isolated, impoverished, rural communities or shanty towns surrounding major cities” (April and Marchese 2014, p3). Apartheid, as a form of government, began after the elections of 1948 when the Afrikaner Nationalist Party became the majority party, and this system lasted until 1994⁴.

The prime political organization in the grapple to vanquish the apartheid government and win majority rule for black South Africans was the African National Congress (ANC), founded in

¹ Jemison, E.L. (2014). The Nazi Influence in the formation of apartheid in South Africa.

² April, F and Marchese, V. (2014). Apartheid South Africa and the Soweto Rebellion.

³ April, F and Marchese, V. (2014). Apartheid South Africa and the Soweto Rebellion.

⁴ Jemison, E.L. (2014). The Nazi Influence in the formation of apartheid in South Africa.

1912⁵. There were other political organizations in the fight against apartheid, a notable one being the Pan Africanist Congress, which led demonstrations in Sharpeville against the passbook system in 1960 (white policemen killed 67 Blacks that day)⁶.

In the early days of the ANC, legal tactics of peaceful protests and occasional strikes were deployed to fight apartheid⁷, these tactics were non-violent. However, due to bourgeois and unlimited marginalization, social injustice, exclusion of the black minority group which started in the late 1940s, ANC resorted to violence. Nelson Mandela, who was the leader of ANC at that time, and others, lead an armed uprising against the apartheid government⁸. The armed resistance was limited to occasional bombings of government facilities, burning of police cars, looting white owned businesses etc.⁹

Moral question and philosophy of norms

These actions carried out by the ANC and the repressed black South Africans led to the moral/ethical question; can the causality of violence (in the case of apartheid South Africa) be morally justified? To simplify it, is it morally right for individuals to revolt (using violence) against a government that oppresses them?

In conflict situations, actions and decisions are subjected to moral and ethical evaluation. There is always an ethical aspect to a given decision, which gives us grounds to evaluate the ANC's decision morally and ethically on using violence to make their voice heard.

Ethics can be divided into two groups; anterior ethics and posterior (applied) ethics^{10,11}. Posterior ethics deal with legal norms (consent) and they come from general rules. Where does the content/normativeness of a legal norm come from? Kelsen (1934) answers this by saying an act or an event gains its legal-normative meaning by another legal higher norm that confers this normative meaning to it. This higher norm is called the ground norm¹². From where does this ground norm originate or get its normativeness and validity from?

Kelsen (1934) further explained that at some stage in every legal system, we get to an authorizing norm that has not been authorized by any other legal norm, at this stage this norm has to be presupposed to be legally valid. The normative content of this presupposition is what Kelsen (1934) called the basic norm. These legal norms can be influenced by political structures; for example, it was a legal norm, which was politically constructed, for Blacks not

⁵ Jemison, E.L. (2014). The Nazi Influence in the formation of apartheid in South Africa.

⁶ Jemison, E.L. (2014). The Nazi Influence in the formation of apartheid in South Africa.

⁷ Lester, R. Kurtz, L. R. (June 2010). The Anti-Apartheid Struggle in South Africa (1912–1992).

⁸ Jemison, E.L. (2014). The Nazi Influence in the formation of apartheid in South Africa.

⁹ Jemison, E.L. (2014). The Nazi Influence in the formation of apartheid in South Africa.

¹⁰ Helene Tessier. (2014). Ethical Dimensions of Conflict. Saint Paul University, Ottawa, Canada.

¹¹ For the purpose of this paper, I will dwell more on posterior ethics.

¹² Kelsen, H. (1934). Pure theory of Law. The Lawbook Exchange, Ltd.

to go to some white residential areas in South Africa unless they (Blacks) had a passbook. This shows political structures can influence change in social regulations.

On the other hand, moral as the core of ethics has two sides which are the objective and the subjective¹³. The objective as a norm (command) is binding, while action on the subjective is through practical reasoning and tribunal of reasoning, which is the centre of truth. A norm does not exist without certain characteristics which are its binding characters. It is these to which it can be generalized, the binding aspect leads to the subjective, and the moral subject is defined by the objective aspect of the norm.

Moral norms are clues on how humans ought to exercise their freedom. (I.e., the accepted or typical behaviour in a group). A moral norm can be expressed as rules, principles, dispositions, characters or traits in a given society. Moral norms are the criteria of judgment about the sorts of persons that we ought to be and the sorts of actions that we ought to perform. "Moral norms provide us with some consistency and stability in the moral life by bringing about some depth and breadth to our moral judgment" (Helene 2014, p 24). Moral norms provide us with patterns for human conduct which allow us to adequately evaluate the moral dilemmas and conflict situations that we face daily, pertaining to what is the right or wrong thing to do. This paper argue that moral norms help us determine what is right and good within a given situation especially in conflicting situations like apartheid South Africa.

The objective evaluation of an action involves moral decision making¹⁴. Action is the primary and most proximate thing while evaluating conflict situations. The objective is distinct from the action, in this way; one chooses to do something for the sake of some end; the sake which one chooses is the objective in moral evaluation. For example, black South Africans employed violence (bombing of official government buildings and burning of police cars etc...) to eradicate the apartheid government. The foundational belief that apartheid is wrong (social norm) is the guiding principle that justifies or rationalizes the use of violence, this is the objective in moral evaluation. While the black South Africans are the subjective and the violence carried out is the action through practical reasoning. We can question certain norms or principles which can be accredited to human behaviours (actions). This accreditation is autonomy, and the subject has the autonomy to challenge its foundation¹⁵.

Proponents of teleological ethics or proportionalism argue that one may choose to destroy, damage, or impede a basic human good, such as life for the sake of bringing about a proportionate end (justice)¹⁶. According to this, one cannot say any specific type of action in achieving an end, be it violence or otherwise will always be morally appealing. It is always possible that some circumstances might arise in which such a choice would be justified for the sake of reaching an objective goal. From these justifications, we cannot exclude civil disobedience/resistance to an unjust government.

¹³ Helene Tessier. (2014). Ethical Dimensions of Conflict. Saint Paul University, Ottawa, Canada.

¹⁴ Helene Tessier. (2014). Ethical Dimensions of Conflict. Saint Paul University, Ottawa, Canada.

¹⁵ Helene Tessier. (2014). Ethical Dimensions of Conflict. Saint Paul University, Ottawa, Canada.

¹⁶ Helene Tessier. (2014). Ethical Dimensions of Conflict. Saint Paul University, Ottawa, Canada.

We identify and evaluate the moral dimension of conflict by raising moral and ethical questions, identifying mechanism and criteria for justifying our decisions. We define moral dimension as a situation where a decision is to be made regarding an action where the question that arises is about what is good or bad and whether it is better to carry out one action or another. Where does a norm come from? If the content of norms comes from the society, are they, morally right? The legal system says the content of a norm comes from ethics¹⁷. As for the legal dimension, it is just not about good or bad; if you are acting within the law, you are acting morally.

Criteria that can be relied on to justify or evaluate the moral and ethical value of a decision are norms. The content of the norms stem from three sources¹⁸. Pre-modern norms which are based on religion, traditions, culture and are believed to originate through revelations (God and the king). Secondly, modern norms which are based on science, reason and logic which give rise to legal (law) and political institutions (Government). Lastly, post-modern norms which are decisional/operational modes of social regulation. Post-modern norms are diverse, and can stem from different sources (individual beliefs, religion, culture, political institutions) depending on the circumstance on hand and are determined by case basis. In recent times, post-modern norms have proven to be more ethical than moral.

Is it necessary to consider the violent actions of the ANC from a moral point of view? Different schools of thought have different answers to that. For the universalists, they would say that there are fundamental truths and foundational beliefs that are universal regarding what is moral and what isn't. Violence and armed resistance to a government will be seen as immoral. However, relativists would say violence has its dynamics and there is no fundamental truth governing it, if it needs to be applied to a particular situation, then it should be applied.

Autonomy

People possess autonomy because they are accountable for their actions. We are not free and capable human beings unless we take full responsibility for the decisions that affect our lives¹⁹. The subject has the autonomy to challenge its foundation²⁰, to be free humans; we must not be enslaved by the system. Autonomy is a condition of freedom, the more you convince yourself that you do not have autonomy, the less free you become. Based on this, South Africans are deemed fit to challenge the legitimacy of the Apartheid government. The minorities (Whites) in South Africa played mind games with the majorities (Blacks), for instance, the Blacks were restricted from taking passport photographs from the same studio as the Whites based on the norm of the apartheid government of segregation²¹. Was it the duty of the minority group to

¹⁷ Helene Tessier. (2014). *Ethical Dimensions of Conflict*. Saint Paul University, Ottawa, Canada.

¹⁸ Helene Tessier. (2014). *Ethical Dimensions of Conflict*. Saint Paul University, Ottawa, Canada.

¹⁹ Toscano, R. (2005). *Commemoration of Paul Ricoeur*

²⁰ Helene Tessier. (2014). *Ethical Dimensions of Conflict*. Saint Paul University, Ottawa, Canada.

²¹ Jemison, E.L. (2014). *The Nazi Influence in the formation of apartheid in South Africa*.

challenge this norm? We must question the criteria that give validity to a norm (Autonomy is the relation of a subject to question the content of a norm).

Accountability is important when it comes to autonomy. Nelson Mandela went to jail for 27 years because he was autonomous, freedom is a consequence of autonomy it is not a condition. Toscano (2005) explained that it is not that we attribute man's(persons) action to him because he is free, but man is free because we ascribe his action to him (i.e., people possess autonomy because they are accountable for their actions). Hence autonomy is not freedom; we can differentiate autonomy from freedom in that, autonomy concerns itself with the ability to act, without external or internal constraints. While freedom is our ability to use reason to choose our own actions. Freedom requires that we utilize a law to guide our decisions, a law that can come to us only by an act of our own will.

Civil Disobedience

Through disobedience, we are able to take a stand on what we believe is moral or ethical²². According to Thoreau (1849), the government can be challenged if its laws or practices are seen as immoral. Through disobedience and resistance, we can question the legitimacy of an unjust government. We can refuse to pay taxes as a form of protest, this is a way of demonstrating our autonomy. As citizens we have the obligation to disobey and to resist unjust authorities and laws. If the government fails to protect basic human rights it should be resisted and challenged. Thoreau (1849) explained that we should willingly submit to punishment (he slept in a prison cell for a night). He views that under a government which imprisons persons unjustly, the true place for a just man is in a prison, if imprisonments will guarantee your autonomy then you should be imprisoned as Nelson Mandela was.

La Boétie (1548) stated that freedom from servitude comes not from violent actions, but from the refusal to serve, this makes tyrants fall. He stated that when individuals withdraw their support from the system, tyrants fall. He suggested that a government does not have to be popularly elected (like apartheid government) to enjoy general public support; for general public support is in the very nature of all governments that endure, including the most oppressive of tyrannies²³. However, if the citizens refuse to pay their taxes, as Thoreau (1548) explained, then there tends to be a fall of the tyrannical government. La Boétie (1548) said there is no need to fight a tyrant, if the country refuses consent to its own enslavement then the tyrant is automatically defeated. La Boétie (1548) pointed out that the more one yields to tyrants the stronger and mightier they become. The best way to oust them is by not obeying them.

In carrying out civil disobedience there is always a form of higher law or power, it can be divine law of god or some form of moral reasoning²⁴, from which it takes its legitimacy, that was why

²² Helene Tessier. (2014). *Ethical Dimensions of Conflict*. Saint Paul University, Ottawa, Canada.

²³ Etienne de la Boétie. *Discourse on Voluntary Servitude*. (1548).

²⁴ Helene Tessier. (2014). *Ethical Dimensions of Conflict*. Saint Paul University, Ottawa, Canada.

Thoreau (1849) said our conscience is paramount and is more important than governmental laws (conscience above the law). A government that has failed to fulfil its duties has lost its legitimacy and this gives the citizens the moral right to disobey/resist. Hence, Thoreau (1849) said a person must “wash his hands”²⁵ of injustice and not be associated with something that is wrong. Thoreau (1849) explained the hypocrisy of a person who commanded a soldier for refusing to fight in an unjust war while continuing to sustain the unjust government (paying taxes). An example he gave is the abolitionists who he suggested should immediately stop lending either their persons or their property to support the government of Massachusetts, he advocated the non-payment of taxes or fulfilling social responsibilities to an unjust government, La Boétie (1548) agreed with this.

Conclusion

Thematic question; can experience be a foundational belief for truth-hood or false-hood of a thought (freedom)?

Dialectic definition of truth and theory is thought²⁶, practice and personal truths that can be reality. Totality is having a representation of reality. Feelings and thoughts can be manipulated, hence, creating a pseudo-reality. Totality comes from rationalism²⁷, rationalism comes from the category of error, error-before truth category. Concrete totality is the category that governs reality “The rightness of this view only emerges with complete clarity when we direct our attention to the real, material substratum of our method” (Lukacs 1923, p3)²⁸. So, the conception of justice is not real, until it has been brought to life (reality) through demonstrations, peaceful protests, and sometimes violence (in the case of apartheid South Africa). Justice and liberation are only a thought which is not real until it has been brought to life, though when we live through circumstances this is not the same as reality; your experience of reality is sharpened by your thought. “The intelligibility of objects develops in proportion as we grasp their function in the totality to which they belong” (Lukacs 1923, p 13)²⁹. Therefore, only the "dialectical" conception of totality and liberty can enable us to understand reality as a social process³⁰ this can be done without invoking violence to resist an unjust government.

In evaluating the morality of violence and resistance against an unjust government, this paper concludes that violent conduct (which includes the destruction of lives and properties) is never the answer to an unjust government. However, it is fair for individuals to non-violently protest an oppressive government as argued by Nelson Mandela (post incarceration) and Henry Thoreau.

²⁵ Thoreau, D.H. (1849). *Civil Disobedience*.

²⁶ Helene Tessier. (2014). *Ethical Dimensions of Conflict*. Saint Paul University, Ottawa, Canada.

²⁷ Helene Tessier. (2014). *Ethical Dimensions of Conflict*. Saint Paul University, Ottawa, Canada.

²⁸ Lukacs, G. (1923). *History and Class Consciousness*. What is Orthodox Marxism?

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