



'Liberty leading the people'
Eugène Delacroix

two hundred years on...

Our visual counterpoint to de Tocqueville's insights was prompted by correspondences noted by economist **Charles Simkins***. In 1982 he wrote: 'One of the classic works from which a theory of the relation between economic structural factors and political forces might be distilled is Alexis de Tocqueville's *L'ancien régime*. Dealing, as it does, with social and economic conditions in pre-revolutionary France, it would be of particular relevance if one believed that South Africa is now either in a pre-revolutionary situation or in a situation where substantial constitutional change will have to be negotiated with forces "from below". Initially I thought the book might produce a useful general orientation, but on reading it I was astonished to find passage after passage could be applied either directly or with very little amendment to contemporary conditions [in South Africa].' Illustrated here are several of the passages which Simkins found relevant. The accompanying commentary closely follows Simkins' words.

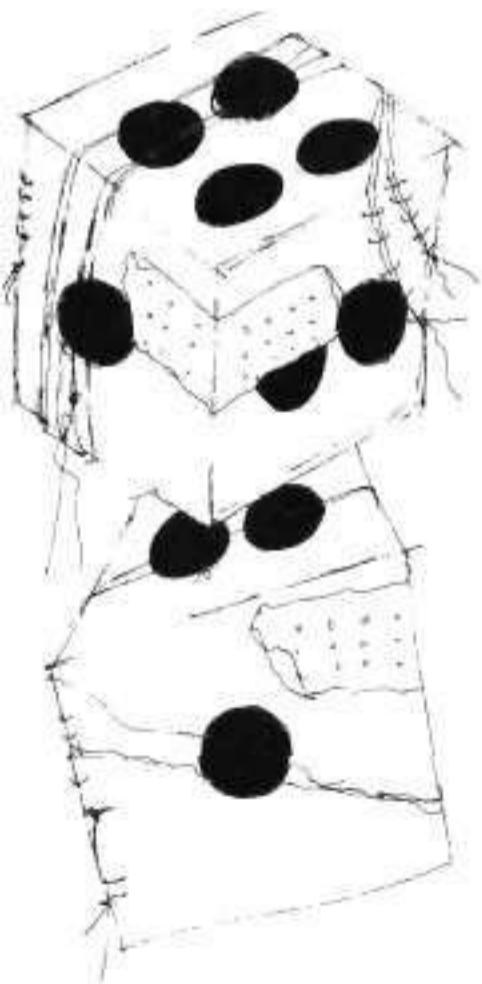
The consequences of economic growth

Merging life-styles, separate privileges

At the end of the eighteenth century it was no doubt still possible to perceive a difference between the manners of the nobility and those of the middle class; for there is nothing which becomes the same more slowly than that surface of behaviour which we call 'manners'. But fundamentally all men of rank above the common people were alike: they had the same ideas, the same habits, they followed the same tastes, they indulged in the same pleasures, they read the same books, they spoke the same language. They only differed in their rights.

There can be no doubt about common tastes in South Africa - for Gough Cooper houses, Bradlow's furniture and Mazda 323s - among men of 'rank above the common people'. There is emerging among these strata a common South African culture affected by an increasingly self-confident business culture. What prevents this from issuing in a common set of political opinions is differences in rights.

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Background factors

Administrative usurpation of judicial functions

We have, it is true, driven justice from the administrative sphere into which it had been allowed unduly to encroach under the 'old order'; but at the same time...government constantly encroached on the proper sphere of justice, and we have allowed it so to continue, as if the confusion of powers was not as dangerous on this side as on the other and even worse, for the interference of justice in administration is only harmful to the conduct of affairs, whilst the intervention of government in the sphere of justice depraves human beings and tends to make them at once revolutionary and servile.

The final point that de Tocqueville makes about the production of a mentality 'at once revolutionary and servile' is the important one: if absence of democracy and decentralization deny opportunities for ordinary people to participate in continuous evolutionary change then this mentality removes the desire of people for such participation.



Sham democracy

Almost all the princes who have destroyed liberty have tried at first to preserve its forms; that has been the case from Augustus right down to our own days; they flattered themselves that they would thus unite to the moral force, always created by popular consent, the advantages which absolute power can alone bestow. Almost all have failed in this attempt and have very soon discovered that it was impossible to give long life to these lying appearances, when the reality no longer existed.

Sham democratic institutions have pervaded the South African political scene over the last twenty years, elements having been present for much longer. The result has been, as predicted in the passage above, popular withdrawal from participation to a greater or lesser extent. Such popular alienation renders a whole set of institutions unviable either as political agencies for resolution of conflicts arising from economic structural change or as development agencies.

Responses of the political system

Talk of reform

Louis XVI during the whole course of his reign did nothing but speak of reforms to be carried out. There were few institutions of which he did not make the approaching ruin foreseen before the Revolution came in fact to ruin them all. After removing from the code of laws some of the worst he presently replaced them; it looked as though he only wished to loosen the roots and leave to others the task of felling them.

Stalled and confused reform is familiar to us as well. One effect of such confusion is a set of unrealistic attempts to change social practices deeply rooted in custom; this in turn provokes resistance and immobility as de Tocqueville saw:

Legislation, so contrary to all that had preceded, which changed so completely not merely the order of business but the relative position of individuals, had to be applied everywhere at once and everywhere almost in the

same manner without any regard to the previous usages or to the particular position of each province; so completely had the unifying spirit of the Revolution already possessed the old government, which the Revolution was to destroy.

Simkins draws attention to the fact that a major concern of de Tocqueville was 'to account for particular features of the constitutions of early nineteenth century France. The roots of these features he traced not just to the Revolution but to the pre-revolutionary era. By analogy we can expect that the shape of our post-apartheid institutions is being determined even now'. The importance which progressive organisations attach to the creation of democratic structures, some (non-government sponsored) discussions around the concept of a Bill of Rights, and the recent elaboration of the Freedom Charter reflect a broad awareness of the truth of this argument. □

