

Apartheid legacy

Dismantling apartheid legislation will not end the racism which has been entrenched in South African society for centuries. A conference held in Pretoria recently examined the threat of de facto racism facing a future South Africa. SUE VALENTINE reports.

FOR many years a stock phrase in sections of white South African society has been: "There's discrimination all over the world, the only mistake South Africa made was to entrench it in the constitution." However, it will take more than a repeal of discriminatory law to put an end to racism.

Be it in the guise of "right of ownership reserved" or admission tests or expensive entrance fees, discrimination is alive and well in South African society.

The two-and-a-half day conference, hosted by the Centre for Human Rights Studies at the University of Pretoria, was concerned with "De Facto Racism in a Future South Africa". Largely absent was any detailed debate on factors such as class and gender and the extent to which discrimination at those levels should also be challenged in order to create a more egalitarian society.

For many of the lawyers present the private versus the public domain was the fulcrum of the debate on de facto racism. At

what point did people's right to privacy and the right to choose with whom they associated conflict with the principle of freedom and equality?

Dean of the law faculty at the University of the Witwatersrand, Etienne Mureinik, cautioned against the growing movement which, while condemning overt racism, virtually sanctioned discrimination in the private sphere. He singled out the Law Commission for its proposals that precluded the legislature and executive from intervening in private discrimination.

Mureinik said that while individuals had a right to privacy in intimate settings such as their homes, discriminatory behaviour could not be justified in more public settings such as schools, clubs and businesses.

"These are not intimate settings, they are social institutions and have substantial significance. If they are unaccountable it will affect attempts to end racism in our society."

A survey presented by University of Pretoria sociologist Johan Groenewald showed the extent to which various social institutions and services were still racially exclusive in Pretoria. Groenewald said from

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grown horizontally and spiralled outwards. Consequently many South African cities were larger than other world cities.

"The average distance trip into Cape Town is 16km. In Los Angeles, one of the most 'car-ed' cities in the world, it is 15km. Unless there is fundamental change in the

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DAVIS: We must start seeing the linkages between race, class and gender.

While much of the discussion at the conference revolved around ways to use the law as a means of preventing racism, several speakers drew attention to the need for a closer examination of the assumptions underlying such mechanistic solutions.

In one of the first sessions of the conference, University of Cape Town political scientist Andre du Toit stressed the need for spelling out the unspoken premises and assumptions underpinning legal arguments and judgments about the relationship between the state and civil society

"The main context and terrain for the battles against the legacy of apartheid will be *within* the organs of civil society - churches, trade unions, schools and so on... We must engage with these institutions about the experiences and practices of de facto racism."

The director of the Centre for Applied Legal Studies at Wits University, Dennis Davis, argued for careful study of the means to address de facto racism and sexism. "Far too much faith was being placed in the judiciary with people looking to it to intervene in ways it had never managed to do before.

"We need to explore a range of other techniques." He said these could include tax incentives and tax deductions as a means of encouraging non-discriminatory practices.

Davis was also one of the few speakers to

Groenewald noted that only 64,8 percent, or two out of three establishments, said they would without any conditions attached.

"From the point of view of a black person, the rather alarming conclusion is that in one out of every three businesses or public facilities in Pretoria, he or she cannot be certain that equal or non-differential treatment will be the norm," said Groenewald.

He said 20 percent of the interviewees refused to participate in the survey. "The reasons for this - where they were given - were usually quite blunt or coarse: 'none of your business'; 'we don't discuss that sort of thing'; 'we're not interested in politics'... To them, race relations is an almost private affair, not to be discussed with outsiders."

Getting to the roots...

between behaviour and attitudes. Behaviour could be regulated, but attitudes could not. Once bigoted attitudes existed they would find expression in society irrespective of any legislation. Usually, a target group was a minority and was seen as an "out group".

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