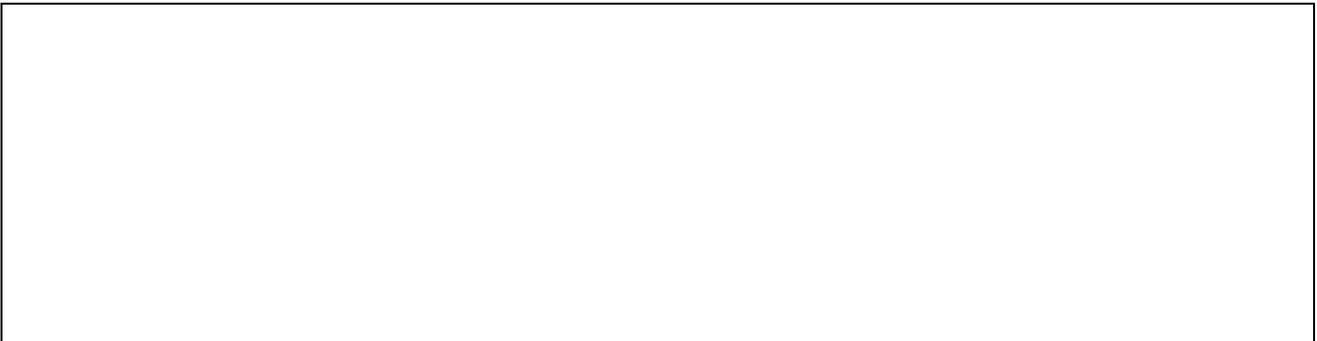


Cape Town, South Africa  
April 2022



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**About the course: What is Democracy?**

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South Africa has the highest inequality in the world. Despite nearly three decades of democratic rule, landlessness, exploitation, poverty, racism, violence, corruption and a collapse of basic services have a stark presence in everyday life. Today there is a shared sentiment that although 1994 did bring about some significant changes, the society we live in is a far cry from one that different generations of activists dreamed of and fought to establish. There is growing dissatisfaction with and distrust in politics as a tool for change, with politics increasingly associated with the 'big men', patronage, self-enrichment, and upward social mobility for the few. Different explanations are offered for why these realities persist. Different responses or 'ways out' are also presented. #WhatIsDemocracy is a course about South Africa today – why it is the way it is, why this matters and crucially, what we can do to overturn this dismal situation.

Designed specifically for community-based paralegals and fieldworkers who provide a range of services to the communities they serve – including information access, support with gender based violence cases and matters, assistance with evictions, labour, consumer and social security matters as well as different kinds of dispute resolution – this course will locate the historical roots of the day-to-day issues that advice offices contend with and contextualize them within broader contestations, resistance and imaginations about democracy.

Woven through the course are these questions:

1. What do the realities that community-based paralegals deal with on an ongoing basis reveal about the texture of South Africa's democracy?
2. How can we explain the persistent and growing inequalities and injustices that dominate South Africa today, nearly 30 years into democratic rule?
3. What are some of the big struggles waged in South Africa today? What do they teach us about democracy, resistance and imagination?
4. What does a democracy for the many, not a few, look like? What can we learn – from the past and today – about attempts to craft expansive and radical notions of democracy?

Participants in the course will consider these questions, locate them historically and look at their theoretical underpinnings.

# Module one: Why democracy? Then and now

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**24 – 29 April 2022**

This module is about the realities that confront activists in South Africa today – inequality, racism, uneven patterns of land ownership, spatial segregation and endemic violence. The aim of the module is to ask questions about the persistence of these realities after the installation of a democratic government in 1994 – a government ushered in with the promise of “a better life for all”. In answering these questions, we will deal with the history of poverty and inequality; and how race, class and gender oppression worked together and configured the economy and society we live in today. We will use different lenses to grapple with a history which has been profoundly shaped by colonial conquest and dispossession, slavery, violence, indentured and migrant labour, enforced segregation and the creation of a system of production relying upon cheap black labour. Although tracing back inequality, poverty, land deprivation, spatial segregation and violence; the module will also look at political and policy choices that post-1994 governments chose and continue to take.

By the end of this module, participants would have grappled with:

1. What were the key demands of ordinary people in the struggle against apartheid?
2. What do these realities reveal about how our society functions, who rules South Africa today, different group interests and the nature of the post-1994 state?
3. In what ways are the everyday issues that community-based paralegals deal with linked to unfolding struggles for dignity and democracy.

# What is Democracy? A 'Map'

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## MODULE ONE

By the end of this module, participants would have grappled with:

- What were the key demands of ordinary people in the struggle against apartheid?
- What do these realities reveal about how our society functions, who rules South Africa today, different group interests and the nature of the post-1994 state?
- In what ways are the everyday issues that community-based paralegals deal with linked to unfolding struggles for dignity and democracy.

## MODULE TWO

By the end of this module, participants should be able to:

- critically assess the different responses to the ongoing crisis in their respective communities and in SA more broadly,
- map the social formations and struggles in their different communities and identify, starting with their own experience, the layers in society today that are invested in and most capable of ushering in a radically different SA,
- locate the role of their practice in unfolding struggles to change the nature of South African society today.

## ENGAGEMENT TASKS

Activities	Timing*
<b>Day 1: Introduction</b>	
Activity 1: How did we get here?	30 minutes
Activity 2: Who we are: the personal & the political	1 hour 30 min
Activity 3: Inequality – implications for democracy	2 hours 15 min
Activity 4: What is democracy?	15 min
Activity 5: Democracy routes – activist debates today	1h15 min
Activity 6: Democracy routes – activist debates today (critical skills)	1 hour 30 min
Activity 7: Communal Charter	1 hour
<b>Day 2:</b>	
Activity 1: Understanding waves of dispossession	2 hours
Activity 2: Women and land	3 hours
Activity 3: Film screening: <i>This Land</i>	1 hour
<b>Day 3:</b>	
Activity 1: Defining wealth	30 min
Activity 2: Debates on wealth in SA today	45 minutes
Activity 3: Case studies – wealth in mining and agriculture	1 hour 15 mins
Activity 4: Women, wealth and beer brewing	1hour 30 mins

Activity 5: The Apartheid Distributive Regime	1 hour 45 mins
Activity 6: Three generations of community-based paralegals – panel discussion	1 hour

#### Day 4:

Activity 1: What do people feel about the constitution?	15 mins
Activity 2: WATCH: Making of the Constitution	35 mins
Activity 3: Paper vs Reality	1 hour
Activity 4: How do we use the law in our struggles?	1 hour 30 mins
Activity 5: The law as a tool for social justice –Stuart Wilson	1 hour

#### Day 5: Wrapping up

Activity 1: What can we do to change the SA reality? Revisiting different explanations	1 hour 30 min
Activity 2: Summative evaluation	2 hours 15
* <i>These times are a guide only.</i>	

# Day One

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## Introduction

## About this day

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All over the world today democracy as a form of rule is under scrutiny. Numerous books, articles and films have been written and made about the crisis facing democracy globally. According to Steven Friedman (2018), “the idea that democracy is in trouble is now almost as universal in mainstream scholarship as were claims that it had triumphed forever.” There are different reasons tabled for why democracy as a form of rule is in crisis. For some, instruments of democracy (like the vote) have allowed authoritarians and ‘strongmen’ to ascend to power in places like India, the United States, Brazil and Hungary, Philippines, Zimbabwe and many others across the world. Others argue that democracy has become an empty idea because it has failed to resolve rising inequality and worsening poverty; the commodification of basic services as well as the concentration of social and economic power in the hands of a few. In a new book *Destroying Democracy – Neoliberal capitalism and the rise of authoritarian politics* (2021), Michelle Williams makes a big claim that “the crisis of democracy is undeniable”. In South Africa, this crisis has given rise to a raging debate about what to do about the persistence of inequality, landlessness, unemployment, violence, unbridled corruption and the collapse of public services. At the core of this debate is the kind of democracy required to steer South Africa from its deepening social crisis. On this day, we grapple with this debate while getting to know each other.

### **Objectives for this day:**

By the end of this participants should:

- have a sense of who we are in the space, where do we come from, how we are going to work together on this journey as well as how our work, as community-based paralegals, offers important insights into the South African reality today.
- have a clear understanding of what this module is about and how today’s debates about democracy have a real-life application.

### **Day activity sessions:**

This day comprises the following activities:

Activity 1: (On arrival day)- How did we get here?

Activity 2: Who we are – the personal and the political

Activity 3: Inequality – implications for democracy

Activity 4: What is democracy?

Activity 5: Democracy routes – activist debates today

Activity 6: Democracy routes – activist debates today (critical skills)

Activity 7: Communal Charter

## Activity 1: How did we get here?

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*30 minutes*

**Aims:** **To help us to** orientate ourselves to the space and each other

**About:** This is a short, relaxed session that will start to orientate us.

**Task:** We will start in a circle with a brief introduction.

**Then:** Find a partner – someone you do not know. Introduce yourself and share with your partner:

- One interesting fact about the town/city you live in.
- Your journey to get here today (what transport did you take, how long did it take?).
- Get together with another couple to make a group of 4. Introduce your partner to the others (their name and the interesting fact about their town).
- As a group – share all the modes of transport used to get here today. Find a way of physically showing us all the different ways of getting here – use sound and movement but show us (car/plane/bus/mini-bus/walking) in a creative way.
- We will then show this to the others.

At dinner: please sit with other people to get to know something about their organization, where they work, and their lives.

## Activity 2: Who we are- The personal & the political

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*1 hour 30 minutes*

**Aims:**        **To help us to:**

- Introduce Tshisimani and our way of working.
- Orientate ourselves to the space, each other and our work.
- Start to build a healthy learning space together.
- Introduce some of the key images and themes we will be working with.

**About:**        As we start our time working together, it is important that we ourselves develop a healthy and democratic way of working together. This session asks us all to enter the learning space physically, culturally, intellectually and creatively. Together we will create a way of working together that we can build on throughout the course.

**Task 1:**        We will have a brief check in and overview of what today is about.

In a circle, as a way of warming up our bodies and our relationships, we will do two activities:

- 1). An introduction of ourselves to the group using sound and actions;
- 2). A call and response/catching and receiving game where we will set up a sequence of throwing and catching as a group.

*This section will take 20 minutes*

**Task 2:**        These activities will use our bodies and voices to create key images and stories

**1). A partner exercise** that uses our bodies to tell stories.

**2). Us as people: Three moments from a day at home:**

In groups of 4, each person chooses a day off at home. What does a typical day look like at: 8:30; 14h00; 18h00. Each person introduces themselves through a simple showing and narration. (For example: at 8:30 I am getting myself and my children ready for church; at 14h00 I help my partner with the laundry; at 18h00 I visit my neighbour to check about her grant).

**3). Working in groups of 6 people: Three moments in an advice office**

Choose three moments from a working day that show us three diverse aspects about your work. For example, at 9:30 am, at 12 noon, and at 15:30.

- Each group will decide on, and present three images titled as the time of the day using at least 4 people in the group to depict this.
- The facilitator asks the audience what they see – what is the story of this advice office (that is an amalgamation of who is in the group)?
- What does this tell us about their work and the social justice role of the paralegal?
- What is similar/or different to your experience?

***This section should take 60 minutes***

## Activity 3: Inequality – implications for democracy

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**2 hours**

**Aims:** This activity will help us to think about what structural inequality reveals about how our society functions and how power in a post 1994 SA is structured.

**About:** South Africa has the highest inequality in the world. Every year, this reality is splashed onto the front pages of major local and international news publications. It is routinely covered in the television and radio news – local and international. This fact is repeated so much that it sounds like a broken record. It is often accompanied by other clichés like “ticking time bomb”, “powder keg” or “unviable society. But there is nothing normal about this reality. Inequality is a buzzword whose significance is revealed once we look beyond the headlines and the cold statistics. The Oxfam *Even It Up* report – which documents inequality on a global scale as well as inequality in South Africa – argues that

*“Inequalities have serious personal consequences, but inequality is also a problem for the whole society. Inequalities raise moral concerns about fairness and social justice, and they also have socially divisive tendencies. Inequalities therefore undermine community solidarity and contribute towards political instability and violence”*

How does inequality play out in South Africa? Why should we, as community-based paralegals, care about inequality? What are the personal and political implications of inequality? *What does the persistence of racialised and gendered inequalities nearly thirty years after 1994 mean for the viability of the democratic order?*

**Task 1:** Together, we will watch 7:21 seconds of the video by DW called *Why SA is the most unequal country on earth and how to fix it?*

<https://www.youtube.com/watch?v=71-jlOvrUFc>

After the watching the video, the facilitator will give a brief overview of inequality in SA and argue why we must push the discussion on inequality beyond the cold statistics.

***We have 15 minutes for this task***

**Task 2:** For this task, we will look at what Oxfam calls the dimensions of structural inequality.

<https://www.oxfam.org.za/wp-content/uploads/2020/11/oxfam-sa-inequality-in-south-africa-report-2020.pdf>

You will be divided into 4 small groups. Each group will explore a dimension of structural inequality.

**Group 1:** Social inequality

**Group 2:** Wealth and income inequality

**Group 3:** Labour market inequality

**Group 4:** Precarious work

Each group has a set of questions to answer. See Worksheet 1.

***You have 45 minutes for this task***

**Task 3:** All groups must prepare a poster display for reporting back. Groups can report back in the following ways:

Please ensure that questions on the worksheet are answered so that participants who are not in your group can understand the dimension of inequality you were allocated and its importance.

Group presentations will be followed by facilitator synthesis with the following question posed to plenary: *From reading the report, what conclusion can we draw about race, class, gender as well as the urban/rural divide?* The facilitator synthesis will be followed by an introduction to the course.

***You have 60 minutes to complete this task.***



Please refer to the reading pack for...

1. *Even it Up*: Oxfam SA  
Reclaiming Power: Women's Work and  
Income Inequality in SA, November 2020



## **Worksheet 1: Activity 3**

### **Inequality – implications for democracy**

#### **Introduction**

For this task, we will look at what Oxfam calls the dimensions of structural inequality. You will be divided into 4 small groups. Each group will explore a dimension of structural inequality named in the Oxfam SA *Even it Up* report (2020).

#### **Group 1: Social inequality**

1. What do we mean by social inequality? Give examples.
2. From your basket of images and statistics, pick 3 images that depict the reality of social inequality. Tell us why these images stand out for you.
3. Give two examples of social inequality from your experience.

#### **Group 2: Income inequality and wealth inequality**

1. What do we mean by income inequality?
2. What do we mean by wealth inequality? Give examples.
3. From your basket of images and statistics, pick 3 that depict the reality of income and wealth inequality. Tell us why these images stand out for you.
4. Give two examples from your experience of how income and wealth inequality play out.

#### **Group 3: Labour market inequality**

1. What do we mean by labour market inequality? Give examples.
2. From your basket of images and statistics, pick 3 that depict the reality of labour market inequality. Tell us why these images stand out for you.
3. Give two examples from your experience of how this form of inequality plays out.

#### **Group 4: Precarious work and informal work**

1. What do we mean by precarious work? Give examples.
2. From your basket of images and statistics, pick 3 that depict the reality of precarious work. Tell us why these images stand out for you.
3. Give two examples from your experience that shows us how precarious work affects different people.

**A poster for each group:**

Prepare a poster using the 3 images you selected, responses to the questions.

**News broadcast (Optional, time permitting)**

Use the poster as frame for news broadcast on the release of the latest inequality statistics. For this, you can interview one expert, one ordinary member of the public, a business person and a spokesperson of a social movement/union etc.

***You have 60 minutes for this task***

## Activity 4: What is democracy?

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*15 minutes*

**Aims:** To help us to assess our understanding of democracy as a form of rule and the ideas we associate with democracy.

**About:** Steven Friedman says “anxiety that democracy is doomed to fail is a constant feature of public debate” in the world today. In South Africa, there is a strong sentiment that the 1994 political settlement has failed to address racial inequality. This sentiment has given rise to a raging debate about what to do with the democracy we have today. But before we get there, what is our understanding of democracy? Democracy is a word with multiple meanings. What is our understanding of the core features of a democracy?

**Task:** You will pair up with a participant next to you. Each pair has a set of cards. The cards are a mix of accurate and inaccurate statements about democracy. Each group is tasked with sorting the cards and separating what they think democracy is vs. what democracy is not.

### **In a democracy....**

1. Only those with royal blood have the right to occupy office
2. All adult members of a population exercise power and make decisions about matters that affect them
3. Only the majority have rights. The minority has no rights at all
4. There are regular elections to choose representatives of ‘the people’
5. All are equal before the law
6. Decisions are made by billionaires with no participation from ordinary people
7. All enjoy have access to information that allows meaningful participation in democratic process
8. Government has the capacity to protect the rights of citizens
9. Public representatives are held accountable through checks and balances like the separation of powers between the executive, legislature and judiciary
10. There is media freedom and transparency
11. There is a commitment to meet the socio-economic needs of the people (water, electricity, housing)

After the card sorting, participants will give quick feedback to plenary followed by a synthesis from the facilitator.

***We have 15 minutes for this task***

## Activity 5: Democracy routes – activist debates today

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*1 hours 30 minutes*

**Aims:** To give us an orientation into an unfolding debate whose core question is – *how is it possible for so much inequality, violence and deprivation to exist nearly 30 years since the fall of apartheid?* We will look at five prominent positions that explain why these realities persist and offer different ‘ways out’ of South Africa’s crisis.

**About:** South Africa has the highest inequality in the world. Despite nearly three decades of democratic rule, landlessness, exploitation, poverty, racism, violence, corruption and a collapse of basic services have a stark presence in everyday life. Today there is a shared sentiment that although 1994 did bring about some significant changes, the society we live in is a far cry from the one that different generations of activists imagined and fought to establish. *The persistence of these realities nearly 30 years into democracy raises BIG questions about the state of democracy and the legitimacy of the post-1994 order.* Very often in these debates, the constitution and its promise of equality, human dignity, rights and freedom, takes centre-stage.

While there is some consensus that the country, we live in today is a far cry from the society that our forebears had in mind when wrestling the systems of colonialism and apartheid, there are big differences as to why these realities persist and what we can do to win the South Africa of our dreams.

These debates are important. Not only do they provide analysis of what is wrong with South Africa today, they also make BIG proposals about what is required to bring about change. In this way, they have big implications for political strategy and how we organise ourselves to complete the unfinished business of liberation.

**Task 1:** The facilitator will provide a brief plenary overview to introduce the activity.

***We have 15 minutes for this task***

**Task 2:** For this activity, you will be divided into 5 commuter groups. Together, you will embark on a journey to the South Africa of our dreams – an imaginary place where all the dreams and aspirations of the majority have come true. You will travel by taxi to get to this promised land.

Your starting point is the Democracy Taxi Rank where you will find 5 routes – each with its own hand signal. Although taking different routes, all the taxis are essentially making the same promise to you. They all claim to know the best route to the promised land – the perfect democracy. As commuters, you must assess what is on offer and make decisions.

At the taxi rank, you will find a queue marshal who will make sure that each commuter group knows the different taxi routes. The marshal will also sound the bell once it is time to switch taxis/change routes.

Once you take a ride, you will meet the taxi conductor. The conductor has two duties:

- (i) They will explain the route to you.
- (ii) They will also collect money and give you change. Be sure to listen and take note of what they say for scoring later.

You will all have the opportunity to ride 3 taxis as follows:

**Round 1: take your first ride.**

Get off, discuss and score your driver/route

**Round 2: take your second ride.**

Get off, discuss and score your driver/route

**Round 3: take your third ride.**

Get off, discuss and score your driver/route

*You have 10 minutes per ride and 5 minutes to discuss and score each route*

***You have 45 minutes for this task***

**Task 3:** Which taxi do you think offers the best route to the ideal democracy? Fill in the scorecards, discuss and prepare to give feedback to plenary.

After completing the three rides, make a choice. If you were to write to a taxi association to give feedback about the taxi and the route, what would you say? Would you recommend the route to other commuters who also want to get to the same destination?

In a plenary session, the facilitator will **synthesize** your inputs and reflections on the different routes to democracy and explain why these debates have a real-life application.

***You have 30 minutes to complete this task.***



# Pamphlet Democracy Taxi Rank

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## **1. Blame the Constitution**

30 years is a long time to wait for freedom and real change. A long time! Our patience is wearing thin. The people's patience is wearing thin. If we carry on this doomed path, we will wait another 30 years and more for democracy to deliver on the promise of a better life for all.

How did we get here? Why does racialised inequality persist, 30 years into democracy?

Let us call a spade, a spade – not a garden instrument. The time to stop sanitising the truth is now!

The painful struggle we fought for – the struggle that many of our comrades and loved ones died for – was a struggle for REAL democracy.

Democracy is about restoring the land that was lost through theft and treachery. It is about people sharing in the wealth and riches beneath and above the soil. It is about economic freedom. When we said the people shall govern we were not just referring to the vote. We fought for a democracy that puts the majority that have suffered centuries of violence, domination and dispossession first, and the white oppressors and colonialists, last.

Let us be clear – what we have now is not democracy. It is a scam.

### **The judges, not the people are governing**

Today, we are told that we living in a constitutional democracy, but what does that mean?

The biggest hurdle to transformation is this Constitution that is a product of negotiation and compromise. It a foreign Western document that fails to address our realities as Africans.

This constitution that is praised as the best in the world is an instrument used to subvert and undermine the rule of the people, by the people, for the people.

Most of the people who go to the polls at every election to elect their leaders and parties of choice no longer feel like their hopes and dreams can be realised by the elected. No wonder so many choose to stay at home and not vote.

The constitution and the 11 unelected judges of the Constitutional Court are a noose around the necks of a progressive government and leadership that is determined to push for meaningful change.

Do we still call it a democracy when the untransformed judiciary has powers bigger than those of our elected representatives in parliament?

The job of the courts is to interpret and enforce the law. But now, judges control the outcomes of democratic processes.

## **The solution**

Why do we allow this? Wake up! The time to free ourselves from a piece of paper that serves the minority is NOW!

We need to cut the noose around our necks. The elected must be given powers to do their job – free of interference from the courts and judges who are puppets of white masters.

*We need a democracy that gives parliament and elected representatives the powers to make and pass laws. In this parliamentary democracy unelected judges take the backseat, and the real leaders of the people take the drivers' seat. No paper is allowed to act as a hurdle that we must jump every time we need to enact laws and policies that change the lives of the majority.*

Down with the constitution! Down with unelected judges!

The people shall govern (through their elected leaders)!

## **2. The wrong people are in charge!**

A corrupt, unethical, greedy and morally inept leadership has reversed the gains of democracy and now threatens the very survival of the democratic project.

This leadership has squandered all opportunities to address the socio-economic crisis facing our country.

Among its crimes are the following:

- Crippling SOEs like Eskom, SAA, Denel and Transnet
- Allowed free reign and criminality committed by the Gupta enterprise
- Using public institutions as cash cows for corrupt politicians like Jacob Zuma
- Ransacking the public purse to bankroll a corrupt ANC, businesses and public servants
- Plunging the country into the darkness and failing to resolve loadshedding
- Locking us into ever-increasing public service debt
- Failing to create jobs
- collapsing public services and the local sphere of government
- Weakening oversight bodies like parliament and law enforcement institutions

Having caused all this damage, this leadership now wants us to blame the constitution for these problems.

We do not deny that there is a gap between the promise of the constitution and the reality that many poor South Africans live under.

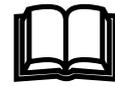
But the Constitution needs to be defended against the thieves who see it as the last hurdle on their march to radical economic looting. The Constitution is the baby that needs saving as we prepare to throw out the dirty bathwater of corruption, greed and self-enrichment that is now the order of the day in our society.

### **The solution – defend our democracy**

*What we need is:*

- *a vigilant and active citizenry that speaks truth to power and defends the constitution and the rule of law*
- *ethical leadership bound by the values espoused in the constitution*
- *the revival of public service – governed by commitment to serve the people not politicians or ANC bigwigs*

*We also need to breathe new life into institutions that support democracy and intensify our call for Ramaphosa's government to address the socio-economic crisis facing our country*



# Pamphlet Democracy Taxi Rank

## **3. Continuity more than change!**

We have a bad habit of misdiagnosing our problems. Most people today are happy to conclude that we are in this mess today because of the rotten politics of a corrupt elite that stole “Mandela’s dream” for freedom. This is an utter lie and a complete misreading of our situation.

Let us start at the beginning. What do we mean by change? Did 1994 change anything. Of course it did. Those who argue otherwise are either delusional or completely ignorant of the realities that black South Africans had to contend with under apartheid. The humiliation, exclusion, lack of rights and freedoms. Today, full formal equality is enjoyed by everyone. All citizens over 18 can vote and make decisions. There are a range of socio-economic rights guaranteed in the Constitution. The post-1994 government has also made strides in providing the poor with water, electricity, housing and other social good. The complexion of the middle class has also changed. We now have a multiracial middle class.

*This is as far as change goes. At the level of the economy and the societal values, there has been no shift. The unspoken agreement between the old white elite and the black elite was to change the political rules but to keep the economic and social features of the old South Africa intact.*

The black elite agreed to this because they shared the view that what was an ‘exclusive club’ under apartheid required some democratization. The old club needed to admit new members in the form of Ramaphosa, Motsepe, Mzi Khumalo, Saki Macozoma and many other black tycoons produced by the democratic government.

The black elite wanted to enjoy what the white had under apartheid – nice life of wealth, flashy cars, good healthcare, good schools, swimming pools, security and comfort.

Of course they also wanted freedom and democracy for ordinary black people as well. As long as this did not compromise the status of the exclusive club.

### **The solution**

Blaming the problems we have in SA today on the leadership or on greed and corruption misses the point.

Our fundamental problem is that we have a society that is trapped in the past. The patterns of apartheid continue into the new South Africa. The core features of an economy that excludes the majority remain in place.

On the one side is a multiracial elite that enjoys private education, healthcare and comfort behind high security walls. On the other side is a poor black majority that lives in overcrowded townships and informal settlements and in villages where democracy is just a rumour.

**We need renewed negotiations where the excluded and marginalized enter into a new pact with the powerholders. We need a new pact that cuts all ties with systems and patterns of the past.**



# Pamphlet Democracy Taxi Rank

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## **4. Capitalist democracy is a Farce!**

We are not surprised by the levels of wealth and income inequalities we see in South Africa today. Those who had foresight warned us long ago that democracy that does not go beyond capitalism is bound to be a bitter disappointment.

Capitalism and democracy are like oil and water. *Capitalism is inherently undemocratic.*

Capitalism gives property rights and arbitrary power to the owners of the means of production – the bosses in the factories, mines, farms and banks. The bosses have absolute power about what to do with their productive assets. A company can decide to close shop today and move to another area without any care of what happens to the workers who depend on it to put bread on the table.

It is driven by profit-making and not the common good.

This arbitrary power leads to the domination of those who do not own the means of production. In South Africa today big sections of the working class are cynical about democracy. Many have resigned from participating in public life.

### **Apartheid continues by other means**

In the 1990s the ANC was seduced by the myth that there is no alternative to capitalism.

South Africa's so-called democracy was won at a time when 'market triumphalism' was the order of the day (the end of history). This was a time when it was assumed that democracy and 'free markets' are a match made in heaven. As a result the democracy we have today was born in chains – the chains of the 'free' market.

The 1994 moment ensured an extension of "bourgeois democratic rights" to the black majority that was subjugated for centuries by colonialism, slavery and apartheid.

1994 failed to disrupt the economic logic of colonialism and apartheid which regarded blacks as no more than cheap expandable labour. This system was backed by local and international capital – in South Africa and in Britain, the United States and so on.

Today, apartheid continues through other means. Where there was once a racist law, you find a price tag.

Sections of the black population has joined the ranks of the ruling class – land barons and mining magnates. But overwhelmingly, the colour of poverty and deprivation is still black.

The system that dispossessed blacks of land and wealth continues today because the ANC failed to pursue a revolutionary programme that would overthrow the system of private ownership in its entirety.

### **The solution**

Without changing property ownership, all the freedoms guaranteed in the constitution are meaningless. Freedom of the press, freedom of association, freedom of expression and the right to vote are all limited under capitalism. The bosses do not hesitate to shoot down workers fighting for higher wages – like they did in Marikana.

We have a constitution that guarantees certain socio-economic rights, but commodification and privatisation of basic services undermines the dignity of the poor in real ways.

*The democratic rights won under capitalism have always been limited. What we need now is sustained anti-capitalist struggles to win true freedom. We must break out of the capitalist chains and cut all ties with a system based on private property.*

**True democracy is not possible under capitalism. Break with capitalism! Build socialism NOW!**

## **5. We need more democracy, not less!**

In South Africa today, more and more people believe that democracy is incapable of resolving their daily struggles.

There are big dangers on the horizon. To name a few:

- Ordinary people retreating from ‘formal politics’ – look at the 2021 local government elections turnout.
- Ordinary people no longer see politics as a vehicle for change
- There is a growing belief that we need ‘strongmen’ to change the direction of our country. More and more people are buying into the idea that we should give up democracy in exchange for food, jobs, housing, security and peace.

The ANC’s failures are part of this mess. The fabric of our society is under strain. We have high levels of violence against women and children as well as queer people. We see increasing and deadly divisions among locals and migrants. Ordinary people are terrorised by violent crime, hunger and poverty.

Today, there are calls for us to dump the constitution and to dump our democracy. These calls are misguided and dangerous. Such a move would only embolden the elites – black and white.

### **The solution – defend and push for more democracy**

The Constitution gives us a range of rights and democratic freedoms. These are important and must be defended against attacks from all angles.

But we can’t just stop there. In SA democracy was not pushed to its logical conclusion in 1994.

The participatory project that is envisioned in our Constitution is limited by the absence of a similar approach to the economy. Democracy is in crisis today because the economy has been left untouched by sweeping changes that have taken place in our politics. We must dismantle the false separation between the economy and politics.

A minimum programme for change must involve more participation and deliberation by ordinary people in the matters that affect them.

- Some examples include citizens assemblies to make decisions about issues like land, rental property, housing, water and pollution.
- Participatory budgeting where ordinary people have a real say on how the national budget is spent and allocated.

- Open and public wage negotiations on the factory floor. This would replace a system where of captains of industry having private and secret negotiations with workers' representatives.
- We can build on new victories like electing candidates directly and not via the party list.
- We can push for referendums on matters of public contention and matters that affect ordinary people the most.
- This also demands that we fight tooth and nail for the renewal of peoples' organizations and for democracy in our unions and movements.

*What we need in South Africa is the freeing of the imagination.*

*We don't have to wait for socialism that might never arrive in our lifetime. We can fight for democracy and freedoms that tame capitalism in the here and now. We can build in the cracks.*

*We need democratization at the level of politics, how we make decisions on policy, economy, community level.*

**We need more democracy, not less.**

## Activity 6: Democracy routes – activist debates today (critical skills)

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**1 hour 30 minutes**

**Aims:** To help us to identify arguments and practice how to make effective summaries.

To deepen our understanding of debates about democracy in South Africa today. This is a contested area, with many positions put forward, arguments made, examples mobilized. This activity encourages us to understand the different positions, evaluate them, find areas of similarity and difference, and make choices.

**About:** The ability to recognise and evaluate an argument is a critical skill in today’s activist world. Daily, we are confronted with issues that are close to our hearts as activists. Be it a call-in segment on our favourite radio station or on the opinion pages of newspapers, arguments about the state of our democracy are being presented in different ways – in formal and informal spaces. But what do we mean by ‘argument’? What are the necessary components of an argument, and how do we evaluate a good or bad argument?

**Task 1:** The facilitator will make a brief plenary input using examples of how arguments are about:

- making claims
- interpreting facts
- using/mobilizing facts to make an argument

The facilitator will also show how in an argument, some sentences have the function of elaborating the argument as well as how arguments are often accompanied by a conclusion

***We have 30 minutes for this task***

**Task 2:** You will be divided into five groups. In your groups, you will have a resource person who will help you with how to approach the task.

Each group is required to produce a “power point” summary of the allocated reading. Groups will have will be given 8 strips of card, each of which will make a “bullet point”. Using only these 8 strips, and legible script, groups must produce a summary and evaluation of the reading for presentation to the class. Each bullet point provides scaffolding for the argument and provides a prompt to the presenter on the points to be made.

To assist you to create their power point presentation, a set of guidelines is provided.

You have the option of abandoning this and devising their own guidelines, but you are still expected to give the audience a clear sense of what the article is about before you evaluate it.

**Questions to help you package your paper power point presentation:**

1. What is the key claim/argument of the article? Try and summarise this in one sentence, as your first bullet point
2. What is their (author's) understanding of the crisis facing SA?
3. What examples from everyday events are provided to back up the main argument?
4. What do they say about democracy in SA that leads them to take this position?
5. What kind of SA do they suggest as an alternative to the present?
6. What is the proposal they are making with regards to democracy?

Record your responses on the strips of card and get ready to present to the rest of the class.

**Task 3:** Be ready to present your summaries. You will have between **5-7 minutes for the presentation**, which will be followed by critical feedback from the resource person that was allocated to your group.

***We have 60 minutes for this task (including report back)***

**Group 1: Lindiwe Sisulu: Hi Mzansi, have we seen justice?**

<https://www.iol.co.za/dailynews/opinion/lindiwe-sisulu-hi-mzansi-have-we-seen-justice-d9b151e5-e5db-4293-aa21-dcccd52a36d3>

**Group 2: Steven Friedman: Politicians fail, then blame the constitution**

<https://www.timeslive.co.za/ideas/2022-01-14-analysis-politicians-fail-then-blame-the-constitution/>

**Group 3: Review: 'Prisoners of the Past' by Steven Friedman. Review by Steven Williams**

<https://african.business/2021/12/trade-investment/review-prisoners-of-the-past-by-steven-friedman/>

**Group 4: Roger Southall: Race and capitalism: no easy answers but posturing will get SA nowhere**

<https://theconversation.com/race-and-capitalism-no-easy-answers-but-posturing-will-get-south-africa-nowhere-166976>

**Group 5: Imraan Buccus: Mass democratic politics for a sustainable society**

<https://www.newframe.com/mass-democratic-politics-for-a-sustainable-society/>

## Day 2

# Land and Power

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### About this day

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The program of this day will tackle the underlying causes of pervasive inequality and poverty in South Africa today by looking at the history of land dispossession. Building on the work done in day 1, the series of learning events for today will focus on tracing the roots of the current land crisis. Beginning by looking growth of informal settlement in the cities and the failure to undo the spatial legacy inherited from colonialism and apartheid, the day will look at various stages of land dispossession as a way of trying to understand how power is organised in the post- apartheid era.

Ali Mazrui, a Kenyan scholar, described the transition to democracy in South Africa as the case of the liberation movement winning the crown while the white minority kept the jewels. In understanding the structural nature of the land crisis in South Africa, we will look at various stages in which patterns of ownership changed and mutated in favour of the settler community and later the white minority. The day also looks at key concepts that define the political economy of landholding in South Africa from colonialism to apartheid and beyond. Participants will be encouraged to interrogate concepts related to land alienation and struggles to resist dispossession.

Thinkers in the political economy of land have theorised how the development of the neo-liberal order has not only displaced people but also pose a greater ecological danger. Ideas commenting on and critiquing how history of colonial expansion is written and how the agenda of primitive accumulation remains at play at various stages of land dispossession. This lesson will draw attention to four key phases of dispossession spanning over four centuries.

### **Objectives of the day**

By the end of the day, participants should gain an understanding:

- How land lies at the heart of power in South Africa
- How various episodes of land dispossession laid the foundations for emergence of racial capitalism and fossilizing black poverty.
- The dual nature of land holding that reflects the two-tier economic structure that has sustained colonial relations even under democracy.
- That the land question is a matter of gender justice.

### **Day Activity Sessions**

**Activity 1:** Understanding waves of dispossession

**Activity 2:** Gender and Land

**Activity 3:** Film Screening and Discussion

## **Activity 1: Understanding the Waves of Dispossession**

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***1 hour 30 minutes***

### **Aims:**

To gain an understanding of the history of land dispossession and make linkages with the current magnitude of land hunger

in South Africa, looking at domestic and international drivers of historical and current patterns of land holding.

**About:** In South Africa today there is an unequal ownership of land across race, class, and gender divides. This unequal ownership results in deepened inequality overall as land relates to power. Today people face eviction, segregation, and displacement despite a 600-year history of much of the same. There are specific tactics used by those in power to dispossess these are easily recognize in the history and help us to understand how it relates to today.

**Task:** You will join a group of 6-8 persons which will engage the history of dispossession. Each group will be assigned to a particular historical phase, from colonialism to democracy, to engage on continuities and discontinuities in land holding. Each station will have a facilitator that will guide the learning activity. The phases are categorized as follows:

**Group 1:** Colonial Dispossession Through Violence (Shakira)

**Group 2:** Foundations of Racial Capitalism (Sbu)

**Group 3:** Advancing Dispossession Through Legislation (Karen)

**Group 4:** A Crown with No Jewels (Henriette)

**Step 1:** The session facilitator will introduce the session using, among other tools, sections of the 2017 Land Audit Report to highlight the current patterns of land holding before allocating groups to their respective stations when they will trace the roots of the current context.

**Step 2:** When you arrive at each station you will do a gallery to browse through images and statements/ perspectives on the land dispossession. An example of this such is, “Our troubles began in 1652 when white men settled in this country.” You will then read a short article and please list concepts that you find uneasy to understand or contentious. You will also engage pictures, stories, and readings on that period

**Step 3:** The facilitator will briefly present, through slide show or short video, key international developments that influenced the processes of dispossession locally.

**Step 4:** In your groups prepare an answer to the following questions related to this era, you will present this in your gallery walk:

- How did power shift in this period? What are the indicators of that?
- Which laws or legal traditions aided these shifts?

- How was resistance to dispossession waged? Name the key actors?

**Resources:**

Land Audit Report 2017 – Private Land Ownership by Race, Gender and Nationality.

[https://www.gov.za/sites/default/files/gcis\\_document/201802/landauditreport13feb2018.pdf](https://www.gov.za/sites/default/files/gcis_document/201802/landauditreport13feb2018.pdf)

Land, Slavery and Cattle Matter – by T. Ngcukaitobi published in Mail and Guardian, May 2021.

<https://mg.co.za/opinion/2021-05-19-land-slavery-and-cattle-matter-to-move-forward-we-need-to-look-back/>

Ngcikaitobi, T. Apartheid Capitalism and Land – chapter 2 of Land Matters: South Africa’s Failed Land Reform and the Road Ahead.

Laws and Land Dispossession from UCT News 18 January 2019.

Land reform is Doomed Unless Freed From Political Point-Scoring from The Conversation, 26 March 2019 <https://theconversation.com/land-reform-in-south-africa-is-doomed-unless-freed-from-political-point-scoring-114092>

## **Activity 1 (Continued)**

**1h45 minutes**

Task: You will work on assembling the content your group engaged with in the previous session to present it to the other groups in creative way. This means you can use any other method expect the traditional method of presenting a report. This may take the form of storytelling tradition (intsomi, inganekwane, tshomo, kampvuurstories), role play, piece of writing (poetry, news article), spoken word (praise poetry, hip hop) collage, music etc. You are free to use more than one of the creative methods in your work.

Step 1: Work as a group to develop a presentation that captures the key moments/aspects of the phase of dispossession you dealt earlier. You may use the materials provided at your station but there is no obligation to do so, as your method of reporting may not require what is available. Remember that you are still guided by the questions:

- What was happening locally and globally?
- How power shifted?
- What was the pushback?

**Step 2:** Present your work, reflecting the above questions, to the larger group. Each group has a maximum of 10 minutes, and the group will move to the next station.

**Step 3:** Plenary Reflections on the group presentations using the (modified) Samoan Circle method. Each group will select a representative to lead reflections on the phase of dispossession dealt with in that particular group. The session facilitator will sum up major discussion points and questions and close the session,

## Activity 2: Women and Land: Understanding Gender and Land Tenure

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*1 hour 30 minutes*

**Aims:** To discuss and consider the unique experience of women and non-binary or queer persons and their access to land tenure historically and in the present moment.

**About:** Women and queer persons have restricted access to land tenure historically. There are experiences that happen uniquely to women living in rural or urban settings. Patriarchy, unsupported reproduction, and a lack of access to justice are some of the battles fought by women seeking land ownership and justice. Gender joins race and class to disposes women of land in cities marked with apartheid spatial planning and exclusionary spatial arrangements.

### **Task:**

**Step 1:** Read the excerpt from Gladys Mutangadura (2004) reflecting on land and women in Southern Africa. Although dated, this will provide you with a general overview of issues relating to land tenure and gender in South Africa today.

**Step 2:** In groups of five reflect on one of five case studies depicting the challenges women and queer persons encounter attempting to access land.

1. **We face eviction** (<https://www.groundup.org.za/article/unintended-consequences-high-bar-eviction/>)
2. **We face Gender-based violence** (<https://allafrica.com/stories/202106260162.html>)
3. **We face apartheid-geographies**
4. **We face widowhood** (<https://www.bbc.com/news/world-africa-58349080>)
5. **We face traditional courts and leaders** (<https://mg.co.za/news/2021-10-03-the-black-women-who-fought-against-remnants-of-apartheid-laws/>)

**Step 3:** As a group, reflect on the accompanying reading focusing on the following questions:

- Who forms part of the forces facing women and queer persons seeking land ownership?
- What needs to happen to turn things around?

**Step 4:** Deliver your case study through a short role play. Your role play should highlight key forces facing women seeking land tenure and offer some solutions for women facing dispossession.

## Activity 3: "This Land" screening and Discussion

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**Aims:** To gain a deeper understanding of ongoing resistance to land dispossession and highlight how in a democracy such struggles still matter.

About: In a context where the narratives of land struggles are framed in a public discourse as that of housing (urban) and farming (rural), this session aims to surface the complexities that characterized rural struggles. The deepening rural poverty has oddly attracted investment, not from government in terms of social infrastructure and other public necessities, but from private investors who look at the rural landscape as the next destination for diversifying their economic activities. This session draws attention to the nexus of deepening rural poverty, dysfunctional governance systems and investors ready to exploit those drawbacks.

**Task 1:** Watch *This Land* by Mikki Gedelinghuys on the struggle of Makhasaneni in KZN

**Task 2:** Q&A with Stha Yeni, lead researcher and narrator in the documentary. This will be followed by a brief plenary reflection guided by the question:

- What does the story of Makhasaneni tell us about democracy?

OR

You can buzz for 10 minutes as groups of 3-4 and write your reflections on flashcards, guided by the same question.

**End Day 2**

# Day Three

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## Wealth and Power

## About this day

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This day is about wealth and power in South Africa today. We will trace how wealth and power has been distributed in society and define wealth according to how it's been accumulated in society and the different ways it's been distributed along lines of race, class, and gender. We will investigate two key forms of industrialisation in South Africa that forms the basis of wealth creation through labour exploitation. These examples are mining and agriculture.

We also reflect on forms of economic regimes, specifically under apartheid and discuss how it may have manifested into the racial capitalist society we live in today looking at the role of the state and the law in the distribution of wealth in South African society. We also reflect on the ways in which successive white regimes used power and the law to strip African women of an independent source of income in the form of beer brewing.

### **Objectives for this day:**

- The day will help us to define wealth, how it is accumulated and how it is distributed in South African society.
- How wealth is linked to power, define who holds power in South African society today.
- To explore public debates about wealth and power in South Africa today.

### **Day activity sessions:**

#### **This day comprises of the following activities:**

Activity 1: Defining Wealth

Activity 2: Debates on Wealth in South Africa Today

Activity 3: Case Study: Wealth, Mining & Agriculture

Activity 4: The Apartheid Redistributive Regime

Activity 5: Women, Wealth and Beer-brewing

## Activity 1: Defining Wealth

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*30 minutes*

**Aims:** **To help us** understand what wealth and why it's important as well as link power to wealth in the context of South Africa today.

**About:** This session is about how wealth is defined and how it is measured. Exploring the “symbols of wealth” and who holds wealth and how wealth is defined in a capitalist system today.

**Task 1:** **Step 1:** Find a partner.

**Step 2:** In groups of two discuss what the word is for wealth in your language and explain to your partner.

**Step 3:** There are several images in front of you each defining wealth and what are seen as symbols of wealth. Choose those which speak to your understanding of wealth.

**Step 4:** Share your discussion and chosen images in plenary.

***We have 15 minutes for this task***

**Task 2:** Listen to a presentation about the difference between income inequality and wealth inequality. Refer to the info graphics at the end of this Activity page.

***You have 15 minutes for this task***

## Activity 2: Debates on Wealth in South Africa Today

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*45 minutes*

**Aims:** **To help us** pull out core debates on wealth in the country today and decide where we stand on the question in relation to our experiences as activists and paralegals.

**About:** There are various debates on how wealth is accumulated and distributed in South African society today. With South Africa being the most unequal society in the world, how wealth is distributed is a heated debate. This session will investigate the debates and investigate what the opinions of people on the subject are.

**Task 1:** **Step 1:** Using red, green or yellow stickers (red = don't relate, blue = completely relate, yellow = not sure) engage the statements on inequality and wealth distribution plastered all over the room. Place stickers on to the statements according to how you feel.

***We have 20 minutes for this task***

**Step 2:** The facilitator will lay out the statements colored with the stickers in a spectrum showing what people most identify with and least identify with at each end. What do you notice about this debate?

Step 3: In groups of 5 match the faces to the statements. What do you notice about who said what?

***We have 25 minutes for this activity***

## Activity 3: Case Studies: Mining & Agriculture

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*1 hour 15 minutes*

**Aims:** **To help us** to look at the forms of accumulation today and trace them through the exploitation of labour in history.

**About:** 2022 marks 10 years since the Marikana Massacre and the National Farm Works Strike, respectively. These events occurred due to a build-up of pervasive practices in accumulative industries such as mining and agriculture which both have a history of exploitation dating as far back as the colonial period. The industrialization of South African society begins with the dispossession of land from the indigenous people and forcing them into a working class in farms and mines.

**Task 1:** **Step 1:** Join a group of 10. Watch two different clips about two struggles relating to wealth accumulation and distribution. With one group watching *Miners Shot Down* and another watching various clips about the 2012 Farm Workers Strike.

**Step 2:** Discuss the clip you have just watched with your group.

***This should take 15 minutes.***

**Step 3:** Refer to Worksheet relevant to your group. You will read extracts and engage song and poetry together historicizing your case study.

*Reading 1: Chapters 1, 2, 3, 5, 13 of Gold and Workers by Luli Callinicos*

*Reading 2:*

**Step 4:** Prepare an installation of images, songs, poetry, props, and reflections detailing what happened in the industry you are studying. Tell the story of the industry in the plenary.

***We have 30 minutes for the readings; 30 minutes for presenting.***



## **Worksheet 1: Agricultural Sector**

**Task 1:** (15) mins reading through both the readings

**Task 2:** (35 mins) Discuss and answer the following questions below

- a) By reading and discussing the readings below please indicate in which ways did white farmers in the agricultural sector benefit and amass wealth during the colonial and apartheid era?
- b) Did the Apartheid government assist the agricultural sector in any way, if so in which ways did it do so?
- c) What was the role of the black agricultural farmer, the workers and poor communities in this arrangement and how did it affect our black working-class communities?
- d) By referring to the second reading discuss how the grains industry, prepared for the black liberation movement taking over power and protecting whilst still growing their gains, benefits and wealth.

**Task 3:** (7) Mins 2022 Farm Worker Strike Victory Rally (Role Play)

**Rally Opening Song:** Ons Swart Mense, Kinders Van Slawe Wil Ons Eie Land Regeer

**Song Lyrics:**

**Ons swart mense, kinders van slawe  
Wil ons eie land regeer  
Wat gesteel was van ons vaders,  
Toe hul in die donker vlug  
Gee dit t'rug nou, gee dit t'rug nou  
Weg met alle slawerny  
Julle sal ons nie vashou nie  
Afrika sal vryheid kry.**

**What a system what system  
What a system what a crime  
We can't mend it we must end it  
End it now  
And for all time**

**Key Note Address:** The People Shall Share In The Country's Wealth  
By Farm Worker (The Keynote Address should include the historical context wealth accumulation in the agricultural sector and the farm worker victory on how they plan to redistribute wealth to bring about equality for all.



## **Worksheet 2: Mining Sector**

**Task 1:** For mining the group will further be broken to 3 main groups to present on the different times in history.

**Group 1: The Coming of Gold (before the industrial times)**

This group will have to present the time by showing three key things. Land & Wealth - Sustenance living; Family, Community and Trade (Bartering and no need for money); Scarce land, wars, and colonialism.

**Tools of Presentation:** Pictures (Land, Community, Cattle, Trading Communities, violent colonialism) Props.

**Group 2: The Gold Rush! The building of the City of Gold**

This group will have to present the time by showing three key things.

Mass Migration to the Rand - Workers traveling in trains; Who was who in the City - The Rand Lords (Cecil Rhodes) and the workers? Systems of control - taxes, pass laws, etc.

**Tools of Presentation:** Masekela - Stimela song, Poem - by a worker, some pictures, Props?

**Group 3: Black Workers Resistance**

This group will have to present the time by showing one key thing: The strikes and demonstrations by workers.

**Tools of Presentation:** Protest action, placards, demands and songs.

## Activity 4: Women, Wealth and power

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**1 hour 30 minutes**

**Aims:** **To help us to** center women in the story of wealth, power and the resistance against successive racist regimes.

**About:** The trade and consumption of alcohol occupies a contentious place in the history of Southern Africa. Studying this allows us to look at complex patterns of urbanisation, migration, labour struggles, social control and the attempts by successive racist governments to quash the brewing and selling of alcohol by African women. This session will show us how the story of alcohol is part of a bigger narrative of wealth, power and control. It will help us to centre the stories of women and show how the law was instrumental in robbing African women of an independent source of income.

**Task 1:** The facilitator will play the song *Khawuleza* originally performed by Dorothy Masuka (later covered by Mirriam Makeba, Hugh Masekela) in plenary and invite participants to join in a moment of dance.

This will be followed by buzz groups, find a partner and read the lyrics of the song together (in isiXhosa and English)

- What do the lyrics mean? What is the singer talking about?
- What period do you think they are referencing?

Scribble on flash card.

The facilitator will introduce the song and the singer and give its different meanings and interpretations.

***We have 15 minutes for this task.***

**Task 2:** In plenary, the facilitator will pose the question – when we think of women in the struggle against colonialism and apartheid, which struggle comes to mind?

Buzz with the comrade next to you.

In presentation style, the facilitator will listen carefully and synthesize the responses with key facts about successive white racist regimes, the law, social control, women and beer brewing. This presentation will show how laws introduced to curb the brewing and sale of beer by women invited women-led resistance in different parts of SA.

***We have 20 minutes for this task***

**Task 3:** You will be divided into small groups to read the following extracts:

**Group 1:** Durban (Cato Manor)

*ILRIG 2022 calendar*

<https://ilrigsa.org.za/2022-calendar/>

**Questions:**

1. Why did the women engage in beer brewing?
2. What drove the women to resist and confront the state?

**Group 2:** Mthatha

*Marked Extracts*

*Beer brewing in Umtata: Women, Migrant labour and social control in a rural town by Sean Redding*

**Questions:**

1. Why did the women engage in beer brewing?
2. Why did the state oppose traditional beer brewing by African women?

**Group 3:** East Rand

*Marked Extracts*

*Backs to the fence: law, liquor and the search for control in an East Rand Town, 1929 – 1942, Phillip Bonner*

**Questions:**

1. Why did the state oppose traditional beer brewing by African women?

2. Why was mining capital so opposed to women's presence in the cities and beer brewing?

**Group 4:** Unbanning liquor consumption for Africans (1962)

Extracts

*The First Decade of 'European Beer' in Apartheid South Africa: The State, the Brewers and the Drinking Public, 1962-72 Author(s): Anne Mager, The Journal of African History, 1999, Vol. 40, No. 3 (1999), pp. 367-388*

**Questions:**

1. What factors explain the lifting of the ban on Africans consuming "European liquor" in 1962?

***We have 30 minutes for this task***

**Step 4:** If you were to put together a photo album with three moments of women's resistance against the banning of beer brewing and against municipal beer halls, what would this album look like? Think of the photo albums the older generations kept before the age of social media. Create three different snapshots with your bodies with one member of the group narrating the captions for these snapshots

The facilitator will wrap the session up with a synthesis.

***We have 20 minutes for this task***

## Activity 5: Apartheid as a Distributive Regime

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*1 hour 45 minutes*

**Aim:** **To help us** to familiarize ourselves with the history, legislation and policies that informed apartheid distribution regimes as well as to understand the term distribution regimes. To trace how this history still informs today's challenges.

**About:** South Africa's persisting inequality is a globally known fact. What is not commonly known is that the racially skewed socio-economic crisis we struggle with today, such as stubborn wealth inequality, poverty and unemployment have their roots in apartheid's race based distributive regimes, which afforded upward social mobility to a minority race, through secure, high paying employment, welfare and decent education using race-based legislation and policies.

**Step 1.** You will be divided into 3 groups, each group focusing on one specific theme:

1. Labour and wages
2. Social security
3. Education.

**Step 2.** In these groups imagine that you will enter a time machine to travel back in time to these periods in South Africa, namely,

- the Rand Strike
- Post-World War 2 SA
- The Early 90s.

**Step 3.** Each group will go to their respective theme table. Once there, you will meet people who will tell you about the legislations and policies concerning your theme and how they are affecting them. Don't forget to take notes of any information you find important.

**Step 4.** In your groups you will, read the provided extracts, discuss what you learned during your time travel and summarise the information based on your theme.

**Step 5.** Your group will then travel back to this current era. You will want to share with the public what you learned when you travelled back in time and believe the best way to do this is via Twitter.

**Step 6.** You will be given 10 pieces of empty Tweets to fill out with all the information you learned in your time travel and how you see it connecting to 2022 socio-economic issues South Africans face today. You will also receive various memes to add to your Tweets.

**Step 7.** Each group will get a chance to present their Tweets to plenary and the plenary will get a chance to react to the Tweets with questions and comments

***We have 60 minutes for this task***

***Twitter:***

Twitter is a social networking site acting as a public platform, just like Facebook, where you can share information written by you. Tweets are limited to 240 “characters” (letters or numbers) This means that many people can share information quickly.



***Memes:***

A picture that can be used to emphasize a point. It creates a visual reaction which we can share on social media.

# **Day Four**

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**The law and social change**

## About this day

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South Africa's struggle for freedom is intimately linked to the development of our Constitution, and its Bill of Rights (Chapter 2) – which is celebrated as one of the most progressive constitutions in the world. Yet attitudes towards this document, and by extension the value of the Law in South Africa, are challenged by realities of poverty, inequality, poor services, violence and corruption. Reconciling the high aspirations of the Constitution with the reality “on the ground” can be difficult: leaving South Africans with quite different attitudes towards the usefulness, value, purpose and “place” of the Constitution in pursuit of social justice. Exploring this relationship between the law, our Constitution, the realities on the ground and social justice are important considerations for paralegals interested in social justice. Holding this day are the following questions:

- What role does the law play in pursuit of social justice?
- What are the promising cases we can look to where the law has made breakthroughs

### **Objectives for this day:**

- At the end of this day participants should have an understanding of the promise and hopes of the law and in particular, the South African Constitution. The differences in what our Bill of Rights claims vs the reality of people's experiences. The possibilities and limitations in using the law as a tool for social change; and the political alternatives outside the law, or complementing it, that pursue justice.

### **Day activity sessions:**

This day comprises the following activities:

Activity 1: What do people feel about the constitution?

Activity 2: WATCH: Making of the Constitution

Activity 3: Paper vs Reality

Activity 4: How do we use the law in our struggles?

Activity 5: The law as a tool for social justice – a talk with author Stuart Wilson

## **Activity 1: What are the attitudes towards the constitution?**

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*35 minutes*

**Aims: To help us to:**

- Surface various sentiments people have about the Constitution
- Highlight differences in attitudes regarding its value towards social change and justice
- Understand the hopes and promise the Constitution held that many South Africans believed and struggled for
- Open discussion on whether the Constitution is important to realise social change

**About:** South Africa's struggle for freedom is intimately linked to the development of our Constitution, and its Bill of Rights (Chapter 2) – which is celebrated as one of the most progressive constitutions in the world. Yet attitudes towards this document, and by extension the value of the Law in South Africa, are challenged by competing views about the usefulness, value, purpose and “place” of the Constitution. By highlighting some of these popular views, this activity seeks to gauge the initial sentiments participants have towards the Constitution.

**Task 1: What do people feel about the Constitution?**

1. You will be given seven pieces of paper labeled 1-7 and exposed to 7 different, and popular, views regarding the South Africa Constitution.
2. After reading through and considering each of the different views, rank the views based on which you agree with the most to which you disagree with the most. 1 being the view you agree with most and 7 being the one you least agree with.
3. The facilitator will examine which views ranked highest and lowest, note any patterns and ask the larger group to explain what influenced the choices they made while ranking.

***This task will take 15 min***

**Task 2: WATCH: Making of the Constitution**

1. Watch clips of “We Made the Constitution”  
(<https://ourconstitution.constitutionhill.org.za/south-african-constitution/animated-story-of-our-constitution/>)
2. While watching the clips, keep the following questions in mind:
  - a. *Do you think the history depicted is a fair representation of South African history? Why?*
  - b. *Is anything distorted – either emphasised a lot, left out or misrepresented? What?*
3. In plenary, we will discuss the clips for a few minutes.

***This task will take 15 min***

## Activity 3: Paper vs Reality?

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**60 minutes**

**Aims:**      **To help us to:**

- Engage with Chapter 2 of the South African Constitution: our Bill of Rights
- Draw out how realities on the ground compare to enshrined Constitutional Rights
- Discuss reasons that would allow some greater ease in accessing and enjoying their rights

**About:** South Africa's struggle for freedom is intimately linked to the development of our Constitution, and its Bill of Rights (Chapter 2) – which is celebrated as one of the most progressive constitutions in the world. Yet attitudes towards this document, and by extension the value of the Law in South Africa, are challenged by realities of poverty, inequality, poor services, violence and corruption. Reconciling the high aspirations of the Constitution with the reality “on the ground” can be difficult. This activity explores what sections of South Africa's Bill of Rights says and asks us to compare it what people experience every day.

**Task 1:** Around the room are hanging selected sections from the Bill of Rights relating to gender-based violence, housing, citizenship, grants and services.

You will be randomly placed in one of five groups and be directed to a scroll from the Bill of Rights reflecting one of the above issues.

At your group's first scroll, discuss the following questions with your group and record your answers on the large paper provided:

*a. To what extent does your community enjoy this right? yes/no/maybe); Why is this?*

*b. What impacts people's ability to use the law to attain this right?*

*c. Are there any stories in your own work around this right and how it was/was not able to be enjoyed?*

***This task will take 20min***

**Task 2:** After completing the first task you will be asked to move to a different scroll and answer the questions relating to the new section.

***This task will take 20min***

**Task 3:** After 20min you will return to the larger group and present to plenary on your group's responses.

***This task will take 20min***

## Activity 4 – How do we use the law in our struggles?

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**90 minutes**

**Aims:**      **To help us to:**

- Exchange knowledge and experiences in dealing with a specific issue.
- Evaluate when and how the law has aided in achieving justice, and to identify obstacles that impede access to the law.
- To discuss ways to achieve social justice when the law or access to the law fails.

**About:** Working in specific sectors of your choice, this activity is a chance to network and learn from diverse paralegal practices. We will think through examples of cases that are ‘break through’ where the law has worked for the people, as well as starting to brainstorm ways to think about striving for social justice when the law is not enough.

**Task 1:** Participants will choose one of 5 issues or sectors that resonate with your work. These sectors are:

- Gender based violence & hate crimes
- Securing grants
- Statelessness and access to documents
- Evictions and security of tenure
- Service delivery (access to water, sanitation, electricity etc.)

Using cases you have heard of and your own experiences, discuss these three areas:

1. Provide examples of where the law was used successfully. What was part of the success in this example?
2. Provide examples where people’s rights were not able to be protected by the law and examine why this was so.
3. When the law cannot assist in injustice, what other roots could activists follow to create change? Refer to specific cases or examples.

Each group will write up their responses on the poster card provided, and display their responses collectively.

We will look at the collective sections and draw out key learnings.

***You will have 60 minutes for this task.***

**Task 2:** Individually, each person will reflect on the following question (in any language you choose), using the card provided:

***To what extent can the law be used to pursue social justice?***

The responses will then collectively put up in a gallery to check in and consider.

***You will have 30 minutes for this task***

## Activity 4 – Can we use the law for social change?

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*60 minutes*

**Aims:** This will be a relaxed wrap up to the day, giving us an opportunity to discuss the limits and possibilities of the law with an activist and legal practitioner who has been in the field for many years.

**About:** In *Human Rights and the Transformation of Property (2021)*, leading human rights lawyer **Stuart Wilson** develops a novel theory of how law leads to social change and what the prospects are for South Africa's Constitution to shape a more just distribution of property. Wilson questions long-held beliefs about the nature of land reform and the appropriateness of the concept of ownership as a way of organising access to land and property in South Africa.

The book gives an overview of key aspects of constitutional and common law property rights – including the rights of ownership, possession and eviction; the rights associated with leases and mortgages; the National Credit Act; and the PIE Act – and discusses how they interact. It shows how recent developments in the law of eviction, rental housing, mortgage and consumer credit have opened up new spaces in which unlawful occupiers, tenants and debtors are challenging the power of landlords and financial institutions to dispossess them. By triggering a radical restructuring of property law, Wilson argues, the Constitution may yet keep the promise of a South Africa that belongs to all who live in it.

**Task:** Is the law a mere product of the prevailing power relations in society? Is the law an instrument that can be used to win social change? How do we understand theories of the law in relation to our own work as community-based paralegals? Is law alone enough? What role does agency and organizing from below play? These are some of the questions we will be tackling in this open plenary discussion.

***We have 60 minutes for this fireside chat***

***Include a recording by Stuart Wilson***

# Day Five

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**Wrapping up and evaluation**

## About this day

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On this last day, we go back to the questions we posed at the beginning of the module.

1. What do the realities that community-based paralegals deal with on an ongoing basis reveal about the texture of South Africa's democracy?
2. How can we explain the persistent and growing inequalities and injustices that dominate South Africa today, nearly 30 years into democratic rule?
3. What are some of the big struggles waged in South Africa today? What do they teach us about democracy, resistance and imagination?

To consider these questions, we must take stock of the different positions – what we have called democracy routes – and apply the key insights arising out of different struggles in SA and in our interactions with the communities we serve.

### **Objectives for this day:**

At the end of this day, participants would have taken us through what they think is required to win the society of our dreams. Participants will also evaluate the first module as a way of strengthening the offering and in anticipation of Module 2.

### **Day activity sessions:**

This day comprises the following activities

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|-------------|--|
| Activity 1: | What can we do to change the SA reality? Revisiting different explanations |
| Activity 2: | Summative Evaluation   |