

# **Affirmative Action as an Approach to Economic Restitution in Post-Apartheid South Africa: A Reading of Luke 19:1-10.**

*Godfrey Harold and Clayton Alexander, Cape Town Baptist Seminary, Research Associates, University of Pretoria.*

## **Abstract**

*In an article entitled “Race and Racism” Andrews (2014:402) quoting Shivers (2008), argues that to build on the cornerstones of repentance and reconciliation requires us to deal with racism’s legacy. While the South African Truth and Reconciliation Commission tried to establish a form of restorative justice to overcome the atrocities of the apartheid system. Many felt frustrated because they believed this approach risks impunity for the perpetrators, by that extending the societal attack on black life. In 2013, Bishop Tutu called for the implementation of wealth taxes on wealthy white South Africans. Taxes he argued must be charged on “white wealth” and then used for the upliftment of the Black South African. In this article, the authors aim to address the issue of economic restitution. Using Luke 19:1-10 as its methodology, the authors attempt to address this question by asking what role can affirmative action play as a form of economic restitution in addressing the historical past racially orientated wage gap.*

## **1. Introduction**

The denial of social liability, moral and economic accountability is called aversive racism, a theory developed by Davidio and Gaertner (1986). A form of aversive racism is a backlash against “affirmative action” by a minority of a previously advantaged group (Davidio, Mann and Gaertner, 1989:83-103). One’s refusal to accept social accountability for apartheid and the economic legacy that benefited only a few, but left 90% of the South Africans economically deprived is an effort to preserve the economic dominance of one group over the other. It is also acknowledged that many Whites in South Africa still find it very difficult to accept social responsibility and that power and privilege have not led to their easy relinquishments (Terreblanche, 2013). The excuse for the refusal to accept the responsibility for past injustices is that justice is served through our fledgling democracy, and now there are equal opportunities for all who compete in the “race of life” in the New South Africa.

However, this type of thinking ignores the legacy of injustice that left the privileged minority with significant resources who are further along the economic track while others down the track begin barefoot from an imposed, distant and disadvantaged starting line. In this paper, the authors will explore Luke 19:1-10 as an approach for economic restitution through Affirmative Action. As Evangelicals who’s experience centers around the cross, the Bible and a personal relationship with Jesus Christ, then these divine encounters, real experiences of the presence of God, must make their way into practical concrete experiences of humanity (Root, 2014:8). The authors argue that Affirmative Action can be used as a catalyst for the restoration of economic balance. Affirmative action can serve as a means of compensation for

the blunt damage to person, generations and human dignity caused by apartheid legislations and practice in South Africa. In doing so, an exploration of Affirmative Action will be undertaken more precisely how it is defined and understood in the context of South Africa. An exegetical study of Luke 19:1-10, becomes the theological framework to reflect how Affirmative Action can be used as an approach tool for economic restitution within the South African context because Evangelicals find their fullest expression in the concrete and lived experience of God through the cross. Therefore, this article will implicitly employ Roots' (2014) Christopraxis methodology. The "cross" changes a person and his/her relationship to context. Evangelicals who rejoice in the personal aspect of being in Christ because of the "Christ work" on the cross cannot but accept the corporate and social nature of that relationship.

## **2. Employment in South Africa**

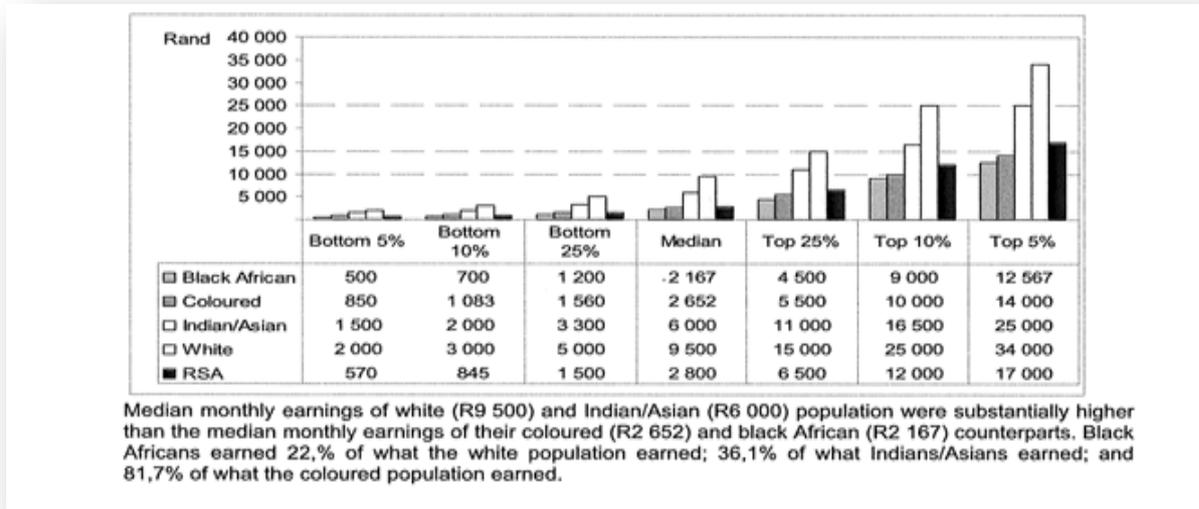
Employment occupies a significant part of the lives of people; we celebrate it as a gift from God, and we protest against unjust and oppressive practices (Stott, 2006:217). Thus, work can be defined "as the expenditure of energy (manual or mental or both) in the services of others, which brings about the fulfilment to the worker, benefit to the community and glory to God" (Stott, 2006:225). However, historically in South Africa, employment was often used as an instrument to oppress the majority in that the colour of one's skin qualified one for the highest pay, not their qualifications. The effects of this oppressive structure from our historical past are impacting Blacks as seen in the discrepancies of the salary received today STATS SOUTH AFRICA P0211.2 (2010). Because incomes in South Africa are racially biased, with Blacks pre-dominantly earning lower wages, it is important to decompose wage inequality by race as is shown in Figure 1. Because wage gaps among the races have remained relatively steady over the last fifteen years, it can be argued, therefore, that the labour market fundamentally drives economic inequality as a whole. The prevalence of such vast wage gaps may be explained by the remarkable difference in education level attained by different population groups, with Blacks suffering the lowest standards of education. Despite, a significant number of Black graduates entering the labour force over the last twenty years. Keswell's (2004) findings suggest that Black graduates experience a lower return to tertiary education than other population groups. The purpose of Employment Equity Act, 55 of 1998, issued in terms of Section 25(1) is thus to achieve equity in the workplace, by:

Promoting equal opportunity and fair treatment in employment through the elimination of unfair discrimination; and implementing affirmative action measures to redress the disadvantages in employment experienced by designated groups, to ensure their equitable representation in all occupational categories and levels in the workforce. (<http://www.labour.gov.za/DOL/legislation/acts/employmentequity/employment-equity-act>)

The objective of Affirmative Action is designed to ensure that suitability qualified people from the previously disadvantageous groups have an equal opportunity to employment and are equitably represented in all occupational levels in the workforce of a designated employer. Prof. Mangcu (2015:6) states "at some point we need to intervene to prevent the historical transmission of racism from generation to generation."

Thus, this paper supports Affirmative Action as a very intentional biblical response to addressing this inequality that the legacy of apartheid left behind.

Fig. 1 Monthly Earning of South Africans 2010<sup>i</sup>



### 3. Affirmative Action

Affirmative action can be described as a strategy that seeks to address the injustices of the past, through the elimination of unfair discrimination practices through the development of Blacks for promotion of equal opportunity in the workplace (Hoffman and Fredrick 1995:34; Naidoo and Kongolo 2004:124). South Africans must not see Affirmative Action as reverse discrimination, but rather as a strategy that morally tries to deal with the economic injustices of the past through compensatory justice (Fiss, 1996; Garret, 2004; Sher, 2005). Naidoo and Kongolo (2004:126) assert that affirmative action is not reverse racism because it addresses the unfairness of the past. If we as Evangelicals value equality and fairness, which is what Affirmative Action seeks to ensure, then we all benefit.

#### 3.1 History of Affirmative Action

Prof Gates Jr (2014) asked the question: What is wrong with Affirmative Action? His answer was that it works. In South Africa, the perception created is that an affirmative action appointee's performance is lower than his non-black counterpart. However, Gates (2014) refutes this perception by stating that:

Affirmative action, which brought people of colour to the table to learn first-hand about the level of performance of their white predecessors and contemporaries, stimulated a reflection on standards in many institutions. As more people of colour began to meet inflated standards, what was being concealed were the low standards available to the whites who preceded them (and no doubt many who continue to join them as presumed agents of excellence). So, what is the truth about the qualifications narrative, the claim about having to lower standards for the admission of people of colour? It masks racial hegemonic mediocrity. There

is another truth. There are few systems that depend on excellence to function. Most of the services we rely on to get through our lives depend on average levels of performance. Moreover, that is pretty much it. The rewards lavished on many whites in the modern world have not been based on merit. What many people of colour discovered upon entering those previously closed corridors were not white superiority but, for the most part, white mediocrity. This does not state that there is no excellence among rewarded whites.

Affirmative action was first legislated in the United States of America in 1960 as part of Civil rights legislation to force employer to employ ethnic minorities namely: African American and Spanish-speaking and women for positions of employment that was designated for white males (Sachs, 1993:176). In the USA, Affirmative Action was legislated to uplift the minority. However, in South Africa, it is used to uplift the majority who were disadvantaged because of an oppressive legislation. The aim of Affirmative Action in South Africa is to eradicate the economic disparity and the unequal distribution of wealth. However, Hermann (2008:4) states:

Affirmative action is based on designating certain people as groups that must get preference in certain areas while designating others as groups that must not get preference. Affirmative action can only exist in such a scenario. If the “other” category falls away, affirmative action has no effect, as everyone is then included in the “preferred” group. Defining whites as the “other” group is problematic because this group is so small. White males are only 2 196 300 of a total population of 48 687 000 people or 4.5%. All whites as a percentage of the total population make up only 9.2%. At the moment, the ratio of white males to the rest of the population is 1:21.

What Hermann fails to consider, however, is that the minority 4.5% white males hold approximately 70% of executive positions. The Commission for Employment Equity (CEE) (2014-2015) report reflects, 70% executive positions are held by Whites, which is nearly five times their Economically Active Population (EAP) and nearly double the sum of all Blacks at this level combined. This is followed by Africans with 13.9% representation while Indians make up 8.4%, which is more than double their EAP when compared to Africans and Coloured within the Black Group. Coloureds make up 4.7% of the representation at the Top Management level. However, this present disproportionate representation of the workforce in South Africa is the result of the past government’s intervention through the enactment of labour laws that curtailed the entrepreneurial advancements of Blacks in South Africa. This past government’s intervention (as will be considered later) needs new legislations to empower the disadvantaged namely: the Employment Equity Act of 1998.

However, criticism of Affirmative Action persist today in the following ways namely: first, it is unfair that the cost of the restitution be borne by young white males, when the perpetrators and beneficiaries of discrimination are older white males (Groarke, 1990).

Second, the present day black generation of the new democratic South Africa should compete with the rest of the job applicants; and let the person, regardless of colour and creed, take the position advertised or the promotion offered.

Finally, Affirmative Action promotes inefficiencies in the workplace because the people are employed or promoted to positions for which they are not qualified (Soni, 1999).

However, Dlange (2014) makes this important comment:

If affirmative action were so detrimental to white people, why is there only a 7% white unemployment rate in South Africa and more than 30% black unemployment? The rate of white unemployment in South Africa is less than that of many major European countries. If anything, white people should be applauding it and not be seeing it as something that is taking opportunities away from them. The only time I am anti-affirmative action is when it is clearly misused.

For much middle-class White South Africans, affirmative action is the single most pressing concern in their lives. The argument made is that many young white are being “punished” for something they did not contribute to and that privilege has nothing to do with apartheid (de Vos, 2012). Justice van der Westhuizen as cited by (de Vos, 2014) draws a comparison between White South Africans and post-Second War Germans when he argues that it may be historical fact that the innocent often have to account for sins committed by the morally repulsive acts of their ancestors because the innocent have benefited over time from these injustices. “One can benefit from wrong without being guilty of doing wrong”. It is, for this reason; our history must be understood.

### 3.2 Affirmative Action Addresses the Past

This first oppression of Blacks, came only eight years after the colonization of the Cape of Good Hope by Jan van Riebeeck in 1652, when he planted a hedge of bitter almond across Cape pasturelands through which indigenous black herdsmen were not permitted to cross (Spiro, 1987). This segregation was expanded further in 1685 by the introduction of the first statute, prohibiting mixed marriages (Mojapelo-Batka 2008:12) and many years later making interracial marriage criminal through The Prohibition of Mixed Marriages Act, Act 55 of 1949 by the National Party. This law was repealed in 1985. During this time other race-based measures slowly followed, most notably the advent in the early 1800's which required blacks to seek permission to enter into and work in designated white areas. <http://www.sahistory.org.za/south-africa-1806-1899>.

By 1890, affluent black farmers numbered in the thousands, some owning as much as 3600 acres (Louw and Kendall, 1987) because “those first years were frontier years, and in the absence of pervasive government interference blacks displayed versatility at adopting European methods of farming and commerce” (Fisher, Schlemmer & Webster, 1978:19).

This economic development was curtailed by the 1913 Native Land Act that prohibited black ownership in all but 7 percent of South Africa's land mass. These so-called "reserves," increased to 13 percent of the country in 1936, would later provide the basis for the "homeland" system through the Bantu Authorities Act, Act no. 68 of 1951 which was abolished in 1993. Meanwhile, white farmers were given land and obtained additional support in the form of massive subsidies for the production and marketing of their crops from the past government. Opportunities for black economic advancement were also impeded following violent protests by white mine workers during the early 1920s, demanding that blacks be barred from holding skilled positions in industry. This was achieved through the legislation of various Apprenticeship Acts namely the Industrial Conciliation Acts of 1924. This act, gave the unionised white workers a secure position against undercutting from any quarter, but also helped management by the obstacles it placed in the way of precipitate strike action by making it a criminal offence (Davenport, 1987:531). The Black Labour Regulation

of 1953 and the Industrial Conciliation Act of 1956 future strengthened prohibitions against blacks organizing their own or racially mixed unions.

These 300 years of racial oppression were consolidated and expanded by the National Party control in 1948. The government of the day further advanced the security of the minority by demanding that race-based measures be institutionalized as a comprehensive apartheid system of laws designed to achieve racial separateness in every aspect of South African life. The Group Areas Act, Act 41 of 1950 provided for the designation of residential areas along racial lines, and barred blacks from owning property in urban areas. The Promotion of Bantu Self-Government Act, Act 46 of 1959 allowed for the creation of independent homelands, and for blacks with ethnic ties to them to cease being South Africans. This prohibited Blacks from entrepreneurial advancements, first by displacing them from their own land and then making blacks illegal residence in “White South Africa” through the Bantu Homeland Citizens Act of 1970, thus prohibiting Blacks from operating business in White Urban areas. It is therefore, not surprising then that the average black per capita earning as a proportion to white fell from 24.6 percent to 21.2 percent between 1925 and 1960 (Hutt, 1964, cited by Spiro, 1987). There were simply too many restrictions placed on the majority black population to progress economically. While there were many other laws, which suppressed the human dignity of blacks in South Africa<sup>ii</sup>. The authors have just focused on a few that directly relates to economic suppression, which have contributed to the economic plight of the majority living in South Africa. This economic oppression of the past once realized as the lived experience of the majority, calls the church to respond. A theology for restitution is developed in the narrative between Jesus and Zaccheus in Luke 19:1-10.

#### **4. Exegesis of Luke 19:1-10**

Luke 19:1-10 represents one of the most vivid depictions in Scripture of an appropriate response to being reconciled to God through Christ Jesus and proffers a conspicuously underemphasized aspect of true repentance. Talbert (1982:175) suggests this narrative and the one prior (Lk 18:35-43) are connected and are paradigmatic depictions that “focus on the human response to the appropriation of Jesus’ gifts”. While the blind man’s response in Luke 18:35-43 to the grace of God in Christ is depicted as “vertical” in nature in that he follows Jesus and gives glory to God, that of the publican is depicted as “horizontal” in that he pledges restitution for any he has defrauded.

These narratives are linked in at least two ways; the redemptive work of Christ (Salvation) and the consequent responses from the recipients of God’s grace. Luke uses *sesoken se* (Lk 18:42) in reference to the blind beggar, which is better translated “*your faith has saved you*” as opposed to a common alternative rendering (ESV 2001 et. al.) “*your faith has made you well*” as well as *soteria* (Lk19:9) in reference to Zacchaeus. According to Talbert (1986:165), Luke’s use of *sesoken se* in Luke 18:42 as in Luke 17:19 “does not refer to physical cleansing only”. In the case of the Zacchaeus narrative; that salvation is in view is uncontested. Furthermore, while the responses are different, the literary link and the fact that one could hardly expect an inappropriate response should follow the redemptive work of Christ so as to bring the same into question, suggests that both responses are legitimate. These paradigmatic responses are not intended to be contrasted, but instead they are presented as complementary. They must be read and applied in tandem like two sides of the same coin, presenting the appropriate “vertical” and “horizontal” responses to salvific grace.

#### 4.1 Redemption in Luke 19:1-10

According to Hale (1996:345), “The tax collector received no salary from the Romans; instead he collected as much money as he could from the people. After paying the Romans the proper amount, he could then keep the excess he had dishonestly collected. Thus, almost all tax collectors cheated the people and got rich”. Similarly, Hendricksen (1978:208) concludes that the “publican” had the reputation of an extortionist. In the historical context of this narrative, few were despised more than tax collectors. The social impact of Jesus’ gracious action cannot be overstated and calls attention to the immense grace of Christ. Zacchaeus makes haste to receive Jesus out of joy for being received. For a teacher as prominent as Jesus to associate with one like Zacchaeus in a gesture as intimate as sharing a meal more than likely surpasses any reception, the tax collector could ever have expected. This act simultaneously constitutes the most outrageous contra-cultural act of condescension the religious community would accept to suffer.

In response to this grace, some commentators would suggest (Marshall *et al.*, 1978:697), Zacchaeus having taken his stand-*statheis* (Reiling and Swellengrebel, 1971:619), thereby prefacing a significant statement (Marshall *et al.*, 1978:697), pledges half of his possessions to the poor (v8). Dennis Hamm (1988) outlines the major arguments for viewing Zacchaeus’ response in v8 as either a defence of his piety before the people and in the presence of Jesus or as a resolve. Hamm concludes that the immediate context as well as the parallels of 19:1-10 with 5:27-32, 15:1-32 have “prepared his audience well for understanding the story of Zacchaeus as a climactic example of the same kind of *metanoia*”. While Zacchaeus addresses the Lord *kurios*, it may be that this pledge is made in the crowds hearing. Note Jesus’ response following the same form in v9. It is clear from the way in which they address one another that the primary discourse is between Jesus and Zacchaeus.

Zacchaeus’ use of *idou* (behold) may express a sudden resolve (Marshall *et al.*, 1978:697). One may deduce then that this was a solemn, substantial and swift resolution demonstrative of a significant transformation in Zacchaeus; the trademark of repentance fuelled by redemptive work of regeneration.

#### 4.2 Redemption to Restitution in Luke 19:1-10

Zacchaeus’ repentance does not relent, but in characteristic swiftness moves to a pursuit of reconciliation through restitution. *ei tinos ei ti esukosphantesa* includes an implicit admission (Reiling and Swellengrebel, 1971:618), which according to Robertson (1930:240) “is a condition of the first class (*ei* and the aorist active indicative) that assumes it to be true”. T. S. Maluleke (2008:687) aligns himself with Zacchaeus’ response of restitution proposing, “Restitution starts with an admission of personal, historical and communal guilt. It starts from an awareness that whatever it is we can do in pursuit of restoration, we must do, and do it NOW [sic]”.

#### 4.3 Situating Restitution Theologically

Restitution is not purely a New Testament occurrence. In fact, as Talbert (1986:176) asserts:

In the OT, when a defrauder confessed and made a voluntary restitution, the amount stolen plus a fifth was sufficient (Lev 6:5; Num 5:7). When a man was compelled to a

deliberate act of robbery, if the animal was alive he must pay double, but if sold or dead he must pay fourfold or fivefold (Ex 22:1, 3b-4; 2 Sm 12:6).

There is no dispute that *apodidomi* in Luke 19:8 is an act of restitution. The Oxford Dictionary (1990) proffers the following definitions of the word *restitution*:

1. The act or an instance of restoring a thing to its proper owner.
2. Reparation for an injury (esp. make restitution).
3. Esp. Theol. The restoration of a thing to its original state.

These definitions of the English equivalent vindicate Luke's use of the term and declare it thoroughly appropriate. However, given Zacchaeus' reputation as a "sinner" and implicit admission of guilt and consequent pledge of restitution, one may be inclined to conclude that restitution is limited to the person/s that inflicted the harm; a notion which Maluleke (2008:687) resists saying, "We also realise that restoration work spans beyond our sphere of influence and even beyond our lifetime". How else then would we conceive of restitution/restoration in a context where a minority demographic group garnered immense wealth *via* the unjust oppression and marginalization of the rest of the population? Compound this complex reality in that these atrocities were perpetrated by a generation that bequeaths unjustly amassed wealth to posterity largely indisposed to acknowledge the privilege inherited as a consequence of injustice, much less contemplate avenues of restitution that may deface such privilege. This is an example of the complexity surrounding restitution in practice, which Maluleke (2008:685) acknowledges saying: "restitution is no less complicated and no less disagreeable when viewed theologically. No discipline is more aware of the gap between the ideal and the actual; no discipline is more aware of the virtual impossibility of the restorative measures of mere mortals; no discipline fathoms these difficulties better than theology", thus conceding that the problem with restitution is more in its application than its definition. Nevertheless, the appropriate application of restitution is not aided by a poor theological framework. Maluleke (2008:686) presents a theological rationale for restitution and argues that:

The basic intention and outcome of God's revelation is restoration and restitution. In reconciling the world to God self [sic], God also means to restore the world to its originally intended and ultimate state. Restitution is therefore at once an aspect of the doctrine of atonement and a dimension of the doctrine of creation. Restitution is at the heart of both Christology and Trinitarian Theology.

Maluleke (2008:686) further contends, "Restitution is about justice, but an expanded notion of justice. Ultimate restitution entails the restoration of just relations between and among humanity, creation and God". Maluleke (2008:688) concludes his section on the theological rationale for restitution with an apt description of the sentience from which restitution emanates:

It stems from the realisation that individually and communally, across the generations we have wrought so much havoc and pain and destruction in the lives of other human beings and in the environment we can only do a very little in our attempt to make up for it. It stems from the realisation that while we may not have caused each and every individual injury, we may have indirectly occasioned it, permitted it, not acted against it or benefited from (ill-gotten gains).

In summary then, the Zacchaeus narrative is linked to that of the blind beggar and together present two complementary paradigmatic responses to the grace Christ bestows upon them. Both the “vertical” and “horizontal” responses are mandatory evidence of the redemptive work of Christ. One would be hard pressed to claim to have been redeemed with either of the stated responses lacking. These responses are typical of the repentance of the regenerate.

## 5. Conclusion

Affirmative Action is, therefore, not reserve racism or discrimination, as many would conclude, but rather it must be understood as an act of restitution, which is genuine sorrow for sin not only for the desire of future amendment of life but the desire to repair or minimize the injuries inflicted by sin or sins already committed and now repented of (Macquarrie, 1986:549). Repentance, as Evangelicals understand it, is just not acknowledging that wrong was done but call for a turning away from it. A turning away from the strategies that dehumanised people, to the upliftment of the one wronged or dehumanised. Thus according to Pink (2012) repentance is not just admitting that we have done wrong, but the change of act in resisting future sins after confession. Mangu (2015:6) rightfully argues “it is foolish to reject moderate compromises such as affirmative action, because, in their absence, the more radical proposal that whites must return all ill-gotten gains will emerge.” Affirmative Action is one of the ways through which past wrongs could be rectified. Thus, Affirmative Action tries to make good to injury that was inflicted on the majority through unjust laws. Evangelicals have tendered to spiritualize and individualize the priesthood of all believers, conceiving each believer as his or her own priest to another believer, rather than focusing on the cooperate calling of the body of believers *vis-a-vis* the world around them. This is indeed is no easy task, but as Evangelicals we must see Affirmative Action, as an act to be regarded as a necessary part of repentance and as a condition of receiving forgiveness in order for wealth to be distributed and the wage gap between whites and blacks corrected, in order for human flourishing and human development to take place in South Africa. The real and meaningful announcement of the gospel message is a commitment to concrete, effective solidarity with people and the exploited social class. Only by engaging issues that distort God’s image and human dignity within the other, can we truly understand the implications if the Gospel message and make it have an impact on history (Gutierrez, 1973:269) Because when it comes to grasping the truth and meaning of the content of the Christian faith, where one stands makes all the difference in the world. Thus, Affirmation Action can be an approach to economic restitution addressing the disparities in wages and wealth within our fledgling democracy.

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## 6. Notes

<sup>i</sup> This is the most recent stats published by SATS SA with regards to earning by population groups in South Africa. <http://beta2.statssa.gov.za/publications/P02112/P021122010.pdf>

<sup>ii</sup> See “Apartheid Legislation in South Africa”

<http://scnc.ukzn.ac.za/doc/HIST/Apartheid%20Legislation%20in%20South%20Africa.htm>. Viewed 17/05/2014.

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