The possible contribution of civil society in the moral edification of South African society: The example of the 'United Democratic Front' and the 'Treatment Action Campaign' (1983–2014)

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In spite of much candid protest and overt criticism against the service delivery record and corruption of the South African government, the governing party, the African National Congress (ANC), once again secured a persuasive victory in the 2014 national elections. This situation begs the question whether the ballot box is really the only efficient instrument for disgruntled voters to influence government policy and behaviour. This article examines the possibilities that the mobilisation of civil society offers in this regard. The central theoretical argument is that civil society can be an important instrument through which the citizenry can exercise their critical function with regard to the government in an effort to address poor service delivery and corruption and to influence government policy. Christian organisations can play a crucial role in this process. Two examples of past efficient action by civil society serve to illustrate this argument. With the assistance of churches and Christian organisations, these organisations profoundly influenced government policy and are consequently presented as models for action today. The first example is the 'United Democratic Front' (UDF) that forced the pre-1994 South African apartheid government to a negotiated settlement despite the strict security laws that the state utilised to keep the UDF in check. The second example is the 'Treatment Action Campaign' (TAC) that forced the post-1994 Thabo Mbeki government to adopt a policy of free provision of antiretroviral drugs to HIV-positive patients. These two influential civil organisations offer models of how civil society can act as critical watchdog. In future, these models can be used to mobilise civil society, including churches and Christian organisations, to act correctively in defining and enacting government policy, despite the ANC's strong position in government and the large majority that the governing party can secure at the voting polls.

Introduction

South Africa is celebrating 20 years of democracy in 2014. This 20-year period has on the one hand been characterised by political stability, but on the other by much unrest and protest regarding poor public service delivery. The constitution is well established and the Constitutional Court functions as desired to protect human rights and to limit power transgressions by the central and regional government. The media enjoys a large degree of freedom and fulfils its function as watchdog over the government quite efficiently. Economical growth has been positive, although economists feel that the growth rate could have been higher with more efficient political management (Terreblanche 2014). The democratic government is still firmly positioned and the governing party enjoys the continued support of 62% of the population.

In spite of this generally positive assessment, South African society struggles with tremendous problems. Of these the gravest are certainly the ongoing poverty, unemployment and the inequality in wealth. The gap between the rich and the poor is still large and compares badly to commensurate economies in the developing world. Terreblanche offers a clear and well-founded overview of this in his work (Terreblanche 2002, 2014). Thus far the central government policy, moulded in the cast of neo-liberal economical principles, has not succeeded in extending wealth to all parts of the population, despite the allocation of social grants to the poor. Only the growing prosperous elite has benefited from the neo-liberal approach. The impatience of the poor is slowly growing, radical protest is becoming more common and civil unrest is mounting. Landman (2011:63) points out the scope of violence in South Africa, which in her empirical study proved to be the fruit of poverty. Bentley (2012:54) goes as far as claiming that violence has become an inherent part of the South African psyche. Although the development of South African society has been characterised by systemic violence along racial lines since colonisation, as indicated

by Elphick and Gilomee (1982:390), this inherent violence is now exacerbated by the difference between rich and poor. Democratisation of society did not curb the long tradition of violence.

In addition, the South African society is seriously threatened by large-scale corruption in the public and private sectors. Corruption refers to the abuse of a public office or position of authority by a person or persons in order to enrich themselves at the cost of the community (Dassah 2008:38). Corruption manifests as bribery, fraud, embezzlement of funds, extortion, abuse of power, favouritism and abuse of internal information (Webb 2009:9). Research on corruption has developed considerably over the last 15 years (Anderson 2008:193). The development of new possibilities for empirical research on the different forms of corruption has led to the compilation of various indexes that provide a picture of the prevalence of corruption. These indexes are provided worldwide by the non-governmental organisation 'Transparency International'. This information is published annually and reflects the prevalence of corruption worldwide. According to all the indexes published over the last few years, the prevalence of corruption in South Africa is extremely high. Corruption costs South Africans billions of rands per year. In the well-known case of the State vs. Shabir Shaik (South Africa 2008), testimony revealed that 5% of South Africa's gross domestic product (GDP) is lost to corruption annually. During the delivery of the verdict on this matter, the judge referred to the existence of a corrupt relationship between the accused and the Head of State, Jacob Zuma (Dassah 2008:53). This, together with the report of the Public Protector, Thuli Madonsela (2014), regarding the unwarranted misapplication of public funds at the Nkandla residence of the Head of State, shows that corruption in South Africa occurs as far the upper echelons of government (*also see* Mafunisa 2007:261). Transparency International (2013) indicates in its most recent report that corruption in South Africa is unacceptably high.

The ongoing poverty, inequality, violence and corruption are only a few of the pressing problems that South African society is facing at the moment. When the role of the government in South Africa is scrutinised, two matters stand out. Firstly, one can rightfully come to the conclusion that poor and inadequate management by the central government and government at provincial and local level are partially responsible for this state of affairs. Incompetent civil servants are responsible for the lacking service delivery in several municipal areas. According to Mbeki (2009), this observation can among other things be ascribed to the government's robust application of affirmative action, which robs service delivery institutions of important expertise.

However, it is also true that the post-1994 dispensation inherited many problems from the apartheid dispensation. In his discussion of the legacy of apartheid, Terreblanche (2002:371) describes how the system of apartheid was responsible for depriving black people of rights and privileges, and for poverty, inequalities, systemic injustice, violence and criminality. Thus far it has simply not been possible for the post-1994 administrations to solve this problem. The problems in South Africa are therefore on the one hand the result of poor management, in spite of many positive developments, but on the other hand due to a lack of capacity that makes it impossible for the government to solve all the problems.

In spite of the problems mentioned above, the majority of the country's population still supports the current government, as evident from the results of the 2014 elections. The ballot box does not seem to be an effective means of protest in the attempt to place the management of the country on a higher *niveau* yet. The fact that the ANC government still attracted a significant majority in the 2014 elections and is firmly established begs the question whether democratic political protest by way of the voter's poll is still the only efficient way of promoting service delivery and clean government. Are there other democratic and peaceable ways open to the South African citizenry?

This research article asks how civil society can assist the government to overcome the legacy of apartheid and other problems like poor governance and service delivery. Should the government be held solely responsible for the moral development of South African society? And: What role can churches and Christian organisations play in this process? The central theoretical argument of this article is that civil society in South Africa has a crucial role to play in the moral edification of South African society and in assisting the government to fulfil the ideals of the Constitution, and that churches and Christian organisations can make a great contribution in this regard. The argument traces the contribution of two important civil organisations or movements that can serve as examples of how such institutions, with the support of churches and Christian organisations, can make a directive contribution. Contemporary organisations and movements in civil society in South Africa can learn from their conduct. These organisations are respectively the 'United Democratic Front' (UDF) in the pre-1994 environment and the 'Treatment Action Campaign' (TAC) in the post-1994 environment. The role that churches and Christian organisations played and can still play in this regard receives special attention. Further focus falls thus on the possibility that these organisations can serve as models for the behaviour of organisations in civil society in South Africa today and for the role that churches and Christian organisations can play in this regard.

The United Democratic Front (UDF) pre-1994

The eighties of the previous century were characterised by increasing political protest and ever more restrictive legislation from government in an attempt to maintain order with stringent security laws. A new constitution was adopted by the government in 1983 in an attempt to allay criticism against apartheid and to set a new course (Boraine 2008:125). However, this attempt was unsuccessful because black people viewed this constitution as a mere reshuffling of the chairs on

the deck of the apartheid ship. After increasing protest against the new 1983-Constitution, which excluded black people from political participation in the central government anew, a state of emergency was announced in 1986. Thousands of people were detained under these security laws and murders by the safety police followed (Green 2009:231). In addition the increasing pressure from the United Nations and financial sanctions against the South African government resulted in further tension and economical stagnation. Unemployment increased and spending on the military build-up placed the economy under great pressure. The government attempted to close all avenues of protest against apartheid, with the result that violent protests increased and the border war escalated. The war on the country's borders between government forces and *Umkontwe we Sizwe*, the military wing of the ANC, increased in intensity. The conflict became so heated that by the end of the 1980s, the country was virtually ruled by the State Security Council with its policy of a 'total strategy' against the 'total onslaught' of the ANC and its partners in the struggle (Terreblanche 2002:310). The 1980s were years of economical deterioration, power abuses by the state, violent protest, terrorism and a civil war on the borders of the country.

The United Democratic Front (UDF) appeared in the midst of this social atmosphere as a civil organisation that aimed to promote human rights and challenge the government. The organisation moved outside parliamentary politics and by way of all sorts of non-violent protest actions promoted the establishment of an inclusive democracy for the whole of the population. The UDF was established in 1983 with the intent to unite several civil organisations into a united front against apartheid and the government of the day (South African History Online 2014:10 of 11). It quickly became a platform from which Christian leaders and church organisations made their voices heard against the one-dimensional South African society of the apartheid securocracy (Walshe 1997:393). In the area of economics the organisation protested the capitalism of apartheid (Terreblanche 2002:85).

The origins of the UDF are insightful and offer a good example of how civil society can protest in an organised manner so that it leads to change, even under the difficult circumstances created by restrictive legislation. During this period the African National Congress and several other organisations that opposed apartheid were prohibited and many leading figures in the struggle against the system were either in jail or under house arrest. However, black unions were legalised in 1979 and immediately joined in the struggle for more rights (Donaldson 1993:160). Local civil organisations shot up among black people after 1979. This formed the basis of protest action on matters such as housing, the cost of rent, transport tariffs, education and other matters that affected people's daily lives (Donaldson 1993:160).

Donaldson (1993) did in-depth research on the origins and conduct of the UDF and compared it to sociological theories on mass mobilisation, resistance and violence. The last mentioned does not receive any further attention here because it does not fall within the ambit of this research. However, some of the important information that he provides is mentioned in the sections that deal with the origins of the UDF and the effluxion of the UDF.

The origins of the UDF

Due to the strong grip of the security police on society and the restrictive legislation, organised protest against the apartheid regime of the eighties was very difficult. Although the first steps towards the establishment of a new wider front against apartheid were taken in the late seventies already, the determining event was a speech by the theologian and church leader Allan Boesak on 23 January 1983. In his speech before the Transvaal branch of the anti-South African Indian Council-committee (SAIC) he pleaded for a united front of churches, civil non-governmental organisations, unions, student organisations and sport bodies that had as their aim to oppose apartheid (SAHO 2014:1 of 11). In his autobiography, written by the journalist Pippa Green, Trevor Manuel gives an outline of this speech (Green 2009:195). Based on the adoption of the 1983-Constitution that granted political rights to people of mixed-race and Indians, but which entrenched apartheid in subtle ways, Boesak demanded that full political rights be granted to all South Africans in an undivided South Africa. He emphasised the sentiments of the Freedom Manifesto of 1955.[1]

The UDF was initially organised at a regional level. The first branch to be established was the Natal branch, which was established on 14 May 1983 and included more than 40 organisations. The establishment of this branch was followed by branches in the Transvaal with 28 civil organisations, the Western Cape branch with 24 organisations and by the end of 1983 also branches in the Eastern Cape. In July 1983 the National Secretariat decided to launch the movement countrywide. Donaldson (1993:169) reports that more than 400 000 letters, flyers and brochures were distributed to advertise the launch of the UDF. The launch took place on 20 August 1983 in Cape Town and 575 civil organisations were present. These organisations included unions, religious organisations, women's societies, student and youth organisations and sport and culture organisations. The mass gathering during which the launch took place was attended by approximately 10 000 people. The idea was that the body should form an umbrella organisation that could coordinate the interests of all the complying civil organisations in a countrywide movement against apartheid and the promotion of an inclusive democracy in emulation of the Freedom Manifesto of 1955. During the launch conference Boesak

1.This sentiment is expressed in the introductory statement of the Freedom Charter. The statement reads: 'We, the people of South Africa, declare for all our country and the world to know: That South Africa belongs to all who live in it, black and white, and that no government can justly claim authority unless it is based on the will of all the people; that our people have been robbed of their birthright to land, liberty and peace by a form of government founded on injustice and inequality; that our country will never be prosperous or free until all our people live in brotherhood, enjoying equal rights and opportunities; that only a democratic state, based on the will of the people, can secure to all their birthrights without distinction of colour, race, sex or belief; and therefore, we the people of South Africa, black and white together – equals, countrymen, and brothers – adopt this Freedom Charter. And we pledge ourselves to strive together, sparing neither strength nor courage, until the democratic changes set out here have been won' (Congress of the People 1982:81).

said that those who opposed apartheid found themselves at the birth of what can be viewed as the greatest and most meaningful populist movement in more than a quarter century (Green 2009:171).

The UDF did not pretend to be the alternative to the existing liberation movements like the ANC or the Pan African Congress (PAC), which were in those days banned organisations. A declaration was accepted that stated that the goal of the UDF was to establish a non-racial, united South Africa in which segregation is abolished and in which society is freed from institutional and systemic racism. In addition, equal economic opportunities and a division of the riches of the country were set as ideals. The underpayment of workers, poor education to black children and students, oppression of women, pass laws, racially defined sport, migrant labour and job reservation were rejected and all organisations were called on to campaign under the banner of the UDF for the freedom of all people who were oppressed under apartheid (United Democratic Front 1983).

The UDF served as an umbrella organisation with a federal structure. The movement was ultra-decentralised, with a broadly defined policy that was decided on by a council of respected leaders in the struggle against apartheid (United Democratic Front 1985). However, the work was done by local committees and local leaders. By the end of 1986 the movement included 700 civil organisations. These organisations could be divided into five groups, namely youth movements and groups from the education and training sectors, community organisations, unions, professional societies and churches (Donaldson 1993:173). There were groups present with widely diverging interests. However, there were common goals, namely democracy and a non-racial society (Mokoena 1987:391). The leadership came from different classes, but the poor were strongly represented. The aim was not to establish a permanent structure, but to serve as catalyst for political and constitutional change (Mokoena 1987:391). In a short time the UDF became the largest political opposition movement.

Although the UDF had varying success in the different regions, the general impact on change in the country was significant. As a movement of civil society the UDF exercised considerable influence on the political direction of the country. This success can be ascribed to four factors. Firstly, the UDF had a clear goal, despite the variety of diverging organisations that belonged to it. They spoke with one voice (Sisulu 1989:151). Their goal was to destroy the system of apartheid and to create an inclusive non-racial democracy. All structures of apartheid had to be removed (Chicane 1987:395). Their mutual enemy was the government of the day. They could mobilise themselves as one united front against this mutual enemy and this pushed differences in ideology and behaviour to the background. In this way Christian churches and other religious institutions of Islam or Hindu origins, unions and businesses and ethnic and non-ethnic cultural groups could together protest against the government and demand democracy. The clearly defined goal and the identification of a common enemy made the focus of the UDF clear and accurate. The success that the movement had with the mobilisation of the masses contributed to this significantly.

Secondly, the loose structure of the movement was an important recipe for success. Collaborating organisations did not sacrifice their own unique nature and were not under any obligation to submit to a new set of principles. The loose structure also to a large extent prevented competition and leadership struggles. Thirdly, the organisation, as said already, had wide representation. People of professional employ, young people, workers and people who worked at the grass-roots level of society all formed part of the movement. The UDF was as a result well-informed about the effect of apartheid on people's lives, as well as about opportunities for protest. Fourthly, the regional focus of the organisation was beneficial. The fact that the movement was organised at a regional level, took the protest to all parts of the country – from cities to far-off rural areas. In this way the struggle against apartheid could be waged intensively in certain areas and at the same time widely. Although the organisation was not equally successful in all regions of the country, their overall impact was considerable (Donaldson 1993:181).

Churches and Christian organisations that were opposed to apartheid could join the UDF comfortably. However, churches were deeply divided on apartheid. The Afrikaans Reformed churches and some Pentecostal churches supported the system with a few reservations. The rest were opposed to the system on the whole. The tussle between different churches on the issue of apartheid is well described and outlined by De Gruchy (1979). There was deep-rooted estrangement of churches on the matter and ecumenical discourse on this was lacking. To express their opposition against apartheid those churches who were critical of the system added their voices to the UDF. They did find room for protest with other Christian institutions within the UDF. The origins and conduct of the UDF showed that civil organisations, churches and Christian organisations could be organised without each surrendering its own identity so that they could, as civil society, pursue a common goal during a time of crisis.

The structure of the UDF contributed considerably to its capacity to offer effective opposition to apartheid despite the strict security laws of the government and the state of emergency that gave increased powers to the police and army in 1986. This set-up can serve as an example of how civil society can function effectively in order to bring change in a society. What is necessary is a clear definition of the goal of the civil movement, as well as of the issue that is at the centre of the matter, little organisational red tape, wide representation and efficient action in the regions that are involved.

The effluxion of the UDF

During its short existence the UDF exerted extensive pressure on the government of the day. Although the organisation attempted to keep this pressure non-violent, some of its

conduct was accompanied by violence due to the general escalation of violence in society. Violent resistance started in what was then Transvaal and spread through the entire country. The government announced a state of emergency in July 1985 and attempted to crush the rebellion with violence. The UDF became caught in an ever-increasing spiral of violence and could not succeed in keeping its own conduct completely non-violent. Donaldson (1993:200) blames the lack of organisational control within the UDF for this state of affairs.

Still, the UDF launched many non-violent actions as well. Among these one can mention: consumer boycotts, strikes, protest marches by the youth, women's organisations and Christian leaders. In this way large-scale opposition against the system built up. However, the general climate of violence in society offered the government the chance to act against the UDF as well. The minister of Law and Order implied that the UDF was a front organisation of the African National Congress and the South African Communist Party (Le Grange 1986:21). This civil organisation was therefore lumped together with organisations that stimulated armed resistance, partly also because the UDF could not always succeed in detangling itself from violent protest activities. The result was that the government could act against the UDF by means of the security laws and the opportunities that the state of emergency provided. Strategies to counter the growing influence of the UDF included restricting leaders, banning member organisations, censoring publications and using the courts to prosecute leaders.

The restrictive measures that the government applied impeded the functioning of the UDF. The state had the full power of the security forces with which to nip the local and national activities of the organisation in the bud. The proclamation of a second state of emergency resulted in the banning of several political organisations, the confinement of thousands of activists and the deployment of the South African army in the streets of black neighbourhoods. Recruiting members to physically exercise the mandate of the UDF became difficult. Although many of their actions were continued underground, they could not reach the same level of mobilisation than during the pre-1986 period. The organisation itself was largely curtailed by the restrictive conduct of the government, but its influence remained. The state could no longer stop the advance against the apartheid system, which was largely initiated by the UDF. Ultimately the political activities of the movement were formally prohibited in terms of the emergency measures of the state of emergency as of February 1988 (Walshe 1997:394).

Conclusion

The UDF had a short official history and at first glance it may look like the activities of this movement did not have much influence in civil society. Yet the UDF set something into motion that irrevocably changed the scene of domestic protest against the apartheid government. Swilling (1988:110) and Seekings (2004:137) provide a good overview of this. In spite of the radical conduct of the state against the UDF, the influence of the UDF on the democratisation of South Africa could not be stopped. Ultimately the pressure from this movement, together with other impulses of change, such as international sanctions, the military resistance of the ANC, the shift in thought within the South African government, the prophetic testimony of churches and the watering-down of the ideology of apartheid, led to the delimitation of all political leaders and anti-apartheid groups and the political dialogue that started in South Africa in 1990 under the guidance of Nelson Mandela and F.W. de Klerk. During these political negotiations the UDF was assimilated into the ANC and formed a strong front that negotiated on the democratisation of South Africa.

What examples does the short history of the UDF offer civil society in South Africa today? The following can be mentioned:

- Civil society can play a significant role in political policy change when the goal is clearly formulated and organisations are organised around that goal. The UDF opened the way to such a practice (Swilling 1988:110). Political policy is not immune against civil society.
- Christian churches, religious bodies and other organisations can to a large extent, despite differences in confession and ideology, cooperate with civil society if the common goal is directed at establishing the general welfare of the community. In the moral edification of the South African society churches and Christian organisations can contribute to the establishment of an ethos of human dignity, human rights, reconciliation and peace that can be introduced by civil society into the generalised discourse regarding moral regeneration. During the time of the UDF Christians made a contribution in this regard.
- The way in which the UDF protested, namely at a local level, also provides food for thought. In South Africa where people are caught in the grip of corruption and poor service delivery, especially at a local level, the conduct of civil society in this regard can be very important. There is much expertise in civil society that can be used to assist the authorities with better service delivery. The authorities should welcome such assistance.

South Africa has much more room now for civil action than in the days of the UDF. There are no political restrictions on civil organisations and the Constitutional Court (2002, 2008) offers very important opportunities to test the conduct of the government against the Constitution. These opportunities should be harnessed. A good example of how this can be done in the new democracy is the 'Treatment Action Campaign'. This example is subsequently discussed.

The 'Treatment Action Campaign' (TAC) post-1994

Over the last three decades the HIV/AIDS pandemic has grown considerably in sub-Saharan Africa and millions

of people have died from AIDS-related diseases. South Africa is one of the regions in this area that has been most severely affected. UNAIDS reports that by 2012 the number of people in South Africa who were infected with HIV stood at 5.7 million (United Nations 2013). HIV/AIDS treatment consequently became a very important part of the South African government's economic policy planning. Health services came under pressure and there was an outcry for government intervention to combat HIV/AIDS and to stop the increase in the infection rate. The post-1994 government initially set about the matter in earnest with an HIV/AIDS prevention programme based on the initiatives of Mandela (2000) and Mbeki (2000). However, these initial positive notes changed dramatically when Thabo Mbeki became president.

Mbeki questioned the medical research that shows that AIDS is the result of the infection of HIV. He suspected the research of having been conducted within a medical paradigm (Gevisser 2007:727). According to him the paradigm within which modern medical researchers work brings them to the conclusion that HIV causes AIDS and that it results in many deaths. He was of the opinion that these paradigm-driven researchers did not pay attention to the results of alternative research. He did acknowledge the existence of AIDS, but was of the opinion that other factors cause the collapse of people's immune systems. He invoked medical researchers who work outside the medical paradigm who ascribed AIDS to all kinds of different causes, such as poverty and poor diet. As a result he was opposed to the use of antiretroviral drugs and was of the opinion that there were cheaper alternatives, such as well-formulated diet programmes.

The HIV/AIDS pandemic reached critical proportions during the Nineties and the pressure for efficient government intervention increased, especially during Mbeki's term. However, he was not swayed by the results of recognised medical research, but allowed himself to be guided by the views of the so-called alternative research. Fourie and Meyer (2010:118) provide a good overview of Mbeki's view and the negative consequences this had for South African society. He was opposed to government-supported distribution of antiretroviral drugs and was supported in this by his Minister of Health, Ms Msimang. The government withdrew from any real action to combat the pandemic based on Mbeki's acceptance of the results of alternative research. Infections and deaths from HIV/AIDS subsequently reached alarming proportions. Gevisser (2007:729) points out that in 1999, the year that Mbeki took over as president from Mandela, 25% of all pregnant women in South Africa were already HIV-positive. By the time he started his second term, this had risen to 30% and the death rate among women between 25 and 34 had quadrupled. In 2005 a government survey showed that 10.8% of all South Africans, in other words approximately five million people were infected with HIV. International health organisations indicated that in 2005 alone 320 000 deaths occurred, which comes down to 800 deaths per day. The citizenry held the Mbeki government responsible for this because it failed to act to combat the disease based on the president's unproven and medically unrecognised views on HIV/AIDS.

The origins of the 'Treatment Action Campaign'

The increasing HIV/AIDS crisis in South Africa and the unwillingness of the Mbeki government to introduce programmes to curb the spread of the disease led to the establishment of the TAC (Heywood 2010:139). This civil organisation was founded on 10 December 1998 with the aim of changing government policy to make antiretroviral drugs more accessible, initially with the help of the government (Dubula & Heywood 2011:31). The support base of this organisation included community-based organisations, churches and other religious institutions, labour organisations, unions and individuals within political parties (Grawitsky 2002:54). The alliance that the organisation formed with the labour movement 'Congress of South African Trade Unions' (COSATU) early on is of special significance. Initially the mission of the TAC was to mobilise support for the government in their fight against pharmaceutical companies that generated large profits from antiretroviral drugs. This support had positive results early on, but with the growth of Mbeki's denial of the true causes of AIDS due to his distrust of the medical research in this regard, the TAC's support changed to opposition. The TAC developed into a large civil movement that exerted pressure on the government to change its negative policy and to provide antiretroviral drugs to infected persons.

Grawitsky (2002:53) compares the TAC with the UDF of the 1980s of the previous century. The difference was that the UDF wanted to overthrow the government of the day and that the TAC on the other hand wanted to change government policy in an extra-parliamentary way. The TAC wanted to convince the government in a peaceful manner to alter their views and policies. However, the government regarded the activities of the TAC with suspicion, even antagonism. The organisation therefore had to take more drastic action.

The conduct of the TAC

Geffen (2010) gives a good overview of the short history of the TAC. It is not necessary to repeat everything here. What is of importance is to point out the focal points of the TAC's conduct. The action of the TAC was directed at two terrains of South African society in particular. Firstly, the civil organisation aimed to create awareness of the reality of the HIV/AIDS pandemic and everything that goes with it by means of peaceful protest. Secondly, the organisation offered information to show the untenability of the government's views and its resulting lack of action. In this respect the organisation was very successful. They succeeded in stimulating an in-depth, active and constructive debate on how to handle the HIV/AIDS pandemic and the role that the government should play in this matter. In spite of the strong

position of the Mbeki government, the TAC won the sympathy of the broader community and swayed public opinion. Their protest was so successful that the lack of action on the side of the Mbeki government and the untenability of his views are still regarded as the low point of that administration (Heywood 2010:128).

The TAC successfully utilised the space that the Constitution offers with their legal opposition to the conduct of the government (see Ahmad 2013:17). The 1996 Constitution of South Africa is a modern neo-liberal constitution. As a constitutional democracy, South Africa's legislation is subject to the chapter on fundamental rights and is tested by the Constitutional Court in light of the formulated fundamental rights. Government action is therefore not absolute and legislation can be declared invalid by a court based on fundamental rights. Any individual or group can resort to the Constitutional Court if they are of the opinion that the government is acting in contravention of the Constitution (see Devenish 1999:17).

Part of the chapter on fundamental rights deals with so-called socio-economic rights, which includes the right to health care. The Constitution, prescribes in this regard:

> 27 (1) Everyone has the right to have access to –
>
> (a) Health care services, including reproductive health care
>
> (b) sufficient food and water
>
> (c) social security, including, if they are unable to support themselves and their dependents, appropriate social assistance.
>
> (2) The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realization of each of these rights.
>
> (3) No one may be refused emergency medical treatment. (South Africa 1996:14)

For the TAC the struggle against the government was a struggle for human dignity and the right to life (Achmat 2004:76). Based on these rights as well as socio-economic rights the TAC took the government to court to force them to provide antiretroviral drugs to people who are infected with HIV. On 14 December 2001 Judge Chris Botha of the High Court in Pretoria decided in favour of the TAC in their case against the Minister of Health. On 11 March 2002 he ruled that the state should provide Nevarapine to pregnant women who are HIV positive (Budlender 2009:129). The state appealed the decision, but the appeal was set aside and the state was ordered to provide antiretroviral drugs to pregnant women who are HIV positive (South Africa 2002:par. 122).

In this way the TAC, a civil organisation, succeeded in changing government policy. What is more, the organisation brought about awareness of the gravity of the disease and the role that the government and society can play in combating and treating it. The campaign found favour worldwide. Their action also contributed to the destigmatisation of persons who are HIV positive.

Conclusion

The TAC, different from the UDF in the eighties of the previous century, acted within a democratic society where civil society has the right to act in order to curb government action or to change it. However, that was during a time that the government received a strong mandate from voters and during which the danger existed that the government could abuse its power. Mbeki's politics of denial with regard to HIV/AIDS was an example of such power abuse. Yet the TAC as civil organisation prevented this power abuse and truly changed government policy by using mass protest and the constitutional court. The organisation is a clear example of the possibility open to civil society in South Africa to, by way of the instruments that the constitutional democracy offers, force the government of the day to formulate policy or to change existing policy in order to serve society.

Finding

The question asked at the beginning of this article is whether civil society has the power to bring about effective change when the government of the day fails. Also: Can churches, Christian organisations and other religious groups contribute to the moral edification of South African society by means of the civil society? These questions are posed in light of the fact that the current South African government is still in a strong position after the 2014 elections in which the governing party secured a majority of 62% of the votes. In addition, the questions are asked against the background of signs of power abuse, corruption, maladministration and poor service delivery, which occur widely. In order to answer these questions, two influential civil organisations were examined, namely the UDF (pre-1994) and the TAC (post-1994). Can the citizenry of today learn something from the conduct of these organisations? The following findings can be offered in light of the discussions in the preceding sections:

- The UDF acted within a society controlled by security laws in which there was very little room for public criticism. Major steps were taken to suppress any form of political criticism. In spite of this, the UDF, with the help of churches and Christian organisations, succeeded in mobilising the masses against apartheid. This movement undoubtedly contributed greatly to the ultimate democratisation of the country, despite mutual differences. The UDF showed that civil society can lift a government from its seat with sustained political pressure and that it can develop a society morally.
- The TAC acted within a democratic environment and showed how civil society can use the instruments of a constitutional state to change government policy. In spite of the strong political position of the ANC under Mbeki, the TAC succeeded in changing government policy regarding the treatment of HIV-positive patients by mobilising civil society. In this way they brought relief to millions of people.
- Civil society in South Africa offers churches and Christian organisations the opportunity to fulfil their

socio-ethical calling and to be actively involved in the South African society. During the time of apartheid churches in South Africa developed various paradigms for social action. Churches can focus on revisiting these paradigms and to reflect anew on the possibilities for social action provided by civil society today. Reformed theology can contribute to this reflection by developing its traditional theological paradigm on the relationship Kingdom and church to include civil society, social action and the positive effects that such a relationship can have on the moral development of the South African society.

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