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## THE CENTRE IS HOLDING

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'It was the best of times, it was the worst of times ... it was the season of light, it was the season of darkness, it was the spring of hope ...'

These opening lines of Charles Dickens' *A Tale of Two Cities* could have been written to describe the past three weeks in South Africa.

- Twenty-one days ago the Constitutional Court sentenced former president Jacob Zuma to 15 months in jail for contempt of court.
- Eleven days ago he fell into the custody of the police – 'the best of times'.
- Ten days ago violence started in KwaZulu-Natal with the burning of trucks. Calls were made for Mr Zuma to be released or pardoned – 'the worst of times'.
- Nine days ago the violence spread to Gauteng – 'the season of darkness'.
- Eight days ago mass-scale looting and plundering started in both KZN and Gauteng – 'the worst of times'.
- Five days ago both the violence and the looting peaked and started tapering – 'the spring of hope'.
- Three days ago the violence abated and a great, spontaneous pushback occurred – 'the season of light'.

To quote one of our own, Alan Paton said in 1985, 'South Africa is a place where you despair on Monday and hope on Tuesday.'

### Rule of law

As violence started and spread, the police were overwhelmed. Government was slow in its response. There was clearly an intelligence failure of massive proportions. At least 212 people died. Billions of rands of damage was caused. It took the authorities a week to re-establish order. Isolated incidents are still occurring.

But calm did return. No state of emergency (which would have suspended many of our freedoms) was declared and no shoot-to-kill orders were given. Police and troops were deployed, but there is no evidence so far that any of the 212 dead were killed by law enforcement officers. Instead, actions by vigilantes and private security, as well as trampling during looting stampedes, are blamed. Order was restored in line with the rule of law.

By Sunday more than 3 400 people had been arrested. The National Prosecuting Authority (NPA) has created a dedicated team of prosecutors to oppose bail and handle the prosecutions. Special court rolls have been created to process these cases quickly.

Rampant insurrection and looting were met with old-fashioned rule-of-law sanctions.

Rule of law now requires that the alleged instigators be arrested and brought before the courts.

### A one-week affair ... so far

So far, the violence started, spread, peaked and tapered down over eight days. One week after the critical N3 route between Gauteng and KZN was closed by burning trucks, it was open again, with traffic flowing freely. Pick n Pay loaded trucks and formed a convoy of more than three kilometres, transporting goods from Gauteng to Durban to restock the big Hyperama there. By Sunday 93 trucks were on the highway every hour. Activities resumed in the harbours of Richards Bay and are beginning to normalise in Durban. Even one of Jacob Zuma's son, who earlier called for 'responsible looting', is now calling for calm.

However, it will be over only when it is over. Attacks are still expected at key facilities. The lives of ANC leaders may be in danger. Protection for Constitutional Court justices has been upgraded. Key points are being guarded. Vigilance is still required.

## Constitutionalism

In the chaos it was easy to lose sight of a major achievement: a former president was arrested and incarcerated. What was thought to be impossible, putting the former leader of the (still) governing party in jail, happened. There was no violence around his arrest – a singular achievement for the police. Both before and after, pleas and pressure for a pardon and his release came from within and outside of the ANC, but the authorities are not yielding. Constitutionalism has triumphed in the most visible way.

Today Mr Zuma will appear on video in the Pietermaritzburg High Court in his long-running corruption case. He has already lodged an application for postponement; we will hear what the judge says.

## Habits of the heart

During the week of looting a remarkable thing happened: communities united against it. Citizens from Soweto to Mahikeng, Heidelberg, Kimberley, Cape Town and in the provinces of Limpopo and the Eastern Cape were reported to have 'defended' malls and shops against looters. Reports also appeared of ordinary citizens putting up roadblocks, forcing looters to offload their stolen goods and then taking the looters to the police. The enfant terrible of South Africa, taxis, joined the authorities in the forefront of maintaining order. In the port city of Gqeberha taxi operators chased down the noisy instigator and Zuma supporter Andile Lungisa, took him to various taxi ranks and forced him to address people and denounce violence. Truly, a case of *ex Africa semper aliquid novi* (out of Africa there is always something new)!

Even in the heart of the unrest, KZN, taxi associations distanced themselves from the violence. Taxis were instructed not to transport looters or loot. The new Zulu king condemned the violence and drew a clear distinction between the Zulu nation and KZN perpetrators and looters. 'I never imagined that my father's people would be involved in the burning of their own country ... my father's people are committing suicide'.

The united efforts of people from all walks of life in the clean-up afterwards were astonishing. People in wheelchairs lent a hand. One Facebook group, started on Tuesday, had 55 000 members by the weekend, posting links to registered NGOs for support and organising clean-up teams from Alexandra to Pietermaritzburg.

It was the French political philosopher Alexis de Tocqueville who coined the phrase 'habits of the heart', referring to deep commitments that will help sustain democracy. The Constitution must not remain a paper miracle, playing out only in the courts. It must live in people's hearts. After this week one is left with a sense that the habits of the heart in South Africa just got a little bit stronger. What was supposed to be a 'perfect storm' that would engulf the country crashed against the rock of commitment to order and democracy.

Granted, the crashing took place with considerable damage, but at least reinforcing the habits.

## A long history

South African historian Professor Lindie Koorts summarised the long history of violent conflict in South Africa dating back to the genocide of the Khoi and the San. There was the 1914 rebellion by Afrikaners who lost all in the Anglo-Boer War. It was the time of the prophet Hans van Rensburg, who promised that the flags of the old Boer republics would again fly proudly. In 1921 another prophet, Enoch Mgijima, led his followers at the massacre of Bulhoek in which 200 people were killed. A year later, in 1922, Prime Minister Jan Smuts unleashed the Defence Force against striking (white) mineworkers. More than 700 died. Afrikanerdom never forgave him for that. In 1949 violence broke out between Indian and black people in Durban and Pietermaritzburg. Homes, shops and factories were destroyed; 142 people died. In 1960 Sharpeville became known worldwide, only to be surpassed in 1976 by Soweto. In the 1980s we had a low-level civil war and a state of emergency.

Every single time South Africa pulled back from the precipice.

Not only did we pull back, but we also built back better, advancing steadily. By any possible measurement, the country today has more dignity and wealth than at any of these perilous moments in history. At the time of writing, it certainly looked as if this would persist, even if there are further incidents. As another historian, Cornelis de Kiewiet, wrote in 1943, South Africa is a country that advances through political disasters and economic windfalls. It is still true.

## So what?

- At a time of major unrest and violence, the centre is holding. The habits of the heart are as strong as ever, pulling in a wider section of South African society than ever before.
- It has never been more apt to talk about a moderate middle. We saw it in action over 21 days.
- The rule of law was challenged severely, but at the time of writing law and order had been established again. However, it is not over until it is over, and we must remain vigilant for a while yet.
- South Africa passed the test of constitutionalism with flying colours.
- Make no mistake: the country paid a heavy price in lives, jobs and businesses lost.
- It is trite to say that a major shake-up of the security cluster is needed, as is a more inclusive economy. The first is the responsibility of the president, and the second is the responsibility of us all.

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