

The Complexity of Descriptive Representation and Bureaucracy: The Case of South Africa

Abstract

This paper uses the South African case to look at the concept of passive representation—an important element in the theory of representative bureaucracy. Considerable literature has examined the relationship between passive representation, or the number of members of an identity group that are present in a public sector organization, and active representation, or the extent to which those representatives pursue the interests of those they are presumed to represent. I argue that the former should not be seen as simply a matter of counting the numbers of members of identity groups in an organization. Rather, they should also ask whether the identity groups that are to be privileged for representation make sense. This paper examines how the targeted for representation in the new democratic South Africa are defined, and the tension and issues that causes for the government's stated policy of achieving a representative public service.

The purpose of this paper is to examine descriptive representation, a long-standing, but seldom scrutinized component of the theory of representative bureaucracy. Bureaucrats, or those comprising the public service, play a significant role in any democracy as they are the primary interpreters and implementers of laws. The theory of representative bureaucracy holds that a public service that mirrors the citizenry demographically reflects citizens' values. Among other benefits, a representative bureaucracy signals that diverse communities have access to the policymaking process, leading to a greater governmental legitimacy. One of the more dramatic and potentially significant examples of where the achievement of a representative bureaucracy was vital was in the creation of the newly democratic Republic of South Africa (RSA) following the dismantling of the all-white Apartheid government in the early 1990s.

The concept of representative bureaucracy is often considered to have two components. *Descriptive* (or passive) representation concerns the extent to which important identity groups are present in the bureaucracy. A measure of descriptive representation that is used in the U.S., for example, is the proportion of an organization's staff that is comprised of men, women and various racial groups. *Active* representation refers to administrators 'pressing for the interests and desires of those whom they are presumed to represent' (Mosher 1982, p.14). That is, the theory assumes that a government department that includes members of a particular identity group helps to ensure that citizens belonging to that same group receive an equitable share of that entity's benefits or services. Much of the recent scholarship in this field has focused on the important question of whether such a linkage between descriptive and active representation exists and under what circumstances. However, in doing so it has treated passive representation as simply a matter of tallying the number of bureaucrats in an organization by such characteristics as race and gender.

But is it really so straightforward? In this paper, the RSA serves as a case to examine descriptive representation by addressing the following questions:

- On what basis has the new RSA chosen to recognize identity groups for the purpose of descriptive representation and does the choice make sense?
- What, if any, other obstacles may make the achievement of descriptive representation more problematic than it seems?

From a practical standpoint, this is an important exercise. The means for achieving a representative bureaucracy and how that representation should be defined in the RSA remains controversial more than ten years after the country's first democratic election. From an academic standpoint this is a valuable undertaking because of the research community's ongoing examination of the link between descriptive and active representation. That line of research is premised on the notions that in every situation it is clear who the groups are that should be represented and that we can easily identify the individuals in the bureaucracy that are expected (or, more accurately, hypothesized) to serve as representatives.

If these questions cannot be clearly answered, the syllogism represented by the statement 'descriptive representation leads to active representation' rests on a faulty premise. That is, the statement assumes descriptive representation is accurately defined and measured. The new Republic of South Africa makes an ideal setting for examining these issues because of the extreme nature of the transformation it had to undergo very recently. That transition required replacing an all-white government in a country where whites represent only 11% of the population, with one that accurately reflects the citizenry.

Descriptive Representation and Representative Bureaucracy

The importance of descriptive representation has long been a staple of democratic theory. This form of representation refers to the notion that citizens should have representatives in democratic institutions that look like them or at least have common experiences (Dovi 2007). John Adams is said to have argued during the Revolutionary period in the U.S. that a legislature 'should be an exact portrait, in miniature, of the people at large, as it should think, feel, reason and act like them' (quoted in Pitkin 1967, p. 60).

Hanna Pitkin (1967) among others is well known for her discussions of the notion of representation with respect to an elected legislature. It was J. Donald Kingsley (1944) who coined the phrase 'representative bureaucracy' and applied the concept to the public service. Observing the British government during and after World War II, he was concerned that when the Labour Party came into power its policies would not be carried out by the middle class public servants. He wrote:

As a matter of fact, of course, the essence of responsibility is psychological rather than mechanical. It is to be sought in an identity of aim and point of view, in a common background of social prejudice, which leads the agent to act as though he were the principal. . . . But if the essence of responsibility is psychological, the

degree to which all democratic institutions are representative is a matter of prime significance. No group can safely be entrusted with power who do not themselves mirror the dominant forces in society; for they will then act in an irresponsible manner or will be liable to corruption at the hands of the dominant groups (Kingsley 1944, pp. 282-283).

More than four decades later, Roger Burrows, a Member of the South African Assembly made a similar argument in calling for measures to achieve a representative public service:

[U]nless this Government of the day commences a rapid move towards involving significant numbers of persons of colour...in their tasks, then on the arrival of a new constitution, we could easily find a significant number of persons who are not sympathetic to service-oriented, cost effective service (Burrows 1991, p. 7492).

Descriptive representation is distinguished from 'active' representation. The latter refers to the notion that these representatives will then take action to further the interests of those whom they are presumed to represent. In many ethnically divided countries, this has meant that the ethnic group holding most of the government positions provides benefits to its own community while actively denying them to the group(s) out of power. These benefits can include government jobs, but also often includes such benefits as access to land, credit, housing, recreational facilities and the like. (Esman 1997).

In the U.S., research on active representation has taken a more positive spin, emphasizing the benefits that are accrued by a group with adequate representation while not necessarily at the cost of others. For example, Sally Selden has identified a positive correlation between the representation of African American county supervisors in the U.S. Farmers Home Administration and the number of favorable loan decisions for applications filed by African American farmers (Selden 1997a, 1997b). Meier and colleagues have found an inverse relationship between the proportion of African American or Latino school board members and adverse treatment of students sharing their heritage (Meier 1984, Meier and England 1984, Meier, Stewart and England 1989, Meier and Stewart 1991). More recently Keiser et al. (2002) found a positive relationship between the proportion of female math teachers and educational benefits enjoyed by female students.

But the value of a descriptively representative bureaucracy extends beyond such active representation. Frederick Mosher argued that what is important 'is the fact that the incumbent employees are there at all' (1982, p. 17). This is so because their presence demonstrates that the government provides equal opportunity and a public service accessible to all citizens (see also Kernaghan 1978, Wilson and Mullins 1978, Esman 1999). The perception that an ethnic group is denied access to public employment has caused considerable strife around the world (see, for example, Esman 1997, Brown 1999). A public service representative of a wide sector of society demonstrates that nation's broad disbursement of power. In that way, 'bureaucracies by their very structure represent truths about the nature of the societies they administer and the values that

dominate them' (Krislov 1967, p. 64). Dennis L. Dresang (1974, p. 1617) concluded from his analysis of representation in the Zambian bureaucracy that 'the perceived representative character of the most visible echelons of the government has a vital impact on ethnic politics.'

The composition of the bureaucracy has an impact on social conduct. If a particular community doesn't see its members represented in the bureaucracy, its youth sees no point in obtaining the qualifications necessary to hold a government position. This creates a self-perpetuating cycle that signals a lack of opportunity, which only conscious efforts to achieve a representative bureaucracy can break (Krislov 1987). Moreover, a group that feels marginalized, has little incentive to fully contribute to national development, diminishing public service performance (Brown 1999).

Years later some of this same rationale was echoed in the South African Parliament by those debating the future of the public service. The Minister for Education and Training, himself a member of the ruling National Party (NP), explained to those in the Apartheid-era House of Representatives:

The Public Service of a country is there to serve the entire population. Logically, therefore, the personnel of the Public Service should be recruited from the entire population... [T]he Public Service plays a key role in national life. It is important for the Public Service to be accepted and appreciated by society and offer talented and dedicated people a worthwhile career option (De Beer 1993, p. 9288)

There is much to be said, then, for the value and importance of descriptive representation. It has benefits even in itself, and sometimes leads to active representation. But for the theory of representative bureaucracy to apply, one must be clear as to how descriptive representation is defined, measured and achieved. While beginning in the 1980s in South Africa, whites were replaced with nonwhites as teachers, nurses and the like, by the 1990s 97% of the senior posts were still comprised of male, Afrikaans speaking, conservative, Calvinists (Seegers 1994). The question, then, was how should the new RSA's public service be transformed in order to become representative of the entire citizenry?

Creating a Representative Bureaucracy: Identifying the Representatives

The first step to creating a representative bureaucracy, it would seem, would be to define which groups should be represented. That is, what characteristics or traits should be privileged for the purpose of reproducing them in the public service? This is not always clear. When J. Donald Kingsley (1944) argued for the importance of a representative bureaucracy, he was referring to a public service that mirrored the *class origins* of the nation. Indeed, this same premise lay beneath early analyses of the American bureaucracy, which concluded that it was largely representative (see, for example, Long 1952, van Riper 1958, Subramaniam 1967).

The first federal public service law passed in the U.S. in 1883, however, called for *geographic representation*, with public service jobs 'apportioned among

the several States and Territories and the District of Columbia' (U.S. Civil Service Commission 1973). By the 1960s and 1970s, this analysis of American representivity shifted to a focus on *race and sex* (Larson 1973, Krantz 1974, Krislov 1974, Rosenbloom 1977). That was because of the history of race and sex discrimination by the government, as well as the active women's and civil rights movements of this period that further raised the salience of their demands for access to bureaucracy (Rosenbloom 1977).

In other countries, such as Trinidad and Guyana, representation has been viewed in ethnic terms (Brown 1999). Linguistic states are targeted for representation in India, but a certain proportion of positions are also reserved for scheduled castes and tribes, which is partly determined by birth (Esman 1999). In Canada demands for representation have come from women and the French-speaking (Francophone) population, and efforts have been made to increase the representation of native Canadians (Kernaghan 1978, Timpson 2006). The Zambian case is more complicated. The focus is on what are often referred to as 'tribes,' but which, in reality are divisions based on 'regional background, language and subjective stereotypes' (Dresang 1974, p. 1605).

An understanding of how groups may be selected for descriptive representation may be informed by identity group theory. That theory also demonstrates the complexity of defining groups for purposes of descriptive representation. Identity is a 'process of construction of meaning on the basis of a cultural attribute, or related set of cultural attributes, that is/are given priority over other sources of meaning' (Castells 1997, p. 6). Identities differ from roles in that 'identities organize meaning while roles organize the functions' people engage in. (1997, p. 7) People have individual identities, but also come together in order to negotiate collective relationships with those who share a common identity. For example, during the women's movement of the 1970s, gender became salient for many women, who joined with other women to claim greater rights. Individuals have multiple identities, some of which are internal, and some of which serve as a basis for political action. For example, any individual woman may think of herself primarily as a woman until an issue arises affecting the rights of mothers, at which time her identity as a mother becomes paramount. That identity, then, may become the basis for joining with other mothers to engage in political action. The late Robert Bailey used the term 'identity multiplexing' to describe this phenomenon of many possible identities, which he defines as 'the layering and ranking by individuals of their different identities in different arenas' (1999, p. 31). That racial and ethnic identities are also multiple and fluid has become commonly accepted in the literature (Phoenix 1998, Ray 2003).

In her work on South Africa Courtney Jung suggests political identity 'emerges as salient in the organized struggle for control over the allocation of resources and power residing in the state' (Jung 2000, p. 19). It is partly dependent on context and the issues that emerge as relevant at any point in time. Political identity is independent of other identities. An ethnic group's cultural meanings or linguistic identities may change while its political identity remains intact. A South African of Indian descent may observe all of the cultural rituals of the South African Indian population, but not identify with the political values of his or her fellow Indians. While political identity may be based on a physical attribute such as race when it becomes politically salient, that political identity should not be

seen as reflexively correlated with race (Jung 2000). Identities are developed and changed over time, in response to political and social events, including the actions of the state (Purnell 2002).

In defining such political identity groups one has to be careful not to 'freeze' them in such a way that the distinction between those inside and outside the group becomes impermeable. All Zulus don't reflexively identify their Zulu heritage as constitutive of their identity. Even some of those within the group may not agree on the values or political choices that are ascribed to that group. For that reason Young (2000, p. 89) prefers to conceive of 'social group differentiation' in 'relational rather than substantial terms' as a means for avoiding the reification of groups. But, as we shall see in the case of South Africa, groups may become reified if they are treated as such by those in power.

In South Africa, as elsewhere, the concern has been to ensure representation of previously disadvantaged groups. However, even here there is a danger of defining this category too simplistically. The recognition of some marginalized groups can result in the marginalization of other disadvantaged groups (Dovi 2007). A current example is the Indian state of Rajasthan where there have been violent clashes between the Gujjars who want to be downgraded in their caste status for purposes of affirmative action, and the Minas who object to sharing the benefits of that status (Sengupta 2007).

The notion of identity, then, is a useful lens through which to view the basis on which descriptive representation is achieved. The identity groups which are targeted for descriptive representation in a bureaucracy should not be arbitrary. Rather, they are presumably those that are mobilized based on internal identities that come together in response to a context and seek a reallocation of resources and power (to use Jung's (2000) terms). Again using the example of the U.S., the civil rights movement and the women's movement politicized the identities of race and sex in the 1960s and 1970s. Women and people of colour, in turn were pursued for full representation in the bureaucracy (Rosenbloom 1977).

The next section of this paper provides the history and context necessary to understand how the groups were defined that became those targeted for descriptive representation in South Africa.

South Africa

The demographics

South Africa, with nearly 48 million people, is the 2nd largest country in Africa and its leading economic power. Following the 1994 transition to democratic rule, the country was reestablished as a unitary system of government with federal characteristics. It now consists of the national government and nine provincial governments (see Table 1) that, for all important matters, are subordinate to the national government. Provincial and national public servants are all employed by, and accountable to the national government. Presently the conditions of service in local governments fall outside of those that apply to the national and provincial governments. However legislation is in the works that would create a single public service bringing local governments in line with the provincial and national public

service. The African National Congress (ANC) has won all national elections and most provincial elections since 1994. (In 2009, the ANC won just under two-thirds of the vote). The 400 seat national assembly elects the President, currently Jacob Zuma.

Table 1 shows the racial composition of the population, of public employees, nationally and for each region.

Table 1. Facts about South Africa

	Population & % change 1995-2005	Racial composition of population	Numbers of government employees	Racial composition of public service
South Africa (national)	47,390,900	African 77.9% coloured 8.5 Indian 2.5 white 11.1	342,616	African 74.0% coloured 10.0% Indian 4.0% white 12.0%
Provinces				
Eastern Cape	7,040,000 +7.3%	African 87.4% coloured 7.0% Indian .3% white 5.3	87,607	African 87.0% coloured 6.9% Indian 0.5% white 5.2%
Free State	2,953,000 +6.5%	African 85.0% coloured 2.8% Indian 0.1% white 11.9%	55,074	African 80.0% coloured 3.1% Indian 0.1% white 16.0%
Gauteng	9,029,000 +27.8%	African 72.2% coloured 3.5% Indian 2.1% white 22.2%	113,840	African 74.0% coloured 4.0% Indian 2.6% white 19.0%
KwaZulu-Natal	9,655,000 +10.2%	African 83.2% coloured 1.4% Indian 8.9% white 6.6%	158,451	African 82.0% coloured 2.0% Indian 11.0% white 5.0%
Limpopo	5,636,000 +1.4%	African 97.1% coloured .2% Indian .1% white 2.6%	112,649	African 97.0% coloured 2.0% Indian 0.1% white 2.0%
Mpumalanga	3,221,00 +6.5%	African 91.2% coloured .6% Indian .4% white 7.8%	57,114	African 90.0% coloured 0.6% Indian 0.4% white 8.0%
Northern Cape	903,000 +21.9%	African 45.6% coloured 43.3% Indian .2% white 10.8%	16,815	African 35.0% coloured 50.0% Indian 0.4% white 15.3%
North West	3,825,00 +15.0%	African 89.9% coloured 1.5% Indian .3% white 8.3%	64,371	African 90.0% coloured 1.3% Indian 0.4% white 8.0%

	Population & % change 1995-2005	Racial composition of population	Numbers of government employees	Racial composition of public service
Western Cape	4,652,00 +24.5%	African 23.6% coloured 53.7% Indian 1.1% white 21.6%	69,699	African 18.0% coloured 61.0% Indian 0.8% white 20.0%

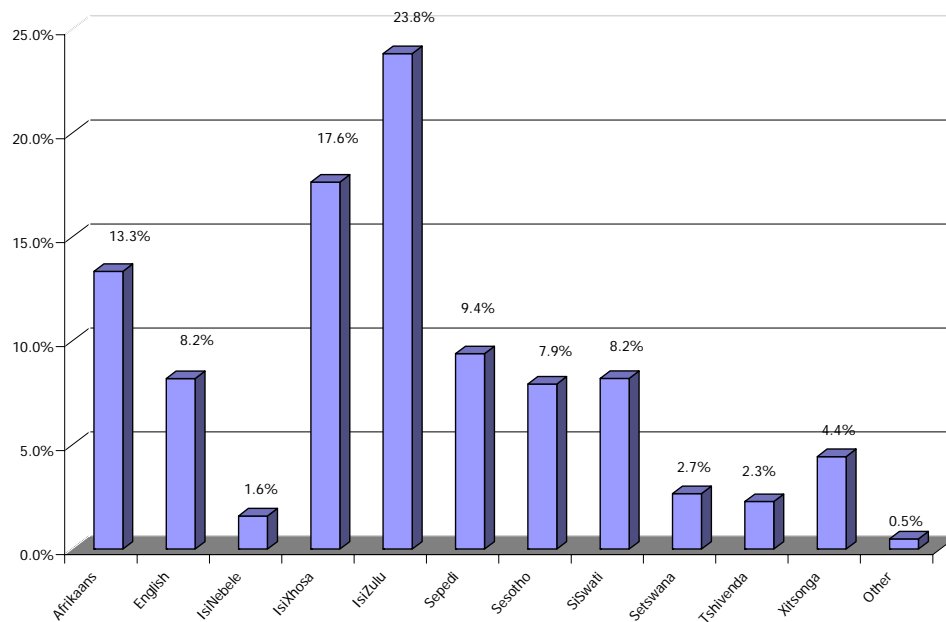
Sources: South Africa Institute of Racial Race Relations 2007; Presentation to the Portfolio Committee on the Public Service and Administration by the Public Service Commission 16 August 2006

None of the relatively simple categories listed in Table 1 is as straightforward as it seems. The coloured population is not a single racial or ethnic group, but rather a mixture of many. It includes descendents of indigenous herders and hunter-gatherers known as Khosians; Malays, brought by the Dutch from Indonesia; Griquas; Namas; Basters; as well as people of 'mixed race' (i.e., part European) (Adhikari 2005). The coloureds are located primarily in the western area of the country. Another subpopulation is the Indians, who are variously referred to in government documents as Asian or Indian. The tiny Chinese community has been classified at different times as Indian/Asian, coloured and white (Christopher 2006).¹

The 'white' population consists of two distinct groups. The Cape Colony in South Africa was established by the Dutch East India Company in 1652, and then taken over by the British in the 19th Century. Since that time there has been deep ethnocultural antagonism between the British descendents and the Afrikaners. The Afrikaners (or, less politely, the Boers) are descendents of the Dutch and other European countries. Michael MacDonald (2006) points out that in the 19th century membership in political identity groups was neither based on colour nor on culture. If it had been based on colour alone, the British would have been welcome in the Boer areas, and they weren't. If it had been based on cultural practices, those coloureds who spoke Afrikaans and worshipped at Dutch Reform churches would have been members of the Afrikaner community, and they were not, even though some had the same ancestors.

Black Africans are comprised of nine different linguistic communities or tribes that at times have been hostile toward one another, and at other times united against the common enemy of white supremacy. They did not form a community, culturally or politically, until recently. Their identity was based on kinship, tribe or clan--not their common race (MacDonald 2006). Figure 1 shows the relative sizes of these population groups, as currently configured, using home language as the means for distinguishing among black Africans.

Figure 1. Proportion of Population using each Home Language (2001)



Source: Statistics South Africa. Population census 2001

Pre-democratic formation of identity groups

With so little in common with one another, how were these identity groups established?

Until 1904, there was a relatively simple method of categorization—an individual was either of European descent or a ‘non-European’ as recorded by the in the Census. Beginning in about 1904, however, coloureds came to be considered a category of intermediate status between the Bantu (native Africans) and those of European descent (Goldin 1987). In 1910, the two British colonies and two Boer republics were merged into a unified state, each bringing its own race-based accumulation of legislation. Each law used different criteria for defining race so that the same person could have been classified as one race by one law and another by another law. Distinctions could be based on descent and/or on appearance, and/or general acceptance and repute, and/or mode of living. Unifying the state under British rule did nothing to standardize definitions; rather they became only more ambiguous. Into which racial bucket one was assigned, however, was very important as the designation would specify all rights, including where one would live, what jobs could be held, how and where one traveled, and so on (Posel 2001).

In 1948, the Afrikaner-based National Party (NP) came to power. The new government put forward a program of apartheid, which can be summarized by a pamphlet put out just before that election: ‘The right of the non-European to exist and to develop is acknowledged, but apart from and under the guidance of the European’ (quoted in Giliomee and Schlemmer 1989, p. 96).

The Population Registration Act, passed in 1950, attempted to settle the ambiguity with respect to racial classification. It created very sharply defined racial definitions with resolute barriers among them in order to ensure 'racial purity.' Placement into a category was based on appearance and lifestyle rather than lineage. Classifications were to be made 'according to the views held by members of that community.' The statute offered the following definitions:

- "ethnic or other group" means a group prescribed and defined by the Governor General'
- "native" means a person who in fact is or is generally accepted as a member of any aboriginal race or tribe of Africa'
- "white person" means a person who in appearance obviously is, or who is generally accepted a white person, but does not include a person who, although in appearance obviously a white person, is generally accepted as a coloured person'
- "coloured person" means a person who is not a white person or a native' (Statutes of South Africa 1950, p. 277).

Every South African had to be officially designated a member of one of the official races. To demonstrate the arbitrariness of it all, people could apply to be reclassified. For example, according to 1989 Parliamentary records, 573 people applied that year to be reclassified from coloured to white and 369 from black to coloured. Another 218 applied for other changes (e.g., coloured to Chinese, Indian to Malay). Of these reclassification appeals, all but 100 were successful (RSA Parliament, p. 498).

The Apartheid government did not stop at ensuring everyone was properly racially defined. They also sought to enforce cleavages among racial groups. The Group Areas Act (Act 41 of 1950) gave officials the authority to evict Indians and coloureds from their residences and relocate them to their own 'group' areas (Goodman 1999). Segregation was also enforced through the Prohibition of Mixed Marriages Act (Goldin 1987).

The 1959 Promotion of Bantu Self-Government Act established eight Bantustans (also called homelands). Each was to be populated by a different black 'tribe' and was to become self-governing and eventually independent (Goodman 1999). Even the designation of these homelands was somewhat arbitrary. Apartheid authorities debated, for example, whether the Ndebele speakers, who spoke two different variations of the language, should be divided into two groups. They also considered whether a distinct Ciskeian group could be carved out of the Xhosa population (Christopher 2006). This program was never fully carried out as no bantustan ever became homogenous despite forced movement on a considerable scale (Guelke 1992).

Once a homeland was granted independence, Africans associated with that homeland, lost their South African citizenship. Assignments were made primarily through linguistic and/or cultural affiliation. Even citizens living in urban areas were assigned to homelands, even if they never stepped foot inside it (Guelke 1992). Africans were only allowed in the cities if the whites were in need of their labour (Giliomee and Schlemmer 1989). Ironically, in making race politically extreme and

in subjecting all black Africans to a common edict, the Apartheid government broke the back of these communities. Doing so gave blacks a reason to organize on the basis of their common racial identity (MacDonald 2006).

If the coloureds were to be assigned a homeland, the most logical place would be the southwestern portion of the country now called the Western Cape as that is where the majority live. That area was also home to scores of Afrikaners, however. The ruling National Party was therefore divided on the question as to what to do with the coloureds given their shared language (Afrikaans), homeland (Western Cape) and, in many cases (although not discussed) common ancestry. Eventually it was decided the best strategy for co-existing with the coloureds was to pacify them by affording them better treatment than the black Africans (although clearly not the same status as the whites) (Goldin 1987). This required controlling the entry of Africans into the region, and reducing the potential for labour market competition that might occur between the coloured and the black African workforces (Humphries 1992, p. 170). Measures to exercise controls over the movement, residence and employment of Africans were collectively known as the Coloured Labour Preference Policy. This proved to be an effective means to 'divide and conquer' that, as we shall see, has had lasting repercussions long after the fall of Apartheid.

In short, within a short time after power, the NP had successfully 'bureaucratized the idea of race as a social construct' (Posner 2001). Or, as Castells (1997, p. 8) would put it, the party had introduced a 'legitimizing identity' to 'extend and rationalize their domination.' Government officials confounded the divisions among black African clans, and threw them out of cities. Instead of diffusing potential resistance, the Africans rallied and fought back. A coloured community, in some ways sharing more in common with the Afrikaners than with each other, was more or less clearly demarcated. That community was then given rights greater than those of the Africans but less than those of the whites. The two white groups formed an uneasy alliance, but with the Afrikaners at the head.

Although political turmoil continued into the 1990s, an Interim Constitution was produced in 1993 (Act 200 of 1993) that provided an institutional framework for a transition from Apartheid a democratic state. The self-governing homelands and independent states were re-incorporated into a new Republic of South Africa with nine provinces. In 1994, the first democratic election was held, and the African National Congress (ANC,) dominated by the majority black Africans, took power. The final Constitution (Act 108 of 1996) was implemented in 1996.

Forging a Representative Bureaucracy in the new Republic of South Africa

Defining characteristics that would be 'represented' in the new RSA

By the early 1990s, it was already clear to many officials that a representative bureaucracy would be a critical factor in the nation's transformation.² Chapter 13 §212 (2)(b) of the Interim Constitution of 1993 specified that the public service shall 'promote an efficient public administration broadly representative of the South African community.' Chapter 10, §195 of the final Constitution reads 'Public administration must be broadly representative of the South African people, with

employment and personnel management practices based on ability, objectivity, fairness, and the need to redress the imbalances of the past to achieve broad representation.' This paper's appendix lists the many laws and policy papers that reiterated this commitment to a representative bureaucracy.

The undertaking would be considerable. At the time of the first democratic election in 1994, 94% of the management echelon of the former RSA public service was white and 97% was male (DPSA 1996, p. 24). Clearly the bureaucracy, particularly at the leadership level needed to become more representative of the population. But how should 'representative' be defined? Which groups should be identified and privileged for any measures designed to achieve representation? How, specifically, should past imbalances be identified? Should representation be as narrowly circumscribed as to ensure that each African linguistic community was proportionally represented in the bureaucracy? There was some precedent for this at the time negotiations for the new government were taking place. Chief Buthelezi, leader of the Zulu-dominated Inkatha Freedom Party (IFP) challenged the right of the ANC to represent his party, and therefore the Zulus, in negotiations in Pretoria (Barber 1994).

Or, should representivity be defined on a much broader level? At the other extreme were those that wanted to minimize, if not eliminate, a focus on racial categories at all. ANC president Nelson Mandela repeatedly expressed his commitment to a nonracial and nonsexist society. In a famous speech delivered in May 1996, then Deputy President Thabo Mbeki declared the party's refusal to 'accept that our Africanness shall be defined by our race, colour, gender or historical origins.' It was clear from debate in Parliament that the members of the National Party and others were also not comfortable with an emphasis on 'group' identities. J.H. Hoon, an Indian Member of Parliament said:

...[I]t is my considered belief that the Indian community is unequivocally committed, as I am, to a nonracial and fully democratic future South Africa where human rights, as opposed to group rights, will be respected and race discrimination will be eradicated, and where group rights based on race will be rejected (Hoon 1990, p. 8773).

Writing on the eve of the first democratic election, James Barber (4) notes that South Africans were poised to go either way—toward identifying themselves narrowly as, for example, Zulus or Afrikaners or more broadly as South Africans. It would depend on how others defined themselves. He writes:

The new South Africa may generate a sense of common identity, and create circumstances which encourage the growth of an overarching nationalism. A range of influences will come into play. . . . However, the strongest influence will come from the new government through its distribution of resources, the messages it preaches, the appointments it makes, and its successes and failures (Barber 1994, p. 73).

That is, as Courtney Jung would say, what would matter was how control is dispersed 'over the allocation of resources and power.' In this case, the resources

and power at stake were the positions within the South African public service. How the groups would be defined would influence who would be given access to these jobs and the authority that accompanies them.

The initial goals for management positions set by the new government in the White Paper on the Transformation of the Public Service (WPTPS) in 1995 are shown in Table 2. These were seen as *minimum* targets on the way to achieving a public service representative of the nation's population. Ultimately management proportions were to reflect the population proportions.

Table 2. Goals Specified by the White Paper on the Transformation of the Public Service (WPTPS) in 1995

	Position in 1997	Goal to be achieved	Gap to be filled
Percentage of blacks at management level	33%	50% by 1999	17%
Percentage of women new recruits at management level	13%	30% by 1999	17%
Percentage of people with disabilities*	.02%	2.0% by 2005	1.7%

*These figures are only an estimate as there is no accurate record of these numbers

Source: 'WPTPS' (1995:10.6)

These goals have been periodically updated. Table 3 presents the most recent version of the objectives.

Table 3. Goals Specified by the President's Cabinet in June 2006

	Position in 2006	Goal to be achieved	Gap to be filled
Percentage of blacks at management level	71%	75% 2009	4%
Percentage of women at management level	29%	50% by 2009	21%
Percentage of people with disabilities	.2%	2.0% by 2010	1.8%

Source: Presentation to the Portfolio Committee on the Public Service and Administration by the Public Service Commission 16 August 2006

Note: Only the target with respect to blacks was achieved by 30 Sept. 2008. At that time, they represented 77% of management, women represented 34% and people with disabilities, 0,2% (Public Service Commission 2009)

Note that in this case, only the term 'black' is used, rather than delineating each nonwhite group or even using the term 'nonwhite.' There is historical precedent for this notion as well. An important strand of active resistance that grew out of the student politics of the 1960s and 1970s was the Black Consciousness (BC) movement. Its founder, Steve Biko, called for a definition of 'blacks' that was not related to skin colour. Instead, he defined blacks as 'those who are by law or tradition politically, economically and socially discriminated against as a group in the South African society and identifying themselves as a unit in the struggle towards the realization of their aspirations.' In other words, '...being black is a reflection of mental attitude' (quoted by MacDonald 2006, p. 118).

Given the united front the ANC was attempting to forge, the use of the overarching term black in the above tables is perhaps appropriate. In light of the arbitrariness of the racial categories imposed by the Apartheid regime through such mechanisms as the Population Registration Act, this may well be fitting. But subsequent white papers and legislation subdivided 'blacks' into three racial categories: African, coloured and Indian/Asians (White paper on transformation, 1995; Employment Equity Act (Act 55 of 1998)). Employers are required to report annually on the occupational profile and the numerical goals they have set for male and female employees in each of those three racial groups, as well as for white women. Debra Posel (2001, p. 109) notes the irony that 'despite the repeal of the Population Registration Act, these racial categories are still writ large in the everyday life of the citizens of the 'new' South Africa.' While there continues to be controversy on the subject of race, 'there is little reason to suppose that [these racial constructions will] atrophy spontaneously.'

The reason is that the categories continue to be politically salient. In a series of polls beginning in 1997, the Human Sciences Resource Council asked respondents to describe themselves in three words. In 1997, nearly half used racial categories. In subsequent years, while there was some fluctuation, ethnic identification remained strong (Klandermans, Roefs and Olivier 2001). Recall that it had only been the decade before that the Apartheid government abolished the policies granting the coloureds and Indians a status superior to the Africans, yet still disadvantaged with respect to the whites. It is perhaps because of these policies that studies have shown that Africans continued to face less favorable treatment in the workplace long after Apartheid's demise. 'While such divisions and exclusions [based on race] were legally and socially enforced during apartheid,' writes Zimitri Erasmus, 'today the divisions appear to be almost self-imposed, while exclusions are so subtle they are often very hard to recognize and identify' (Erasmus 2005, p. 14).

Comments made by Members of Parliament in the new RSA during a debate about affirmative action confirmed that the wounds inflicted by the Apartheid categorization process had not healed. Mfuniselwa J. Benghu, a member of the new RSA National Assembly from the IFP was well aware that Africans were at the bottom of the barrel under the Afrikaner and British rule. He said:

[S]ome of us do not actually fully understand the school of thought which says that the term 'black people' refers to African, coloured and Indian people. This would actually mean that the whole implementation would be a top-down approach as against a bottom-

up approach, in the implementation of affirmative action. A bottom-up approach would be an approach that exclusively addresses the plight of the African people. That is where we must start because—and all members—know this—the African is the least equipped with the necessary skills to survive the economic upheaval. He is the first to be fired and that last to be hired when jobs become available. In short, comparatively speaking, the African was the one who was grossly and inhumanely oppressed and colonized (Benghu 1998, p. 2856)

T.D. Lee (1998, p. 2867) from the Democratic Party, and a coloured, saw it differently: 'Although affirmative action is negatively affecting the destinies of all racial groups, I want to limit myself to the effect it has on my own people, and here I am referring to the coloured people. It sometimes seems that we are worse off under this dispensation than the previous racial one.' He goes on to give several examples where coloureds were passed over for jobs in favor of Africans, adding, 'This also leads me to conclude that the coloureds are only included in the black group to conceal the fact that very few of us are benefiting from affirmative action' (1998, p. 2870).

Some government officials and scholars interviewed by the author for this project continue to believe categories defined for representation should be drawn even finer than race, to reflect dimensions such as social class, rural vs. urban interests, family background and/or generational differences. Nevertheless, by the time the White Paper on the Transformation of the Public Service was issued in 1995, it was clear that the government was going to strive to be representative of blacks, women and people with disabilities and that black would be defined as 'members of the African, coloured and Indian communities' (WPTPS §10.1).

Getting there from here: Obstacles to achieving a representative bureaucracy

Having defined the characteristics to be represented in the new bureaucracy, measures had to be taken to achieve this state of affairs. The legacy of Apartheid, however, left many impediments that made this a difficult task. Some of these were institutional, some reflected indifference to the majority of the population, some were perceptual and still others resulted from the deliberate racial divisions from the previous era. This section will just briefly describe some of these.

The newly elected leadership of the RSA inherited a splintered government that had to be put back into working order so that it could be operated efficiently and democratically. This required uniting fifteen public service systems, including the four independent states and six self-governing territories, employing 1.2 million public servants, into a single national system. The new structure comprised 32 departments, offices and services at the national level and the establishment of 9 provincial legislative authorities and administrations. Moreover, the public service system itself was dysfunctional and disjointed, lacked popular legitimacy, accountability, transparency and effective service delivery. It was mired by top-down management, an absence of effective management information, low productivity, poorly paid and demotivated staff and labour strife. ('WPTPS 1995, §3.1.1, United Nations Human Development Program 2000). By many accounts it

was bloated, and yet Section 236(2) of the Interim constitution provided the right of job retention to incumbents (largely white men) in the bureaucracy.

Incorporating blacks and women into the public service was further hampered by disinvestment in them during the previous decades. The low prioritization given to providing blacks and women with education meant many were inadequately prepared to compete for government jobs. ('White paper on a Programme' 1997). Nor did they have the requisite experience. While blacks could be found at all levels of the public service in the black Apartheid-era self-governing territories, those blacks that were in the public service of the former RSA were doing low level work (Sidloyi 1996). Similarly, women public servants were predominantly found in low paid work in the fields of education and health. People with disabilities were perhaps the worst off as a result of severe educational disadvantages, past discriminatory labour legislation and other physical and social barriers ('White Paper on Affirmative Action' 1998).

Clearly some form of affirmative action would be needed, and it is apparent from the Members of Parliament quoted above that such measures would be controversial. This was subsequently demonstrated by the considerable litigation that has ensued (Naff and Dupper 2009).

Employers' responsibilities for eliminating unfair discrimination and taking affirmative action were codified in the Employment Equity Act (EEA, no. 55 of 1998). The debate in the Assembly leading up to the passage of the bill was emotional, resulting at one point in a Member being ejected from the House for calling another Member a racist (House of the Assembly 1998:5235). The EEA also codified the groups that would benefit from affirmative action: blacks, women and people with disabilities, and further statutorily defined blacks as Africans, coloureds and Indians. A Member of Parliament explained:

In order to redress our legacy of discrimination, the Bill unavoidably recognizes groups. Not to have done so would have meant paying no more than lip service to the eradication of apartheid. People were discriminated against because of the groups they belonged to, or were forced into, not because of the individuals they were (Oliphant 1998, p. 5220)

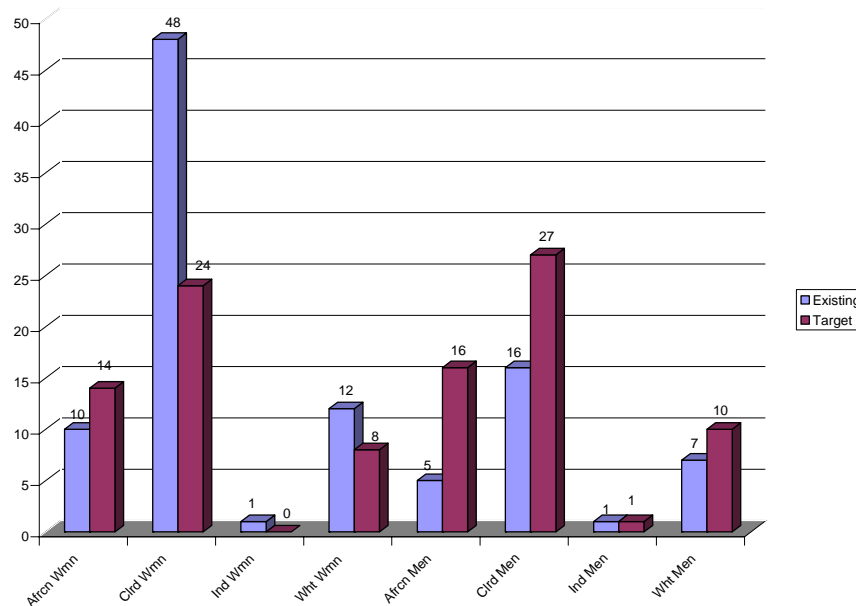
The Act requires government departments to set incremental targets for the eventual achievement of the objectives specified by the President's Cabinet, first in Table 3, and most recently in Table 4 (PSC 2006). The incremental targets are to be set for each racial group (including whites), male and female. The targets are to be based on the 'economically active workforce' in the province.³ The EEA permits the use of affirmative action measures to achieve targets. However, such measures can create discord in any work environment because there is a perception that those not given a leg up by it will 'lose' through no fault of their own. Friction is apparent even among its intended beneficiaries.

For example, interviews conducted by the author with Western Cape officials revealed that there are some who object to the targets that are set in that province. There, the economically active labour force is comprised of 51.2% coloured and only 29.7% African. These numbers are completely out of proportion

with the *national* population where Africans represent 78% of the population and coloureds represent only 9% (see Table 1). The reason for the disparity is, at least part, due to the Coloured Preference Policy that was enforced under the Apartheid regime. That policy encouraged coloureds to live in the Western Cape area while strictly regulating the entry of Africans. For that reason, some have raised the notion that the benchmark for employment equity should be national labour force figures, rather than provincial. The tension between coloureds and Africans is palpable in Western Cape departments.

Figure 2 provides an example of how this plays out in the Western Cape's Department of Health. In that department, coloured women are overrepresented in that they hold 48% of the jobs (largely as nurses) in the department while representing only 24% of the economically active population in the Western Cape. In practice, this means that a coloured woman is going to find it difficult to get a job in that department in the occupational areas in which she is overrepresented. She may well blame this on affirmative action and any other efforts the department is using to achieve a representative workforce. At the same time, of the department's 32 senior officials and managers, only one is African while 10 are coloured (not shown). The Africans may believe that the coloureds, who had advantages the Africans were denied in the previous regime, are unjustly blocking their efforts to move into senior positions.

Figure 2. Existing and Target Representation in Western Cape Department of Health (percent)



Source: Internal document from the Western Cape Department of Health (2006)

Hence, while affirmative action is an important tool for achieving descriptive representation, it can also exacerbate tension in the workplace ultimately undermining some of its potential contribution. The continued use of categories such as coloured and African may seem necessary given the dominance and

significance of those categories under Apartheid, but in practice they also serve as barriers to the achievement of a bureaucracy that is perceived as representative and fair.

In short, the new South African government faced many challenges in its quest to achieve a descriptively representative bureaucracy. These included defining those groups to be represented in a way that would promote the objectives of a representative bureaucracy, and instituting the massive institutional transformation and investment in the population required, while navigating the cleavages created during the past century. Moreover, the continued use of categories such as coloured and African in the post-Apartheid era has prolonged the tension between these two groups.

Conclusion

The purpose of this paper was to examine passive representation, a central component in the theory of representative bureaucracy. Its premise was that too often researchers take for granted the notion that the suitable representatives assumed by theory can be identified and that they can be easily placed in organizations in order to serve that representative role. Instead, as the South African case shows, it is much more complicated than that. The issue of what is to constitute an identity group for purposes of passive representation is not easily resolved. There has been much angst about whether 'groups' should be recognized at all in a society striving to overcome racism. In the end, recognized categories turned out to be those artificially created and maintained under white rule, and codified in the Population Registration Act: African, coloured, Indian (aka Asian) and white (or sometimes, just black and white). This categorization was of questionable suitability in that these were not natural identity groups sharing a common culture or even race. Rather, in some situations a coloured might have more in common with a white than an African. In others, distinguishing between Africans and coloureds, for example, disregards the fact that all nonwhites shared the common heritage of discrimination.

The achievement of a representative bureaucracy has been problematical for a number of reasons. These include the legacy of apartheid which left splintered institutions and a damaged society. Also left from the apartheid era were individuals, many lacking desired levels of education and specialized experience, still smarting from the apertures created by the previous government.

The theory of representative bureaucracy holds, *inter alia*, that passive representation leads to active representation. And so it is only logical that much of the South African citizenry expects its newly representative bureaucracy to greatly improve service delivery. But before we can reasonably put that expectation to the test, it is vital to understand what passive representation really means, the premises that underlie it and how we will know when it is in place.

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Notes:

1. Recently the Chinese community won a lawsuit protesting their classification under the current regime as White, in order to gain access to benefits accorded to nonwhites.
2. Two members of the pre-democratic Parliament were already quoted on the subject earlier in this paper.
3. The law excludes the National Defence Force, National Intelligence Agency and South African Secret Service from definition of public service (EE Bill 1998:1). Economically active includes both the employed and unemployed in the labour market.