FEDERALISM AND FEDERATION IN SOUTH AFRICA TODAY

Dr Martin van Staden

Head of the
AfriForum Institute for Federalism

11 November 2026
AfriForum Teater, Pretoria

Ladies and gentlemen,

It gives me great pleasure to speak with you as the inaugural Head of the AfriForum Institute for Federalism. This is significant.

Federalism has been a feature of political and constitutional discourse in South Africa since the 1850s, before the country as we know it today even existed. And yet, outside of a series of short-lived federalist political parties in Natal up to the 1960s, and one in the 1990s, there has never been an institution dedicated specifically to studying and propagating the federalist idea and practice in South Africa.

It is a privilege to mark the occasion of this vacuum being filled.

The occasion, by its nature, requires us to look back, at the history of federalism and federation, federalism today, and, most hopefully, the future of federalism in South Africa.

Johannes Althusius

Our story begins not at the Cape, but in 1603 with the work of the German-Dutch Calvinist thinker, Johannes Althusius.

Althusius offered a vision of political life that began not with a powerful central ruler or the all-encompassing state, but with the everyday families, bonds, and communities in which people already lived. He described society as a series of nested associations, starting, of course, with the family, then voluntary groups and localities, then provinces, and only then the wider commonwealth, each bound together by mutual agreement and each retaining its own proper sphere of authority.

It is this "mutual agreement" that brings us to federalism. The Latin for "agreement" – or perhaps "covenant" – is *foedus*, which is what the word "federal" ultimately derives from.

To Althusius, higher levels of government do not simply absorb or override those beneath them. Instead, they exist to serve purposes that smaller associations cannot fulfil on their own, while the real foundation of political order remains the consent and self-government of those lower communities. This is the elementary principle of subsidiarity.

Now, this bottom-up conception, which Althusius set out in his major work of 1603 *Politica*, treats the unity of a larger polity as something that must be built carefully upon, and in respect of the distinct identities and liberties of its constituent parts rather than by dissolving them into a single, homogeneous whole.

Althusius further wrote:

> "The less the power of those who rule, the more secure and stable the imperium remains. For power is secure that places a control upon force, that rules willing subjects, and that is circumscribed by law, so that it does not become haughty and engage in excesses to the ruin of the subjects, nor degenerate into tyranny…"

I wish to thank Professor Koos Malan, perhaps the leading legal scholar on Althusius' constitutional thought, for drawing my attention to this quote.

Althusius is the first of two personalities in what I think we can call *Reformational federalism* that I refer to here.

One pauses with the potential overload of ideological references – the "-isms". The thought of Edmund Burke, by some regarded as an anti-ideologue, is often called upon in this respect.

But Burke did not reject ideology or theory as such. He wrote, instead:

> "Whenever I speak against theory, I mean *always* a weak, erroneous, fallacious, unfounded, or imperfect theory; and one of the ways of discovering that it is a false theory is by comparing it with practice. This is the true touchstone of all theories."

Burke did not ask us to reject ideology, but to reject the wrong ideology, and adopt ideologies – bundles of ideas – that more closely respect truth and reality. That is a standard worth endorsing.

Cape Colony

We turn now to the Cape, and a little-known story around a British ship called the *Neptune*.

As we know, Australia was once a prisoner colony in the British Empire. But some might not know that the Imperial Government in London once also believed that the Cape Colony could fulfil a similar function.

And so, in 1849, the *Neptune* left England destined for Cape Town.

The resident population and government in the Colony at that stage, though legally and politically aligned with the Empire, had very severe misgivings about this idea. Their consent was not sought, and for months, the people of the Cape erupted into peaceful protest.

The Attorney General of the Cape at that stage was William Porter, thought by some to be one of the fathers of classical South African liberalism. He was also an Irish unionist and therefore not one of those Irish who hated Britain – he was in fact a great admirer of the Empire.

That did not stop Porter from siding with the Colony and its people, and declaring to London:

“Commit no nuisance here.”

In Victorian England, this phrase – “commit no nuisance here” – was used by public authorities to warn people against urinating in public. To Porter, Britain sending the *Neptune* with its complement of convicts to the Cape was akin to the Colony being urinated on, and he would have none of it. He did not meekly grovel at the feet of the Imperial Government, who were technically and legally his superiors.

This otherwise loyal servant of the Crown said, simply, “No”. That word that modern statism made us forget out of fear: “No.”

In this, Porter was joined by Saul Solomon, a longtime member of the Cape Parliament, and John Fairburn, a newspaperman, both prominent liberals.

The *Neptune* arrived in September 1849, and it would remain in the Bay for five months, with the authorities in Cape Town refusing it the right to dock. It was only in February 1850 that London relented, and sent the *Neptune* on to Australia.

There was no threat of secession. Neither Porter, Soloman, nor Fairburn wanted the Cape to part with the Empire. But they did not see that political association as any reason to accept abuse by the central authority. Had London not relented and kept abusing the Colony, then secession might have become the only available option left.

That is the story of the American Revolution, which celebrates its 250th anniversary in 2026.

In America, the patriots had spent years petitioning the Empire, attempting to negotiate in full respect of the King’s authority. But they made no headway. In the Declaration of Independence of 1776, they set out in detail how all their good-faith attempts to arrive at a satisfactory and fair resolution were rejected with contempt, leaving them no choice but to sever the bond. In recognition of the abuse that the periphery can suffer at the hands of the centre, they went on to establish the world’s leading federal republic.

By the 1850s a similar instinct – to preserve rightful local autonomy while remaining within a larger political association – had produced the first serious proposals for a South African federation.

Sir George Grey, Governor of the Cape Colony and High Commissioner, became the principal advocate of this idea. In 1858, he urged London to pass an enabling Act that would allow the Cape, Natal, the Orange Free State and in time, the Transvaal, to form a federal union among themselves.

The Volksraad of the Orange Free State responded that same year with a resolution favouring a union or alliance with the Cape, "either on the plan of federation or otherwise".

Grey's scheme was a practical attempt to bind the colonies and republics together for common defence, trade, and administration, while leaving each with its own legislature and sphere of authority.

The Colonial Office in London, however, rejected the proposal, and Grey was recalled. The moment passed. Yet the notion that the South African territories should one day unite in a federal bond did not disappear.

Indeed, it was revived with renewed energy in the 1870s by Lord Carnarvon, then Imperial Colonial Secretary. Having just overseen the confederation of the Canadian provinces, he returned to the Colonial Office determined to do something similar for South Africa.

In 1874-75, he sent the historian James Anthony Froude on a mission through the colonies and republics to sound out local opinion and identify the obstacles to closer union.

Carnarvon's scheme envisaged a self-governing dominion under the British flag in which the colonies and the Boer republics would retain substantial local autonomy while cooperating on defence, native policy, and trade. In 1877, the Parliament in London passed an enabling Act that set out the outline of a federal constitution and left it to the South African legislatures to fill in the details if they chose.

The Cape government under John Molteno, however, resented what it saw as an initiative imposed from London, and the Transvaal annexation of the same year – which was intended in part to clear the way for federation – instead inflamed Boer resistance.

And so, Carnarvon's plan also collapsed. Once again, the federal model had been the natural language of closer union; once again local resistance and imperial miscalculation prevented it from taking root.

Union

Nonetheless, for the remainder of the nineteenth century, federation – as opposed to unitary amalgamation – was the idea that dominated serious discussion of closer union.

It would take two wars, the First and Second Boer Wars, before that discussion was finally settled.

Though the second of those wars was a humanitarian disaster, with tens of thousands of innocent women and children and uninvolved, native civilians paying the ultimate price in the concentration camps, the British Empire was afterwards very keen to develop the autonomy of and better relations with its South African possessions.

There is a narrative out there that Great Britain established the Union of South Africa against the wishes of the Boer population and forced them into association with the local English. This is not true.

Both Boer and Brit were, for some time, quite eager to bring about political union. For many Boers it was especially important to bring their nation under one sovereignty. Great Britain dictated very little of the detail of the eventual Union – it was primarily a product designed locally, by the National Convention.

When that Convention met in Durban, Cape Town, and Bloemfontein from October 1908, most of the thirty delegates still arrived expecting some form of federal arrangement. Natal, in particular, came prepared with a draft federal

constitution that would have divided South Africa into states on the American model, rather than provinces.

The decisive intellectual and political force behind the shift away from that expectation was General Jan Smuts, then Colonial Secretary of the Transvaal, who argued that only a strong central authority could overcome the divisions and create a single “South African nation”.

President Marthinus Theunis Steyn of the Orange River Colony was a unionist from the start, because he wanted desperately to unify the Afrikaner population in one political home.

John Xavier Merriman, Prime Minister of the Cape Colony, was an old Whig and in many respects a liberal. He wanted unification because federalism was costly and, he believed, inefficient. The state, his sound political instincts told him, should not be a burden to the people.

One by one, earlier advocates of a looser federal bond, which at one point did include General Smuts, gave way.

And in the end, the South Africa Act of 1909 created a unitary state with a bicameral Parliament in which the provinces held only subordinate powers.

Natal’s English federalists were left as the sole organised champions of the federal cause, and Natal would remain the only real home of federalism for decades thereafter.

But this unitary outcome was not the inevitable or even the long-expected one. For half a century before the Convention, the federal idea had been the default language in which South Africans spoke of bringing the various republics and colonies together. The former British colonies in America, Canada, and most recently at the time, in Australia, had all federated, and it seemed natural that South Africa, itself a large country that in 1909 consisted of four British colonies, would follow this model. Later, Nigeria and India, also British colonies, too, would federate.

South Africa unification was exceptional. But understand that it was a

homegrown phenomenon, born of an alliance between Boer nationalists and South African English liberals. Only the conservative English Anglophiles in Natal held high the torch of federalism.

Natal federalism

In the 1920s and 1930s, when Afrikaner nationalism threatened the Imperial connection, some Natal parliamentarians floated secession or a return to the failed federal bargain.

The Dominion Party, formed in 1934 precisely to defend the British link and Natal's distinct character, absorbed much of that sentiment. But the party's real energy lay in loyalty to the Crown rather than in a coherent programme of provincial autonomy, and by the late 1940s it had vanished from South African politics.

What survived was a residual Natal consciousness that the province's English character and commercial interests were safer under a looser constitutional arrangement than under the unitary state that had been adopted in 1910.

That residual consciousness briefly reappeared in organised form after 1948.

In 1953, elements of the Torch Commando in Natal founded the Union Federal Party under Senator George Heaton Nicholls. Centred almost entirely in the province, the party argued that only a reconstitution of South Africa as a federation could protect provincial autonomy and the English language against the centralising drive of the National Party. For a few years it even explored, discreetly, the possibility of Natal's secession should Afrikaner nationalism prove irreversible. The UFP contested the 1954 provincial elections, polled a fifth of the vote, but won nothing.

By the end of the 1950s, right before the referendum on the Republic, the UFP and the issue of federalism among the Natal English had become something of a spent force, and the party dissolved soon afterwards.

This is because, around that time, the National Party openly began courting the

English South African population, shedding Afrikaner nationalism's threatening, anti-English tone. By the 1970s, this conservative English federalism therefore had largely become a cultural memory, with a younger generation of English-speakers growing up inside the unitary state and no longer sharing their parents' provincialism.

The political contest, at this time, shifted meaningfully from "federation versus union" to the far more urgent question of Apartheid. It is thus that the Progressive Party, later the Progressive Federal Party, was founded in 1959, and for some time became the primary driving force for decentralisation in the constitution. But the Progs were a countrywide party, not a Natal one, and its federalism was subordinate to its opposition to racial legislation.

Natal itself remained under the New Republic Party, a successor to the United Party of General Smuts, which governed the province until the provincial councils were abolished in the late '80s. But the NRP no longer propagated a distinctive federalist programme. The torch that the Natal English had held alone since 1909 had, by the 1970s, either gone out or been passed to newer hands whose federalism was multi-racial, though still politically marginal.

Herman Dooyeweerd

Now that our discussion has reached the 1960s and '70s, let us return briefly to theory, and the second Reformational federalist, Herman Dooyeweerd. He worked within the same neo-Calvinist tradition as Abraham Kuyper and the Afrikaner philosopher, H.G. Stoker.

Dooyeweerd was a Dutch Calvinist legal philosopher who, in the mid-twentieth century, developed a systematic account of society that both drew upon and deliberately revised the federal tradition that Johannes Althusius had begun three centuries earlier.

Like Althusius, he worked within the Reformed understanding that political life is not a free-standing human invention, but is ordered under God, and that the various communities in which people live possess their own integrity.

Where Althusius had built federalism from the ground up – family, association, city, province, and only then the commonwealth, each formed by mutual covenant and each retaining a significant measure of autonomy beneath the higher sovereign – Dooyeweerd judged that this hierarchical picture remained dangerous.

Even when the lower tiers kept their formal autonomy, the sovereign will of the higher association could, over time, absorb or override them. Very prescient, as this is in fact how modern statism has observably functioned.

Dooyeweerd therefore insisted on the *separate* sovereignty of each sphere of society. Althusius would say the family, the association, the city, and the province exist *beneath* the state; Dooyeweerd would say they *exist side-by-side* with the state, each sovereign in its own domain.

The difference runs deeper than mere arrangement. For Althusius the circles of society are formed by human agreement – that being political covenants rooted in natural law and the practical need to live together. People agree to live symbiotically, with the boundaries being legal and political. When a ruler breaches the covenant the lower circles, through their representatives – the so-called lesser magistrates – retain the right to resist or even secede.

Dooyeweerd argued that the spheres are not, in the first place, human agreements at all. They are structural features of God's creation itself. Though I am no Dooyeweerd expert, I understand him as having identified a series of distinct modal aspects of reality, being the economic, the juridical, the ethical, the social, and others, each governed by its own creational law. The boundaries between spheres are therefore absolute because they express the way God has ordered the world.

The state operates in the juridical sphere of public justice; a business operates in the economic sphere; a church in the sphere of faith. The state cannot run a church or a business, not merely because it would be unwise or unjust, but because it lacks the *structural competence* to do so.

This leads to a further contrast in how authority is understood.

Althusius located ultimate political sovereignty in the people organised as a body of associations. Power is still shared up and down a hierarchy: the state is a supreme magistrate that holds real governing authority, yet that authority is strictly limited by the rights of the smaller circles that formed it.

Dooyeweerd spoke instead of “mutual modal irreducibility”, or what may be called “sovereign incompetence”. One sphere cannot be reduced to, or be governed by, another. The state does not grant the family its rights, nor does it share power with the family. The state is simply incompetent in family matters.

Its legitimate task is that of a public referee: it steps in only when one sphere attempts to trample another – when, for example, an economic actor endangers the safety of a household, or when a church seeks to exercise coercion.

In this way Dooyeweerd radicalised the federal insight Althusius had begun: the unity of the larger polity is secured not by subordinating the distinct communities to a higher sovereign will, but by recognising that each possesses an original, non-derived authority that the state may neither absorb nor abolish.

We return now to the history of federalism in South Africa, still paused in Natal.

Inkatha and Zulu federalism

It was again in Natal that federalism took on its new form.

From the 1970s, the rise of the Inkatha movement, led by Prince Mangosuthu Buthelezi, took on a Zulu character.

In 1975 Buthelezi, already Chief Minister of the KwaZulu homeland, revived the earlier Inkatha movement as *Inkatha yeNkululeko yeSizwe*, a cultural and political organisation that rapidly became the dominant force among Zulu speakers. Buthelezi refused the so-called “independence” that Pretoria offered the homelands; instead insisting that KwaZulu and Natal form a single geographic and historical unit whose artificial division should be overcome

inside a larger South African federation.

Inkatha and Buthelezi framed federalism as a vital framework for preserving regional autonomy, cultural identity, and pluralism against the centralising imperatives of both the Apartheid state and unitarist liberation movements that had been infiltrated by international communism.

For Buthelezi, regional autonomy was not a stepping-stone to secession, but the means by which the Zulu people, and other communities in the province, could secure self-government without dissolving into a single “South African nation”.

That vision was given institutional form in the early 1980s. The Buthelezi Commission, appointed by the KwaZulu Legislative Assembly and reporting in 1982, recommended that Natal and KwaZulu be treated as one region within South Africa, governed along consociational lines.

The practical sequel was the KwaZulu-Natal Indaba of 1986, the same year Pretoria abolished the provincial councils and centralised even more. The Indaba brought together representatives of the major communities in the province and produced a draft constitutional scheme for a single, non-racial KwaZulu-Natal region with its own legislature, a consociational cabinet, and residual powers left to the centre.

For the first time since the National Convention, Natal – now joined by organised Zulu political power – again stood at the centre of a serious federal proposal.

Inkatha’s brand of federalism was ethnic in its base and regional in its ambition; it sought to protect Zulu cultural and political identity while offering a model of power-sharing that, its advocates hoped, could be scaled to the whole country.

When the transition began in 1990, Inkatha transformed itself into the Inkatha Freedom Party and carried the same federal demand into the multi-party negotiations. The IFP pressed for strong provincial powers, a separate provincial ballot, the renaming of the province as “KwaZulu-Natal”, and

constitutional recognition of traditional authority. Its threat to boycott the 1994 elections was resolved only at the last moment. The party went on to win a majority in the new KwaZulu-Natal legislature and entered the first Government of National Unity.

For several years the IFP governed the province, using its position to continue arguing for greater regional autonomy even as the current Constitution of 1996 settled for a more centralised form of federation.

The provincial authorities attempted to adopt a provincial constitution, which the central constitution permits, but in the estimation of the unitarists on the Constitutional Court bench, they went too far. The IFP's federalism, from then on, became muted, and today, regrettably, has disappeared.

The transition

A bit more needs to be said about the transition.

In the same year as the KZN Indaba, 1986, a different and more radical federal proposal entered the public debate and rapidly became the country's best-selling non-fiction work.

Frances Kendall and her husband, Leon Louw, published *South Africa: The Solution*, which advocated a Swiss-style canton system as the practical answer to South Africa's interlocking conflicts. They proposed that the country be divided into hundreds of small, largely self-governing cantons roughly corresponding to the then existing magisterial districts. Each would be free to choose its own economic and social arrangements within the limits of a colourblind bill of rights and a deliberately weak central government responsible only for defence, foreign affairs, and a few other residual functions.

The central insight was that the struggle for control of a powerful central state was itself the problem. The solution was to make that state so limited that the question of who controlled it ceased to be existential.

The book sold tens of thousands of copies, received endorsements from

figures as diverse as Buthelezi, Alan Paton, and even Winnie Mandela, and spawned a grassroots movement, Groundswell, to promote the idea.

Outside the National Party and the African National Congress, the proposal was taken seriously across a wide spectrum of liberal, business, and moderate opinion as a genuine release valve for South Africa's fears.

The Progressive Federal Party, and later its successor the Democratic Party, had by this time long argued for a geographic federation with universal franchise, a bill of rights, and institutional checks against simple majoritarianism. Business circles, English-speaking liberals and even some elements on the right explored variants of devolution, whether Swiss, Canadian, or more consociational.

When formal negotiations began after 1990, federalism was therefore already a viable option among several of the participating parties.

The Democratic Party and the IFP pressed for strong, constitutionally entrenched provincial powers. The National Party, late in the day, also adopted the language of federalism at its 1991 Bloemfontein Congress as a means of protecting minority interests.

The African National Congress, by contrast, remained consistently unitarist, viewing strong provinces as a potential obstacle to the so-called "transformation" it intended to direct from the centre.

Present

This brings us to the present.

The federalist propagation over our history, and particularly in the late 1980s and 1990s, did not amount to naught.

The current South African Constitution is a federal constitution in structure and design. The core authority of provincial and municipal units is not the subject of central discretion, but are constitutionally entrenched. The President cannot fire premiers, and premiers cannot even fire mayors. That

puts to bed any notion that South Africa is formally unitary.

Some thinkers have attempted to explain this with contrived notions such as "quasi-federation" or "hybrid unitarism", but unless we are prepared to describe Nigeria, Austria, or Russia by these names as well, South Africa is simply a federal republic.

It is true that the Constitution does not contain the word "federal". But the same is true for the United States Constitution, wherein "federal", "federation", or "federalism" makes no appearance. In fact, it utilises the term "union", which is nowadays taken to refer to a unitary state.

But I am slow to celebrate our formally federal dispensation, because it is indeed a *centralised* federation. In particular, it is fiscally centralised.

Furthermore, perhaps like in Nigeria and in Russia, the federalists among the constitutional drafters probably believed that merely writing a formally federal law would be sufficient to compel the governors to govern federally.

In reality, it turns out that committed unitarists and centralists will govern a federation as though it were a unitary state. That is why we should de-emphasise – but not abandon by any means – mere legal formality. In this respect, Professor Koos Malan's *There is No Supreme Constitution* is the instructive text to read.

In the title of today's lecture, I distinguish between federation and federalism because one can have federalism without federation and federation without federalism. That is the case in South Africa.

We have a formally federal Constitution that lacks the substance of federalism, and we have a vibrant and thriving grassroots community federalist reality brewing, without much of a federal form.

A month ago, the federalist Minister of Cooperative Governance and Traditional Affairs and the leader of the federalist IFP, put forward a local government white paper that significantly centralises power. The federalist Democratic Alliance is still camping outside Wachthuis in Pretoria waiting for

Firoz Cachalia to graciously give them detective powers a country away in Cape Town.

This is to say that the formally federal Constitution is dead-letter if political federalists are sleeping on the job or have had their attention diverted. Formal federalism is crucially important, but not a mechanism that is useful under present circumstances. Community federalism, on the other hand, is.

Community federalism

Across the country, organised communities are already exercising real authority in the spaces the central state has abandoned or never properly occupied.

The clearest and most systematic example is the work of the Solidarity Movement and AfriForum.

Under the motto, *Ons Sal Self*, the Movement has spent two decades building parallel and complementary institutions that do not seek Pretoria's permission to create order and flourishing.

AfriForum alone has established more than 175 neighbourhood and farm watches, developed emergency support and even private firefighting capacity, and runs initiatives ranging from refuse removal and disaster management to a private prosecution unit. The wider Movement encompasses a trade union, educational institutions such as Akademia and Sol-Tech, charitable institutions, media platforms, and other bodies that together serve hundreds of thousands of members.

There is nothing abstract about this. There are no textbooks on this federalism, at least not yet. This is the practical construction of resilient, self-reliant communities that take responsibility for safety, education, and basic services where the state has either withdrawn or attempted to conduct itself maliciously.

As the Movement's leadership have repeatedly emphasised, the future is not something that will be granted by any third party. Communities have to build

their future by organising themselves and taking up responsibilities at the lowest possible level.

But this is not unique to the Afrikaner nation.

The Jewish and Muslim communities in South Africa are also organised, maintaining their own dense networks of welfare, education, security, and mutual aid institutions. There is the Zionist Federation, the Jewish Board of Deputies, the Muslim Judicial Council, to name just the most prominent examples.

The same phenomenon appears in non-identity-based forms.

Residents' associations and ratepayers' bodies in suburbs and small towns repair roads, manage green spaces, and fund additional security. Business improvement districts and private companies install their own electricity generation, water storage, and logistics where municipal systems fail. Private security companies outnumber the police by a wide margin, and medical schemes, independent schools, and firm-level infrastructure investments fill gaps that the state leaves open.

Dr Frans Cronje has recently observed that South Africa is already evolving towards an "enclave society" in which practical authority is migrating from the centre to organised communities and enterprises. Community federalism, in short, is not a future project. It is the present reality of people who have stopped waiting and begun to govern the spaces that matter to them.

This past election will change very little of this factual matrix.

To some degree, one wishes it was as simple as mere voting: When one votes well, things get better, and one gets to focus on yourself and your own personal interests.

In many ways, this is a cheat code that Europeans have already cracked. With a fair bit of American geostrategic financing, they voted for total comfort and indeed received it. That already occurred generations ago.

Today, the European population is one without any responsibility, and that has had significant implications for the agency of that population. It has to some degree become the stereotypical perpetual child that must always be cared for and for whom no tiny measure of risk is in any way tolerable.

That is what a magic vote gets you – the end of responsibility.

Future

We have arrived at a moment in South Africa where we need to stop speaking euphemistically.

“Devolution”, “decentralisation”, these are important ideas that try to avoid the specificity of federalism.

Federalism is a rich concept pregnant with meaning. It implies consent and voluntarism, as Johannes Althusius reminds us, and our politics *is now* being renegotiated on that basis. But, perhaps most importantly – which is not necessarily the case with devolution or mere decentralisation – federalism presupposes *responsibility* just as much as it emphasises authority.

This is what the parties that today support federalism, like the DA or IFP, tend to completely miss.

These politicians believe that we cannot practice formal federalism in South Africa because municipalities are broke or corrupt, and they must first be helped out of that rut before we can give them authority. This misses the point of federalism.

Federalism means that a community *owns* its successes, but also owns its failures. They get to choose corruption and incompetence if they wish, but they then need to live with the consequences, and do not get to externalise those consequences to the commonwealth or to other communities.

But for as long as supposed federalist politicians are preoccupied with formal state structures and bailing out failing regions, we have no choice but to work together to practically build a dispensation with diffused and decentralised

authority.

Both Johannes Althusius and Herman Dooyeweerd focused on how to guard against both the extremes of what they thought of as atomistic individualism on the one hand, and collectivist absolutism on the other. Althusius arrived at his federal commonwealth, and Dooyeweerd at the sovereignty of social spheres.

These two streams, while distinct, cohere into what I have called Reformational federalism. This stands quite apart from what we might think of as modern or American federalism, which is the kind that the federalist politicians have in mind.

I do not wish to diminish American federalism, but it was and remains more concerned with deliberate constitutional design, whereas Reformational federalism is more interested in the bottom-up, emergent, grassroots construction of rightful authority.

I emphasise the importance of constitutional design – where the ideas of the likes of James Madison and the American founding generation become relevant – because there will come a time when the formal structures of politics catch up with the emerging reality of community federalism. At that time, one must take the opportunity to legally entrench and fortify the gains of federal decentralisation, rather than miss the opportunity.

Understanding formal federal models and how they might come to be incorporated into either the existing or a modified future South African constitutional law is therefore important. But that is not something one can rely on right now, because the federal reality is still being constructed in practice. The building has started, and getting started is always the most difficult step. But there is still much to build.

Afrikaner federalism

We have to briefly consider the *realpolitik* of community federalism.

South Africa has had both English and Zulu federalism. Today, it has Afrikaner

federalism.

AfriForum and the Solidarity Movement – as Afrikaner institutions – have been practicing federalism for a generation from within the Reformational federalist tradition. It is true to say that many, perhaps most, among previous generations of Afrikaners have been unitarists, but the tradition lives in the Afrikaner heritage and has been made real in recent history.

Federalism does not “belong” to any community, but one must acknowledge realities.

English federalism disappeared when the National Party co-opted the English population in the 1960s. Zulu federalism disappeared with the passing of Prince Buthelezi, without any of his protégés attempting to take it further.

Afrikaner federalism is new and it is thriving. That is sufficient to sustain the federal cause.

Many have wondered, hopelessly, how reformists could ever convince all or most South Africans to buy into principles such as freedom, free markets, or federalism. The reality is that we are not going to convince everyone, and we are not going to convince most people. Thankfully, we do not need to.

The future belongs to the builders, and if a small group builds alone, the future belongs to them alone. A majority is not necessary – only critical mass. And Afrikaners have it.

If only Afrikaners wish to build, Afrikaners are sufficient. If we assume that there are 2.8 million Afrikaners in South Africa today, then that alone is the population of Lithuania, and a greater population than Albania, Slovenia, Latvia, Bahrain, Kosovo, Estonia, Mauritius, Luxembourg, the Bahamas, Iceland, and dozens of other sovereign states.

Afrikaners have governed the whole of South Africa before, as a minority. There was much authoritarian and cruel about that episode, but Afrikaners did it, so one should pause before asserting that Afrikaners alone are insufficient to sustain a political cause.

Afrikaners have no more interest in governing anyone else as a minority. But it is clear that this community is also not going to allow anyone else to dictate that they must live in chaos. Afrikaners are sufficient, by ourselves, to create order for ourselves. That is the modern federal cause. Afrikaners do not wish to interfere in other people's business. But this community is now increasingly also displaying, in big, bold letters: "Commit no nuisance here."

Of course, it would make the job of emergent federalism significantly easier if those old, proud traditions of English and Zulu federalism could be revived, and new federalism cultivated amongst the many diverse communities of South Africa, as Afrikaners have had to cultivate a new federalism.

Many communities have in fact already accepted the outstretched hand of assistance offered by groups like AfriForum, through the good offices of Barend Uys.

One must understand, however, that that is not a necessary condition. The building is already underway. But it would be preferable.

We can build alone. We do not wish to, but we can. And if we must, then we will, and we may.

Conclusion

Ladies and gentlemen, for three decades, we have compared the theory of Transformationism and idealistic developmental statism to practical reality in South Africa. For two of those decades, AfriForum and the Solidarity Movement have rolled up their sleeves and started constructing an alternative – an alternative of rightful community authority that more adequately protects the liberty, flourishing, and future of the individual than any state institution here could hope to.

This is the wrong-ideology/right-ideology dichotomy of Burke in practice.

The AfriForum Institute for Federalism has been served with the data and evidence, and I look forward to us taking all of this and turning it into solid intellectual grounding for a federalist future.

N.P. van Wyk Louw writes that large political shifts must always first be "prepared for by intensive idea-circulation". We will rise to this occasion.

Thank you.