

## ABSTRACT

**Title: The state of secularism: Constituting Religion and Tradition towards a post-apartheid South Africa**

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**Abstract:**

This thesis studies the place of religion and tradition in South Africa's democratic constitution and its political public. It begins by developing an analytical framework for the study of political secularism, which it defines as a normative account of the place of religion in politics and society and a series of disciplinary interventions that secure that religion is put and kept in its place. The body of the thesis analyses the constitution of contemporary South African secularism through a close reading of the archive of the constitutional negotiations in the 1980s and 1990s. It argues that individual rights to religion and the rights of religious bodies to the freedom of religion were secured in the transition. The foundations of the democratic political order were grounded in secular normative principles. In addition to this liberal constitutionalism, the terms of nation-building introduced elements of a Christian civil religion. The thesis also addresses the recognition of traditional authorities and customary law within the constitution. In this it argues that the African National Congress (ANC) tried but failed to secularise the institution of traditional leadership. During the period of the negotiations the ANC was unable to differentiate state politics and custom, unable to separate traditional institutions from the state, and therefore unable to wrest its powers to the state. The final chapter addresses some of the ambivalences and contradictions inherent in the political and legal dispensations around religion and traditional authority since 1994.