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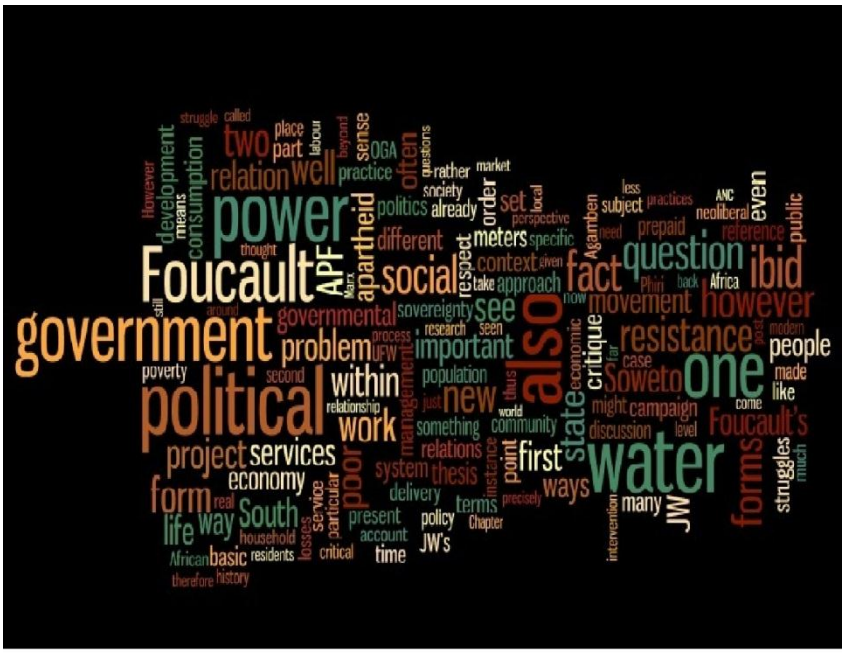
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The South African Diagram

The governmental machine and the struggles of the poor

Ahmed Veriava



A thesis submitted to the Faculty of Humanities, University of the Witwatersrand, Johannesburg, in fulfilment of the requirements for the degree of Doctor of Philosophy.

Johannesburg, January 2013

Abstract

The thesis focuses on the relations and complex interplay between forms of resistance and governmental practice. It takes as its starting point the questions, 'how do forms of resistance impact upon the government of the state?', and 'how does the government of the state impact upon forms of resistance?' In this respect, the thesis sets out the results of a research project that moves from a set of abstract theoretical statements and questions, to ever more concrete forms determining the character of contemporary political struggles. Methodologically it can be described as an 'extended' case study focused on the relation between social movement resistance and the restructuring of the delivery of water in Johannesburg. Following Burawoy in making theory an important support in intellectually grappling with different contexts, and a subject of our research in its own right, my approach to the questions this work takes up is underpinned by a reading of Foucault's work on power. Rather than standing as a static theoretical framework, however, the presentation of Foucault's approach to power becomes the site of reconstructions which draw on multiple sources in presenting a theoretical perspective on the relations between resistance and power in the state that is open to 'our' difference. At its most basic, then, this thesis presents a perspective on the restructuring of the delivery of water in Johannesburg, showing how it came to be shaped by 'a double movement between neoliberal governmentalisation and resistance'. However, if this implies the importance of understanding the development of state practices in relation to the forms of resistance it finds itself having to contend with, I also show that many of the pitfalls of contemporary social movement strategies and mobilisations come into view with an appreciation of this dynamic as well.

Declaration

I declare that this thesis is my own unaided work. It is submitted for the degree of Doctor of Philosophy in the University of the Witwatersrand, Johannesburg. It has not been submitted before for any other degree or examination in any other university.

Ahmed Veriava

_____

_____day of _____, 2013.

Dedication

This thesis is dedicated to my mother, Maymoona Veriava.

(Sorry it couldn't come sooner)

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Inspiration[1], as well as a lot of help, made this thesis possible. There are, in fact, far too many debts to be counted up, let alone settled, here. But, at the very least I should acknowledge:

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For their direct assistance, I want to thank Jabu Molobela who gave me my Soweto orientation and served as a research assistant during a 2006 project that helped inspire this thesis; Nicolas Dieltiens, who not only gave me tremendous (and undeserved) encouragement, but also helped check references for me; and Dale McKinley, who not only served as an influential collaborator in previous intellectual projects, but who also made his entire archive (of interviews and documents) available to me.

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Appendix 1: Questions from the Post-Apartheid Political Realm: a review of literature on select themes from social theory

List of Abbreviations

AbM – Abahlali baseMjondolo

AEC – Anti Eviction Campaign

AGM – Annual General Meeting

AIF - Anti iGoli Forum

APF – Anti Privatisation Forum

ANC – African National Congress

AsgiSA – Accelerated and Shared Growth Initiative for South Africa

BC – Black Consciousness

BEC – Branch Executive Committee

BIG – Basic Income Grant

CANSA – Campaign Against Neoliberalism in South Africa

CCF – Concern Citizens Forum

CCMA - Commission for Conciliation, Mediation and Arbitration

CCS – Centre for Civil Society

CoJ – City of Johannesburg

CODESA - The Convention for a Democratic South Africa

COSATU – Congress of South African Trade Unions

CST – Colonialism of a Special Type

DWAF /DWA – Department of Water Affairs and Forestry / Department of Water Affairs

DBSA – Development Bank of South Africa

DSM – Democratic Socialist Movement

EPWP – Expended Public Works Programme

FEDUSA – The Federation of Unions of South Africa

GEAR – Growth, Employment and Redistribution plan

GJMC - Greater Johannesburg Metropolitan Council

HSRC - Human Science Research Council

IWA - International Water Association

JMPD - Johannesburg Metropolitan Police Department

JW - Johannesburg Water

KCR – Katorus Concerned Residents

LRA - Labour Relations Act

MESHAWU - Municipal, Education, State, Health and Allied Workers Union

MIIF – Municipal Infrastructure Investment Framework

MSP – Municipal Services Project

NACTU – National Council of Trade Unions

NDR - National Democratic Revolution

NEDLAC – The National Economic Development and Labour Council

NEF – National Economic Forum

NEHAWU - The National Education, Health and Allied Workers' Union

NGP – New Growth Path

NMC – National Manpower Commission

NRW – Non Revenue Water

OGA – Operation Gcin'amanzi

OWCC – Orange Farm Water Crisis Committee

PCR - Phiri Concerned Residents Committee

PGA - Post Graduate Association

PPWM - pre-paid water meters

SACP – South African Communist Party

SALGA – The South African Local Government Association

SANCO – South African National Civics Organisation

SASCO – South African Student's Congress

SASPU - South African Students Press Union

SCA - Soweto Civic Association

SECC – Soweto Electricity Crisis Committee

SG – Socialist Group

SMU - Social Movements United

SMI – Social Movements Indaba

SMME – Small and Medium and Micro Enterprise

SPD – Soweto People's Delegation

SPOT – Strategic Perspective on Transformation

SRC – Students Representative Council

TAC – Treatment Action Campaign

TIPS – Trade and Industrial Policy Strategies

UFW/UAW – Unaccounted for Water

UMA – University Management Associates

VAT – Value Added Tax

WCAR - World Conference Against Racism

WCC – Wits Crisis Committee

WRC - Water Research Commission

WSF - World Social Forum

WSSD -World Summit on Sustainable Development

"Walking we ask questions."

Zapatista saying

"Only thoughts reached by walking have value."

Nietzsche

Introduction

Officially the amount of 'free water' available to 'the most indigent' households in Johannesburg has been progressively increased since the apartheid era. Where once they got nothing, today qualifying households signed onto the City's indigent register can claim up to 15kl of water per month for free, in addition to other services and concessions. On the face of it then, alongside the City's progress in extending services to the poor, it is developing systems for ensuring that access to these services stays open – even to the poorest of the poor.

From this perspective, the Johannesburg case represents a working model for the 'progressive realisation' of 'the right to water', a 'diagram' for giving practical expression to the more abstract constitutional imperative pertaining to socio-economic rights. This was the message of the Constitutional Court when, in a recent landmark judgment, it affirmed the 'reasonableness' of Johannesburg's developing framework and practical systems for 'ensuring' the poor's access to water by rejecting the appeal to declare Johannesburg Water's (JW) roll-out of prepaid water meters (PPWMs) in Soweto unconstitutional.

What this 'narrative of progress' leaves out, however, is an account of the forms of commodification these practical systems for the delivery of water to the poor are linked to, and the struggles that characterise their ongoing development. In its broadest terms, this thesis is about these practical systems, about the emerging configuration of life line allocations, indigent management strategies, management principles and new technologies that are being employed in 'ensuring' the poor's access to services in the city of Johannesburg.

There are potentially many ways of approaching this subject. In this thesis I draw attention to how the governmental apparatus both shapes and comes to be shaped by resistances that, in a sense, emerge internal to it.

Methodologically, then, the project can be described as an extended case study focused on the relation between social movement resistance and the restructuring of the delivery

of water in Johannesburg, and draws on (self-reflexive) ethnographic, archival and secondary research. Following Burawoy in making theory an important support in intellectually grappling with different contexts, and a subject of our research in its own right, my approach to the questions this work takes up is underpinned by a reading of Foucault's account of "the strictly relational character of power" (see Foucault 1990a: 95). Rather than standing as a static theoretical framework, however, the presentation of Foucault's approach to power becomes the site of reconstructions which draw on multiple sources in presenting a theoretical perspective on the relations between resistance and power in the state that is open to 'our' difference…

Although summaries are never adequate, the most concise description of the work is that it presents a perspective on the restructuring of the delivery of water in Johannesburg, showing how it came to be shaped by 'a double movement between neoliberal governmentalisation and resistance'.

The invocation of the phrase 'double movement' of course recalls Karl Polanyi's thesis that the relative commodification of labour, land (treated as nature in general by Polanyians) and money should be understood on the basis of two counter-posed movements – the movement of the market (underlying the commodification of land (or nature), labour and money) whose lack of inherent limits threatens society, and the movement of society that erects structures and institutions for its protection (from the "deleterious" consequences of the first movement[2])(1946).

In a representation inspired by Polanyi's thesis, Michael Burawoy sets out the schema of this 'double movement' over the last 200 years, and speculates on what might again stem the tide of "marketisation" in the future.

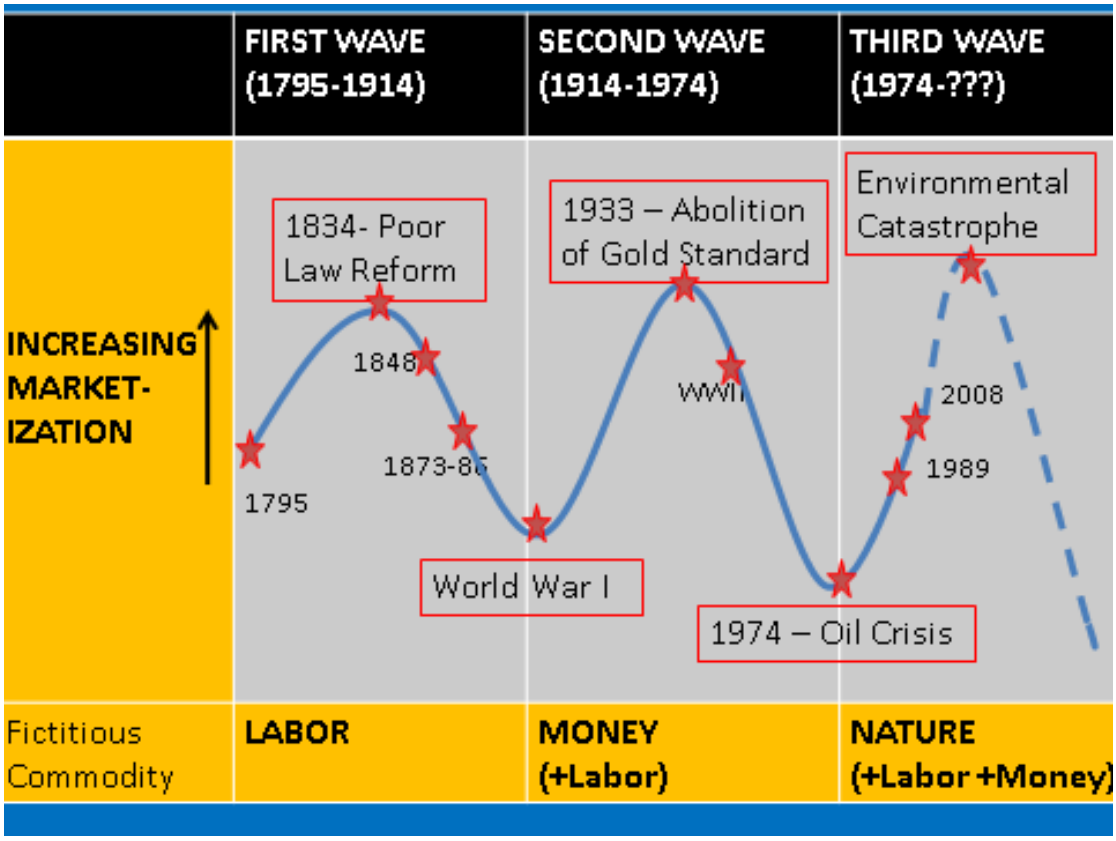


Figure 1: Double movement slide (Burawoy 2010; personal communication)

When I first encountered this representation during a power point presentation Burawoy made as part of a series of seminars and discussions on Polanyi, I was intrigued. The obviously schematic representation - more historical than mathematical – was merely an illustration. For me, however, it seemed to raise the question of how to think the gradient on that graph, which at any rate could not be just a simple steady incline or decline, and whose major coordinates were the 'big events' of modern political-economy. Nor could it be a case of a wholly pendulum-type motion, reaching a certain peak before swinging back in the opposite direction with an equal force.

In fact, while Polanyi opens up an interesting perspective on commodification, which underlined the importance of the governmental terrain in the unfolding of these movements determining it, from this perspective, we can neither grasp the full implications of such a double movement, nor the real forms of the counter-posed forces that determine it. To understand the double movement we needed to go beyond Polanyi to an analysis centered on the governmental terrain, and which is able to account for the

'immanence' of such processes, which often appear without visible subjects championing them.

Part of what characterises the extended case work undertaken in this thesis is an attempt to use the resources of Foucault's theorisation of modern power in thinking about this double movement.

Chapters and Dossiers

There are two levels of presentation of my argument in this thesis: chapters and dossiers. In the chapters I deal with the concrete contexts of a post-apartheid South Africa. The dossiers, by contrast, are purely theoretical investigations. There is a dynamic relation between these two levels that characterises the development of my argument, and in a very real sense the dossiers establish the potential for the forms of argument worked out in the chapters. This structure also represents something of real development of my ideas. For this reason the dossiers are often descriptive, working also as detailed reviews of aspects of Foucault's work, while subtly constructing a critique of it. However, a reader uninterested in these commentaries can skip over the first three dossiers without losing much more than details working in the background of arguments set out in this thesis.

There are six chapters and five dossiers.

Chapter 1 sets out the questions and methodological framework of my research. The first section of the chapter presents the specific problem that motivates this work, given as 'the paradoxical failures of social movement resistance to prepaid meters', which, while provoking shifts at the level of the City and JW's operations in Soweto (which came to include forms of surveillance and control), also encountered formidable obstacles and internal limits to sustaining and extending its campaign against prepaid meters.

Shifting from the question of resistance in Soweto to engagements with the theme of resistance in critical theory, I show how aspects of the questions flowing from the Soweto context are anticipated in contemporary debates centered on the work of Foucault. Through a selective reading of different statements by Foucault, I present a

perspective on 'the strictly relational character of power' (a perspective that I go onto to develop in more detail in the dossiers). This initial theoretical statement stands as a foothold in undertaking 'a bottom up' analysis of relations between resistance and power in the government of the state, an analysis guided by the double question:

A - How do forms of resistance impact upon the government of the state?
B – How does the government of the state impact upon forms of resistance?

The final section presents a discussion of, and motivation for, the extended case method as the methodological framework for my project, and sets out various components of the research that informs my argument.

Chapter 1 is followed by a *Dossier on Critique*. While the dossier is primarily a meta-theoretical appendix to the previous chapter's outline of my 'methodology' - as a discussion centered on the critical perspective of Marx and Foucault - it also introduces and clarifies my approach to two important theoretical statements which this project constantly refers back to.

The dossier begins by affirming that one of the key challenges of critique is defining a relationship to the 'constitutive political tasks' we face today. This is to say, critique might do well to articulate a relation to a positive, or rather, constitutive set of political processes.

Through an intersecting discussion of Marx and Foucault's respective approaches to critique (as the foundation of my own critical practice), I present the possibility of re-constructing a critical tradition able to grapple with the limits of our own political practices and indeed also of the political subjects that we are. This work is, however, grounded and renewed by being inserted within a dynamic relay between theory and politics, thought and action, as part of a wider process of collective democratic experimentation. Thus, along with the contradictions and limits that critique comes to focus on, this critical tradition also attempts to think the potential in the present for overcoming such (contradictions and limits), that is, it tries to think the potential for creating something new, and grounds itself 'politically' by articulating a productive relation to this potential.

Chapter 2 is titled 'Post-Apartheid Politics and the Emergence of New Social Movements', and is divided into two sections. The basic argument of the first section is that under Mbeki, the government-of-the-state clarified as a form of government-with-the-party. Understanding the ways in which this rebounds on 'politics', I argue, is crucial in coming to grips with many of the tensions and antagonisms that characterise the conflicts around the ruling party, and the anxieties they have inspired. Specifically, I show how the party and the political traditions it claims as its own, become increasingly important to a set of tactics for establishing and elaborating a set of limits (both within and outside the ANC alliance) to the form and contents of opposition to governmental practice. More generally, the section illustrates the importance of understanding the relationship between 'popular sovereignty' and 'government', and thus (re)affirms the status of this question as one of the overarching themes of the work as a whole.

Section 2 suggests that there is a relation between the previous section's discussion of nationalism and the contemporary political crisis within the ruling elite, the emergence of new social movements at the turn of the century, and the ways the latter helped 'ground' and 'extend' a popular critique of Mbeki era governmental approaches. Specifically, the chapter documents the emergence of the Anti-Privatisation Forum (APF) and its contribution to initiating a set of campaigns opposing 'government's neoliberal trajectory'. Reflecting both on the potential that many left militants came to see in this 'movement', and the very real limits this movement was already confronting with respect to its political agency in the political spaces of post-apartheid South Africa, the chapter tries to underline some of the forces shaping the formative political practices of the APF and other social movements. Linking (again) to the line of argument developed in the previous section, I argue that, in important respects, the APF emerged as a response to the limits to political autonomy and forms of subjectivity instituted within the ANC-led alliance, and in many ways, remained a product of those limits.

The chapter is followed by a *Dossier on (bio)Power,* which functions primarily to present discussion of Foucault's account of the immanent operation of modern power, highlighting how resistance figures within this account. Through a discussion of both Foucault's published writing and interviews, as well his more recently published courses,

the dossier presents a reading of Foucault's work on power that re-affirms Deleuze's observation that, (for Foucault) "the final word on power is that resistance comes first" (deepening and developing the perspective first set out in *Chapter 1*).

Although the latter is the overarching theme of the dossier, also flagged are some of the problems arising from Foucault's 'methodological precautions' with respect to the theme of sovereignty. Specifically, I argue that while Foucault's 'bottom up' analysis of modern power brings important resources to the present project, it remains important to be cautious with respect to the ambiguous status this analysis gives to the 'problem of sovereignty', which - given the place of this theme in the previous chapter - represents a problem we will have to confront. The final sections of the dossier turn to Agamben's book, *Homo Sacer*, briefly presenting aspects of his contribution to these debates.

Chapter 3 is one of the more important parts of this thesis, and is titled 'The Two Economies thesis and 'Government's' Shifting Tactical Approach'.

The chapter highlights the ways in which the subject of the poor enters and comes to animate the governmental terrain; a set of questions that I take up through a critical discussion of Mbeki's two economies thesis, and the debates around it. It is in fact in this chapter that the different lines of research collected in this thesis begin to be brought together, and where I present – in compressed, summary form – the basic tenets of the argument put forward by this work.

Among the crucial threads introduced in this chapter is its illustration of a real ambivalence in the attitude of elites to the poor, which is reflected not only in the ways the poor come to be seen as '*a* part' of the nation, but also in governmental approaches targeted at the poor. In this respect, the chapter presents a brief 'introduction' to 'state' attitudes and approaches to poverty and the poor in post-apartheid South Africa.

With respect to the two economies thesis, the broad thrust of my argument is that it sought to 'recode neoliberal rationality for the progressive will of the nationalist imaginary'. Here, I make a distinction between, on the one hand, the specific development of the conception through a set of statements, and, on the other, the emergence of governmental practices targeting the poor, as well and the specific

'governmental' challenges they sought to overcome. This allows me to read the articulation of the two economies divide as it came to function at two poles - popular sovereignty and government.

With respect to the former, I suggest that, at this pole, the thesis worked primarily as 'a way of imagining the nation and the people, a narrative that models a grammar to reconcile the nationalist ideal of progress with the growing material inequities in the national population'. At the second pole, the introduction of the thesis marked a movement towards a national institutional framework for the management of an 'indigent' population, or 'underclass' - albeit a movement of clumsy, uneven, and heuristic steps that unfolds through the extension, development and alignment of different governmental tactics. Drawing on Hayek, I also show how this developing framework resonates with neoliberal approaches to questions of 'social security' and 'the poor'.

The chapter shows that, trajectories at both poles came to be shaped by the resistance of the poor - whether in the form of explicit mobilisations and collective campaigns, or individual acts of refusal and subversion. And where, on the one hand, the public articulation of the thesis can be seen as a response to the political challenges posed by a popular critique of governmental policies, on the other, the actual governmental initiatives and frameworks with which the thesis came to be associated are shown to have been shaped by a dynamic interplay between governmental practices and diverse forms of resistance. Moving from the perspective emerging in the dossiers, I draw on Polanyi to argue that contemporary governmental frameworks targeted at the poor have come to be shaped by a double movement between neoliberal governmentalisation and the resistance of the poor.

Building on the questions emerging from *Chapter 3*, in the *Dossier on Government and Sovereignty,* I present a perspective on what Agamben has recently called the 'bio-polar governmental machine', focusing on the relation between government and sovereignty. The dossier is divided into two sections. In the first, I present an outline of Foucault's genealogy of government, and illustrate the important place the concept of governmentality comes to assume in the development of Foucault's approach to modern power and the 'question of the state'. Building on the account set out in the previous

dossier, the section attempts to highlight some of the analytic blind-spots of Foucault's account of the relation between government and sovereignty, which I argue has implications for the genealogy of government that his lectures present.

The second section focuses on the work of Gorgio Agamben. Although the most important aspect of the discussion in this section is its sketch of Agamben's more recent turn to theme of *oikonomia*, and the diagram his work offers of a 'bio-polar governmental machine', this thread is developed through a broader engagement with Agamben's *Homo Sacer* Project.

Chapter 4 is called 'The Capacity for Government'. The central aim of the chapter is to engage the history of the restructuring of the delivery of basic services. However, rather than simply the history of successive policies, what I am most interested in are the relations and interplay between governmental practices and forms of resistance, which I try to bring out more clearly here.

The first section shifts focus to the late apartheid era, specifically the crisis of local government in townships and its relationship to the rent boycotts. After setting out my orientation to 'apartheid biopolitics', I turn to Soweto, showing how deeply connected social questions of housing and services had become to a wider political opposition to the apartheid state. From this perspective, I discuss the forces that led to the rent boycotts, and successive official responses to it.

The second section focuses on the post-apartheid era. On the one hand, the section attempts to illustrate how, often under the sign of 'adopting best international practice', neoliberal rationality came to shape trajectories for the restructuring of the delivery of basic services. On the other hand, I show how a range of institutional and political factors determined how these actual processes unfolded in the concrete, underlining the profound importance of the resistance of the poor in this account. The critical importance of this section is that it develops and substantiates the thesis presented in the previous section of 'a double movement between neoliberal governmentalisation and resistance'.

I also return to the APF and its Soweto affiliate, the Soweto Electricity Crisis Committee (SECC), showing how their political practices came to be affected in different ways within this double movement.

In a *Dossier on Fire and Water* I begin to draw together some of the lines of theoretical inquiry suggested in previous sections. Linking the broader thread running through the thesis which underlines the emptiness of the landscape of citizenship for the poor, to the previous section's discussion of neoliberal rationality in the delivery of basic services, the first section of this dossier points to the important place of access to energy and water for any form of life in the city, as the presupposition of an 'original' conception of citizenship. Simply set out, the dossier shows how in ancient Roman law, the removal of citizenship was technically effected through the denial of the banned individual access to fire and water (using indirect means).

In the latter sections of the dossier I try to show the development of one area of the theoretical threads that have underpinned my analysis, specifically my approach to recent returns to Marx's concept of 'primitive accumulation' and Foucault's concept of governmentality.

Chapter 5, titled 'Containing the Poor', begins by setting out the ambiguous contemporary status of JW's Operation Gcin'amanzi (OGA) – both 'a success story' and a failure (politically and practically). Moreover the debate over OGA has in fact obscured many aspects of the project – perhaps none more so than the problem of Unaccounted for Water (UFW) as the ostensible motivation for undertaking an intervention in Soweto.

The first section of this chapter therefore focuses on this question, highlighting both the inconsistencies in JW's account of the problem of UFW, while at the same time attempting to formulate a more nuanced perspective on Soweto's pre-OGA water infrastructure problems, and actual consumption in Soweto.

Section two builds on this discussion by looking at the development of auditing practices in the delivery of water, as an entry point into a discussion of the rationality that informs the management of water delivery networks. I show how shifts in the auditing practices of managers relate to a wider shift in the systems for the management of water resources.

Moreover these shifts relate back to the adoption of specific tactics for 'optimising' water delivery networks, and the relations between the different elements it comprises. I show, however, that the notion of 'optimisation' at work here, rather than ideologically neutral, is articulated with different approaches for governing the poor that speak to the micro-physics of neoliberalism in the water sector.

The chapter is followed by a short *Dossier on the Diagram and the Apparatus,* which clarifies the outcome of my (unfaithful) appropriation of Deleuze and Foucault's respective usage of the terms, 'diagram' and 'apparatus' (*dispostif*) in thinking about the development of practical systems for directing conduct.

Chapter 6 is called 'Water Warriors, the Apparatus and the Everyday'. It is divided into two sections. Section one focuses on the OGA 'prototype' project in Phiri, pointing out that it was not a prototype or pilot that sought to assess the feasibility of an intervention, but instead worked as a strategy to test and develop approaches to the technical and political challenges presented by the Soweto context. I go on to show how the intervention in Phiri helped articulate a model of intervention that was subsequently rolled out in other districts of Soweto (called superblocks by the project). In line with the broader emphasis of my research, I show how the project developed specific methods for dealing with resistance in Phiri, which shaped its strategic approach to the community of Soweto. There are in fact two protagonists in this section, whose interaction and respective transformations I try to understand; OGA and the campaign against it.

Section two focuses on the response of everyday practice to regimes introduced with the project, and takes us into the present and recent attempts at reestablishing the project under a new name in Soweto. With respect to the everyday, I highlight the ways the project helped inspire anomie, and productive solidarities and forms of community.

The concluding section of the thesis begins by giving a summary of the key arguments developed in this work as a whole, and sets out the future lines of research that it suggests.

Chapter 1: Problematic - Questions – Methods

The first step towards liberation is, in a way, the awareness of defeat.

-Slavoj Žižek[3]

1.1. Problematic: Moving from the Question of Resistance to the Question of Escape (Or the intellectual becoming militant)

1.1.1. At the end, beginning again

In 2002 a newly formed Johannesburg Water (JW) initiated a pilot project in Orange Farm, a township 45km south of the Johannesburg city centre. It was called 'Operation Gcin'amanzi' (OGA)[4]. And from the very start it provoked resistance.

In Orange Farm, much of this resistance came from the 'Orange Farm Water Crisis Committee' (OWCC), an affiliate of the Anti-Privatisation Forum (APF) (an organisation formed just two years earlier). Although members of the OWCC registered a number of complaints against the new project, the one that increasingly came to stand at the centre of its campaign was the decision to introduce pre-paid water meters (PPWM) in the area (Mokolo. R, interview, 15/07/2004). But, when the project didn't progress beyond a single neighbourhood of the sprawling township, the OWCC declared a victory, believing that the campaign mounted – consisting in the main in mass meetings, marches, and confrontations with local government and JW officials – had dissuaded JW of the advantages of extending the project (ibid). The opposite turned out to be closer to the truth, and a year later a new iteration of the project started up in Soweto.

2002 was certainly a time of great political optimism for APF activists. Although there were few official victories the organisation could point to, it had already forced important concessions from state agencies. Just a year earlier, Eskom had written off the electricity payment arrears of indebted Sowetans. Although the actual write-off agreement had been negotiated with the South African National Civics Association (SANCO), it was widely accepted that the pressure placed on Eskom by the Soweto Electricity Crisis Committee's (SECC's) 'Operation Khanyisa' (whose central tactic was the illegal

reconnection of residents whose electricity had been cut for non-payment) was the real catalyst in the writing off of arrears (see *Chapter 4*).

Even beyond Johannesburg and the struggles of these community movements organised around the APF, the star of 'new social movements' seemed to be rising in the crowded sky of the political realm. The showing of a new crop of social movements, and, it should be said also, their representation, at the 2001 march at the World Conference Against Racism (WCAR), brought with it the promise of a new political force on the left, and the potential for establishing - on the ground of these 'community struggles' - a new beginning for a militant politics, set apart from the ANC-led alliance and forged in direct opposition to 'the neoliberal policies adopted by government[5]'. This potential seemed to realise itself the following year, when the APF marched with other social movements under the banner of the Social Movements United (SMU) at the World Summit on Sustainable Development (WSSD), trumping the official 'Civil Society march' organised by political forces sympathetic to the ANC[6]. When, at the end of the march, John Appolis (then chairperson of the APF) announced 'the arrival of a new movement' in South Africa (Indymedia footage, 31 August 2002), he therefore expressed the perception of many observers and activists alike. Earlier that year, in fact, Ashwin Desai's widely acclaimed book on post-apartheid community struggles had already given a name to the subject of this movement: 'the poors' (Desai 2002).

Like many stories this one gets more complex the deeper you go. And in years to come, understanding this complexity became increasingly urgent for this 'movement' itself. But in 2002, riding a wave of sympathy and popular support, its activists were able to confront their critics and opponents with a sense of confidence won on the street. For the community groups organised in the APF, the infectious political optimism of a collective subject discovering its own power translated into militant affirmations of their local struggles as well as a widening of their constitutive political claims. If it is clear that this political optimism shaped the OWCC's perception of its victory, it also characterised the militant energy with which activists attacked the project a year later. A 2004 essay by Trevor Ngwane and Ahmed Veriava expresses something of the mood of the campaign that was starting up in Soweto:

> In a community meeting it was decided that the workers laying pipes would be approached and asked to stop work, and if they refused people would physically block them from moving on. The next day…Phiri erupted. Metro Police, the South African Police Service and private security were called in to ensure the installation of the meters and disperse toyi-toying protests. By the end of the day, five residents had been arrested including…the SECC organiser. Later, many residents returned with all manner of tools and digging equipment. People formed their own 'chain gangs' and set about digging up the ground, still loose from the work applied to it earlier that day. At the first skin of the pipe, a flood of excitement and song rushed through the packed streets. People clutched at exposed parts and in mighty collective heaves ripped the pipe from the earth. The whole community came out to witness the orgy of living labour…there was no master strategist or leader, just insurgents with destroy the meter on their lips moving to the next section of pipe. (Ngwane and Veriava 2004: 135-136).

In 2004, nothing was yet certain; 'things' could have still gone either way. Although it remained unmoved in its determination to roll-out prepaid water meters (PPWM), Johannesburg Water (JW) had already suffered a number of setbacks as a consequence of the campaign on the streets of Soweto. Moreover, the everyday operation of the project, both in its 'technical' and 'social' interventions, was having to be radically readjusted in order to address the context taking shape in the wake of resistance to PPWMs[7]. However, already then it was becoming clear to activists in the APF that, although their campaign had made JW's ambitions significantly more difficult to realise, it was still far from registering any kind of definitive victory. And, while new waves of resistance seemed to constantly emerge, virtually in tandem with JW's entry into new areas of Soweto, the project was proving tremendously flexible in making adjustments to 'get around' resistance. At the same time, the internal limits of the campaign were beginning to show; divisions amongst different quarters hardened, repression and its costs were forcing a rethinking of tactics, while levels of mobilisation were proving increasingly difficult to maintain[8].

One of the things that is striking in the Ngwane-Veriava essay that I quote above, especially when read from the present, is the special significance the authors (who present themselves from the start as participants in the events they describe) give to this

struggle against the introduction of PPWM in Soweto for the development of social movement politics in post-apartheid South Africa. Indeed, in that account, the movements that are the protagonists of the story – that is, the APF, the SECC and the Phiri Concerned Residents' Committee (PCR) – emerge out of the failure of the traditional organs of the liberation movement to act as meaningful vehicles for furthering people's struggles 'today'; struggles presented there in ways that suggest their continuity with the struggles of the 'past' (that is, struggles against the forms of domination that characterised the apartheid era). This sense of potential, of the possibility of (re-)building something of greater political significance than what was immediately at stake in a set of very particular struggles, was one that was often shared by activists working in the new crop of movements that emerged after 2000[9]. From such a perspective, what happened on the streets of Soweto, the success or pitfalls of the tactics that emerged there, and how it all turned out in the end, take on a meaning and significance for a wider political imagination.

Confronting some of the limits of the campaign in Soweto, in 2004 Ngwane and Veriava predicted that its future would unfold across two emergent poles (seemingly at odds with one another): a newly cultivated ability to (illegally) bypass meters, and the possibility of launching a (legal) challenge to the constitutionality of new technology and the city's broader framework for the delivery of water to the poor. The prediction turned out to be correct, but in a way that contradicted the hopeful optimism of the essay. For while many people did bypass their meters, this was not, or at least not initially, on a scale to make the project completely unviable, or to dissuade a punitive response to the act. The latter was in fact one of the reasons 'bypassing' often found itself being depoliticised, becoming a clandestine and thus 'private' form of resistance. At the second pole, things didn't develop any better. Although a 2006 ruling by the high court delivered a victory to the campaign when it declared PPWM unconstitutional, this only suspended the further roll-out of the project pending JW's and the City's appeal of the judgement. In 2009, when the Constitutional Court finally ruled on the matter, completely overturning the High Court's decision – which had already been significantly whittled down in the Supreme Court – it appeared to announce the end of an almost decade long struggle, and with it the failure of resistance to the usage of PPWMs in Soweto.

It should be said, however, that this failure remains deeply ironic and paradoxical. Political resistance failed in Soweto, but without anything like a victory for the forces it opposed. As work on the project ground to a halt in the interregnum between the first court judgment, and the Constitutional Court's ruling in favour of JW, Soweto responded by bypassing the meters[10]. One of the challenges JW therefore faced (along with rehabilitating its reputation), was how to rehabilitate this growing section of water users.

At the end, the project that first emerged in 2002 in Orange Farm looks very different to what it did then. PPWMs remain, but supported today by a whole series of institutional (and even technological) concessions and adjustments, many of which (in one way or another) owe their place to resistance, and responses to it. Even the name of the project – Operation Gcin'amanzi – today seems to have been rendered impossible, a fact that has forced a rebranding of JW's operation (ironically borrowing one of its key tropes from the campaign against PPWM[11]). As I show in this thesis, resistance forced change (for instance in relation to the City's free basic water allocation and indigent management framework, as well as at the level of JW's practical operations and the ways in which meters are introduced). And in some respects such change might be read as working to ensure that poor households have greater security and, at least formally, are afforded more respect with regard to their constitutional rights. Equally, however, I argue in this thesis that many of the same, seemingly, benevolent measures introduced, have also deepened and clarified new forms of subjection and control.

In many ways this story, of the failures and paradoxes of the struggle against PPWM in Soweto, mirrors that of the APF more broadly, as well as a number of other 'new social movements' in post-apartheid South Africa. For while the appearance of such movements a decade ago was often greeted with "giddy" expectation (Marais 2011), today many have disappeared, which, for the APF, followed a protracted phase of decline, characterised externally by a 'lull in political struggles' and, internally by factional strife and corruption. And, as I argue in this thesis, while the struggles of the poor have fundamentally and irreparably shifted governmental practices and policies, not only have such shifts been double edged, but its political struggles have often anticipated the rationalities of governmental frameworks, moving towards a politics centered on *making visible* subjects (in need) of governmental intervention, or becoming drawn into

depoliticising institutional frameworks that often set sections of poor communities against each other. Even if such positions can be shown to be a consequence of the very terrains such struggles have unfolded on, or even when we recognise these are but aspects, one side of a longer story, it might still be said that even the APF was, in a manner integrated into and even reflective of the post-apartheid political order. In the end the subject of this movement remained a national subject, figured in relation to a historical wrong, and with shifting entitlements, constantly re-negotiated within the power relations that characterise post-apartheid governmentality. Is this the form of *our* failure?

As Alain Badiou (borrowing from Mao) recently reminded, however, our failures are not the same as theirs: "[t]he logic of reactionaries the world over is [to] make trouble, fail, make trouble again," but the logic of the people is "fight, fail, fail again, fight again, till their victory" (Badiou 2010: 7). At the end then, our question is how might we begin again? And not the same…

1.1.2. Impositions: The Question of Resistance and Subjectivity

Paradox, like failure, is not at all uncommon in politics. The contrary. The paradox outlined in relation to Soweto is merely the form of failure for a wide range of political struggles today. To be sure, not even what counts as political victories are spared such paradoxes. Even 'the people's victory over apartheid', extolled in countless popular narratives and official statements, *at the end*, can be shown to have made its own 'pragmatic pact with power'. Whether in Patrick Bond's estimation that South Africa's transition to democracy finds its limits with our passing from 'race apartheid' to 'class apartheid' (Bond 2003), or even the South African Communist Party's (SACP's) perception of a departure from the 'National Democratic Revolution' (NDR) in the form of 'the 1996 class project' (Nzimande 2006), it is the paradoxical articulations between resistance and power, between the (narrated) political demands and constitutive claims of 'the struggle', and the form of their inscription in the state, that such (counter) narratives tend to centre on. If we refuse the simplistic reductionism of the 'sell out thesis', as well as the disabling and ideologically thick resignation of TINA (there is no alternative), what should we make of such paradoxes? A soft statement of the 'law of revolution', as if every resistance is merely the herald of its eventual recuperation, just as every revolution

has to already anticipate its inevitable Thermidor? Even where we cast the problem in less dramatic terms – which, in any case, are those of the ideologists of the right, and who would have us believe that "to want something better, is to want something worse"[12] – a question still *imposes*: what use is there in resistance apart from power's *own* principle of mutation and development?

The formulation of this question, which by way of a kind of analytic shorthand I will call 'the question of resistance'[13], borrows something from the title of a short essay by Michel Foucault: 'Useless to Revolt?'[14]. This is strategic as much as it is a sign of intellectual appreciation, since it is often in relation to the work of Foucault that contemporary critical theory confronts these kinds of paradoxes (whether as a useful (albeit imperfect) guide in thinking through such questions – in the work of Judith Butler and Wendy Brown for instance – or as a counterpoint of a polemical intervention – as in the work of Slavoj Žižek). Moreover, Foucault's work on power and the subject play an important role in this thesis, and along with traditions of Marxist thought, figures as the preliminary theoretical ground for the extended case work presented here; a surface for thinking through the theoretical questions I grapple with, as well as the place for a critical renewal of the assumptions this work moves from (see section on method below).

With respect to this question, however, there is still something unsettled, if not also unsettling, in Foucault's response; both in the essay that acts as the inspiration for my formulation of the question of resistance, as well as in his wider work. It might well be objected that this impression only shows how little I know of Foucault, that this question, my question, was not his. Apart from the minor statement of the 1979 essay, 'Useless to Revolt?', which focused on events surrounding the Iranian revolution, *this* question of resistance does not really appear in a meaningful way in Foucault, let alone act as a point of reference for sustained reflection. It is therefore right that it should be unsettled; it was never his point to answer it.

It is true that Foucault would have refused the terms of the question, directing us instead to the productive character of the 'agonistic' relations between resistance and power, or, as in the 'Useless to Revolt?' essay, the becoming of a subject. This is, however, still 'the intellectual's response', and leaves the question of political action unanswered. That is, what, or even which, forms of action might be effective in the struggles of oppressed and

exploited subjects today? But what if we were to read Foucault as a militant or political strategist? What "tactical pointers" for today's political struggles does she find there? And if it is correct that she should leave behind the question of resistance, what new questions follow with her departure?

By way of a few preliminary notes in this regard, it is worth noting that while it does not appear in the same terms, the question that the 1979 essay speaks to is one that lurks in Foucault's writing; certainly in the anxieties of our hypothetical reader, but also in the statement of the text. In the 'Method' chapter of the first volume of his *History of Sexuality* (which was published three years earlier), and in which Foucault presents his working hypothesis on the 'strictly relational character of power', 'the question of resistance', is figured, at least rhetorically, in relation to a plot that draws into itself, reason, history and power:

> Where there is power, there is resistance, and yet, or rather consequently, this resistance is never in a position of exteriority in relation to power. Should it be said that one is always "inside" power, there is no "escaping" it, there is no absolute outside where it is concerned because one is subject to the law in any case? Or that history being the ruse of reason, power is the ruse of history, always emerging the winner? This would be to misunderstand the strictly relational character of power relationships (Foucault 1990a [1976]: 95).

There are a number of questions about how we should read this passage. Is the question posed wrongheaded by virtue of the fact that, power being "strictly relational", any attempt to give either pole priority would be to misunderstand this fundamental characteristic? Indeed, this *is* how Foucault has been read. Is there not, however, something else here that we're being coaxed to ask? Could it be, for instance, that here it is the 'strictly relational character of power', that is, the very form of immanence of resistance to power, which is the reason for something other than power 'always emerging the winner'? (And if it is a mistake to pose the relationship between history and power (and reason) in these terms, is there still reason to raise the question of history at all?)

Before turning to the 'Useless to Revolt?' essay, and indeed, to clarify what I see at stake there, I want to pause on an important line of critique with respect to Foucault's treatment of the theme of resistance; that of Slavoj Žižek. To be sure, in Žižek one encounters at least three Foucaults, corresponding to various moments in the career of the philosopher (so there is the Foucault of *Madness and Civilisation*, The Foucault of *Discipline and Punish* and the *History of Sexuality Vol 1*, and then finally, Foucault of the final two volumes of the *History of Sexuality*). My interest here is really Žižek's critique of a middle Foucault, which he develops in his treatise, *The Ticklish Subject*. Žižek's problem with this Foucault is a theoretical one. However, this is a very special sort of theoretical problem in so far as what is crucial is theory's political effects. For precisely what Žižek takes issue with is the way in which "the insufficiency of Foucault's theoretical edifice" (and in spite of later attempts at reworking it), arrests the possibility of establishing a grounding for an "*effective resistance"*. At the centre of his critique in *The Ticklish Subject*, is therefore a critique of Foucault's account of the strictly relational character of power (with its subjective effects and determinations).

In Žižek's reading of (this) Foucault, two points are essential. Firstly, to the extent that "power and resistance (counter-power) presuppose and generate each other" (Žižek 2008: 296), the measures deployed to discipline and regulate "illicit desires" and impulses are shown to be what "effectively generate[s] them". Leaving aside the slippage in the formulation from a mutual presupposition and generation of power and resistance, to the one sided shaping of resistance; the argument here is that resistance, as the very object of mechanisms of power, is paradoxically, already an effect of power. Secondly, and more crucially, the very subject who resists is herself produced by power:

> Power and Resistance are effectively caught in a deadly mutual embrace: there is no Power without Resistance (in order to function power needs an X which eludes its grasp); there is no Resistance without Power (power is already formative of the very kernel on behalf of which the oppressed subjects resist the hold of power) (ibid: 298).

Putting aside, for now, what Žižek see as the crucial missing piece in this account that allows his own theoretical edifice to open a way to resolving this problem, it is important to see how the question of resistance here comes to turn on the question of subjectivity,

and Foucault's insistence on power's 'productive' relation to the subject. The latter motif is in fact the point of departure for a number of important contemporary theoretical statements. Indeed, Žižek's critique of Foucault figures as the preface to a more sustained discussion of the work of Judith Butler, whose book, *The Psychic Life of Power,* is located exactly within this problematic:

> We are used to thinking of power as what presses on the subject from the outside, as what subordinates, sets underneath, and relegates to a lower order. This is surely a fair description of part of what power does. But if, following Foucault, we understand power as forming the subject as well, as providing the very conditions of its existence and the trajectory of its desire, then power is not simply what we oppose but also, in a strong sense, what we depend on for our existence and what we harbour and preserve in the being that we are. The customary model for understanding this process goes as follows: power imposes itself on us, and, weakened by its force, we come to internalize or accept its terms. What such an account fails to note, however, is that the "we" who accept such terms are fundamentally dependent on those terms for "our" existence. Are there not discursive conditions of the articulation of any "we"? Subjection consists precisely in this fundamental dependency on a discourse we never chose but that, paradoxically, initiates and sustains our agency (Butler 1997: 2).

The paradoxes of subjection[15] or even of processes of 'subjectification', is also an important theme in the work of Wendy Brown. In fact, a recent book by Brown centres on many of the same concerns that motivate this theoretical diversion, and grapples with the ways in which various political positions come to redraw the terms and "effects of power" that such positions were constituted in opposition to. And, as in Butler, Foucault's work provides the initial point of inspiration for a critical inquiry centring on the paradoxical relations between resistance and power:

> Working heuristically from Foucault's relatively simple insight that political resistance is figured by and within rather than externally to regimes of power it contests, these essays examine ostensibly emancipatory or democratic political projects for the ways they problematically mirror the mechanisms and

> configurations of power of which they are an effect and which they purport to oppose. (Brown 1995: 5).

Not surprisingly then, one of the crucial starting points of these studies is power's formative relationship to the subject who resists. For instance, one of the persistent threads of Brown's book focuses on the ways in which various political strategies become grounded in forms of identity linked to particular historical wrongs and forms of injury, thereby reaffirming the very terms constitutive for particular forms of oppression and domination. More deeply, such studies help throw light on the ways in which "today's anti-democratic powers" work to produce forms of subjectivity wedded to states of unfreedom and domination. However, where for Brown and Butler the work of Foucault figures as a crucial point of reference and critical reflection, in Žižek the lasting *impulse* of Foucault's reflections on power (and its relationship to subjectivity) is a *disarming* one. In fact, it is "misguided", he argues, to think that in the first volume of *The History of Sexuality* Foucault allows for any means by which oppressed subjects might effectively "rearticulate-resignify-displace" the relations of power they are caught in, since "the whole point and strength of his forceful argumentation lies in his claim that resistances to power are generated by the very matrix they seem to oppose" (Žižek 2008: 299).

While my own reading of Foucault runs counter to Žižek's, I share something of the concern that motivates his critique: how might we found a resistance which is not already 'part of the game', which does not fall back on the recuperating logic of power, or redraw its essential terms? How can we make an "effective resistance"? Extending the lexicon for our analytic shorthand, I will call this 'the question of escape'[16]. However, for Žižek, it is precisely here that the Foucauldian 'theoretical edifice' meets an impasse with nowhere to go except to draw "the conclusion that resistance is co-opted in advance, that it cannot seriously undermine the system" (ibid: 303).

Things *stand* very differently, however, if we reverse this perspective, and follow along a different line of thought on Foucault. The problem with Žižek's reading (in spite of his characterisation of the relationship between 'Power and Resistance' as a "deadly mutual embrace") is that, ultimately, he reads power as what is primary. Perhaps, for Žižek, such a reading is also strategic. However, if we read not power, but, resistance as what comes

first, then 'the question of resistance', is far from being 'already closed from the *start*' in Foucault. As I discuss in more detail later in this thesis, one of the fundamental insights of Foucault's work is that power is in a sense always, and by definition, exercised over 'free subjects' (see, for instance, Foucault 1997 [1982]; see also Hardt and Negri 2009: 82). And it is this 'freedom' (in the specific and also more basic sense of Foucault's usage) - as potential for being otherwise - that stands as inaugural provocation in relations of power; in Foucault's words: "[a]t the very heart of the power relationship, and constantly provoking it, are the recalcitrance of the will and the intransigence of freedom" (Foucault 2002: 342). In this sense, as Hardt and Negri have recently pointed out, "freedom is prior to the exercise of power, and [the resistance of free subjects] is simply the effort to further, expand, and strengthen that freedom" (Hardt and Negri 2009: 82).

From such a perspective, attuned to Foucault's (albeit late stated) insight that many of today's struggles are over forms of subjectivity, the problem of subjectification must, as Hardt and Negri argue in their *Labour of Dionysus*, be approached from the angle of the struggles and social processes that "animate the production of subjectivity":

> The subject, as Foucault clearly understood, is at the same time a product and productive, constituted in and constitutive of the vast networks of social labour…Subjectivity is defined simultaneously and equally by its productivity and its producibility, its aptitudes to produce and be produced (Hardt and Negri 1994: 11).

The advantage of this perspective, which I outline and develop over the course of this thesis, is that it takes us *beyond* the anxieties and ambivalences suggested by various readings of the Foucauldian text, in order to throw light on the tactical landscapes of many of 'today's' political struggles.

1.1.3. Dispositions: Turning toward the question of Escape

How then does resistance *stand* in Foucault?

In speaking to this question, I would like to offer a reading of the essay that I allude to above as the inspiration for my formulation of the question of resistance: 'Useless to Revolt?' Although the statement is in many ways a minor one, at least in relation to the breadth of Foucault's *oeuvre*, my interest in this essay, for the most part, centres on the relationship it outlines between revolt, subjectivity and history. However, I am also interested in the ways in which, in this essay, Foucault comes to represents his own relationship (as 'intellectual') to the event, which I use as a way into clarifying the specific sense of my opposition between the question of resistance and the question of escape in the intellectual passage this work undertakes.

By way of a few contextual remarks, we might note that although the question form is a recurrent strategy in his writing, Foucault's response here is less an answer than a way of shifting, and reorientating, the form of our questioning. It should also be kept in mind that the essay was written for and appeared in the French publication, *Le Monde*, in May 1979 as a reflection on the repression, political trials and executions that followed the Iranian revolution. Just months earlier Foucault wrote another piece for popular circulation, called 'What are the Iranians Dreaming About?'. In this piece, Foucault presents a deeply sympathetic account of the developing revolution, that matches well Kant's characterisation of the external acclamation of the French revolution as a kind of "sympathy of aspiration that borders on enthusiasm" (see Foucault 2010). Set against this earlier essay, Foucault's framing of the question of resistance in 'Useless to Revolt?', might be seen to confront, as well, his own (public) enthusiasm for the revolutionary developments in Iran just a few months earlier:

> "We are ready to die in the thousands to make the Shah leave," Iranians were saying last year, and the Ayatollah these days: "Let Iran bleed so the revolution will be strong."
> There is a strange echo between these phrases that seem connected. Does the horror of the second condemn the intoxication of the first? (Foucault 2002: 449).

Although the essay arises out of Foucault's immersion in the French public's debates over Iran, and therefore deserves to be read in this context, it also moves from a set of

more general insights on 'the impulse to revolt'. For in this Foucault, and with no ambiguity, 'the intoxicating moment of rebellion' stands, but in a way that bestows on it a significance, and even a dignity, that is set apart from any moralising or strategic discourse centred on *the outcomes of revolt*. Foucault also puts aside the problem of the legitimacy of revolt[17], and begins instead with the (somewhat enigmatic) assertion that the 'impulse to revolt' is "something irreducible" (ibid). Irreducible (as he explains) because, firstly, no regime, however authoritarian it might become, can ever be successful in completely suppressing such an impulse[18]; and secondly, because it implies a shift in an order, that, it turns out, is really a shift within the subjects of this order, and is thus, in a certain sense, inexplicable[19]. Moreover, revolt also appears in the essay as a source of 'right' - a "last anchor point" for "all forms of established or demanded freedom, all the rights that one asserts" (ibid). Revolt, then, is linked to a 'constitutive' or 'constituent' power, in the sense of being a potential source of juridical norms, and one which Foucault suggests is both "more solid and closer to experience than natural rights". But, what I find intriguing, even exciting when set against Foucault's more cautious statements on forms of resistance in other texts, is the essay's conviction that revolts both belong to history and, at the same time, "escape from it" (ibid). This formulation, I think, goes to the crux of how Foucault chooses to respond to the question ("useless to revolt?").

Revolt, Foucault says, is a fact. "People do revolt". But it is for this reason - that is, that revolt emerges in spite of everything that is established to prevent or suppress it - that we should pay attention, listening to see what those in revolt are saying (ibid: 452):

> All the disenchantments of history won't alter the fact of the matter: it is because there are such voices that the time of human beings does not have the form of evolution but that of "history," precisely (Foucault 2002: 452).

In this account, revolt against power stands as the form through which "subjectivity (not that of great men, but that of anyone)" enters history, "breathing life into it" (ibid). And it is precisely in these terms that Foucault sets out one of his most elegant (but perhaps also not the most useful) articulations of a political vocation for the intellectual:

> [T]o be respectful when a singularity revolts, intransigent as soon as power violates the universal. A simple choice, a difficult job: for one must at the same time look closely, a bit beneath history, at what cleaves and stirs it, and keep watch, a bit behind politics, over what must unconditionally limit it. After all that is my work: I am not the first or the only one to do it. But that is what I chose (ibid: 453).

Setting aside my discomfort with this formulation[20] for now, there are at least three important points that this essay brings to our discussion. Firstly, and perhaps also most importantly, the essay highlights one sense in which, as Deleuze has noted, for Foucault, the final word on power is that "resistance comes first" (see *Dossier on (bio)Power*). While I will constantly return to this point throughout this thesis, for now I want to simply underline the manner in which – like Marx before him – Foucault not only links resistance to a principle of social change, but also to the very possibility of human history. Moreover such change loses none of its contingency, or its subjective impetus, for having been rendered historical. This relates to the second point Foucault's essay brings to our discussion. Although it might seem somewhat banal given the author, I do not think it is insignificant that Foucault's affirmation of resistance does not pass to some or other end (as in, for instance, one that resistance brings us closer to). Instead, it centres on the very irreducibility and singularity of the event. Finally, what I think is important about Foucault's response to the question of resistance is the manner in which what Foucault calls the impulse to revolt relates to a 'becoming' – a shift in subject. This is in fact the event itself – the becoming of a subject.

Although perhaps not immediately apparent, it is in fact not difficult to see in this Foucault one of the points of inspiration for Hardt and Negri's re-articulation of the concept of biopolitics "as a tightly woven fabric of events of freedom" (2009: 59), keeping in mind of course that theirs is a political reading characterised as much by its inventiveness as by its philosophical depths and rigour. One of the more radical aspects of this reading - which they set out in their most recent collaborative project, *Commonwealth* - is that what Foucault tends to call resistance, might best be defined, not so much as counter power (as is often done), but instead, as "an alternative production of subjectivity" (ibid: 56), an act of freedom that does not simply establish a resistance to power but attempts to establish autonomy from it.

It's a good idea to remain more cautious in qualifying Foucault's usage of the term resistance. All the same, Hardt and Negri are pointing to an important current running through Foucault's thought, one that emphasises the ways in which forms of subjectivity come to be what is at stake in various political struggles (Foucault 2002: 331-332). And here, *Commonwealth* immediately connects this perspective to the book's specific deployment of Foucault's concepts of biopower and biopolitics.

For Hardt and Negri, biopower is characterised as "a power over life", indexing the wide range of ways in which contemporary expressions of power take hold of life, administering and shaping it in view of specific ends. While this characterisation is close to Foucault's own, it is really in the meaning they give to the term biopolitics, as a power coming from below, "a power of life", that resists being captured by modes of biopower, that they push these questions beyond the terms Foucault had addressed them in. In this sense then, biopolitics, as the resistance presented by forms of life, and set in opposition to biopower (as what comes from above), is characterised by "the creation of new subjectivities that are presented at once as resistance and de-subjectification" (Hardt and Negri 2009: 58-59).

It is here that one hears echoes of Foucault's account of the relationship between history and revolt in the essay 'Useless to Revolt?', and which Hardt and Negri see as transposing a perspective on the event first developed by Foucault on the linguistic terrain to an ontological one:

> Biopolitics, in contrast to biopower, has the character of an event first of all in the sense that the "intransigence of freedom" disrupts the normative system. The biopolitical event comes from the outside insofar as it ruptures the continuity of history and existing order, but it should be understood not only negatively, as rupture, but also as innovation, which emerges, so to speak, from the inside. Foucault grasps the creative character of the event in his earlier work on linguistics: *la parole* intervenes in and disrupts *la langue* as an event that also extends beyond it as a moment of linguistic invention. For the biopolitical context, though, we need to understand the event on not only the linguistic and epistemological but also anthropological and ontological terrain, as an act of

> freedom. In this context the event marked by the innovative disruption of *la parole* beyond *la langue* translates to intervention in the field of subjectivity, with its accumulation of norms and modes of life, by a force of subjectification, a new production of subjectivity (ibid: 59).

It is, however, important to emphasise that here, Foucault's work stands as both the original source of concepts and the inspiration for the political development of them. As such, Hardt and Negri's fidelity is to the political problem their book grapples with, rather than the letter of the text. However, even where we prefer to proceed more cautiously, there can be little argument that they open our perspective to an important current in Foucault's work, in which the question of resistance, and, we might add, of the subject, is far from 'already closed from the start', or determined at one end of a power relation. Rather than being 'co-opted in advance', then, as Žižek would say, resistance comes first, complicating any simple theoretical choice between accounts of the autonomous production of the subject, and the subject's production by power.

Nevertheless, if we are able to find in Hardt and Negri's account of the biopolitical event something borrowed from the essay 'Useless to Revolt?', in its political disposition, their argument seems far closer to Deleuze. Of course such a comparison is unfair, especially in the light of the complex political context Foucault is reflecting on here. However, as a way of concluding this section's theoretical discussion, I'd like to surrender to this unfairness, and maybe even exaggerate it a little, less to illustrate something significant with respect to Foucault's thought, than to underline one of the starting points of my own.

It has been noted that Foucault's statement 'useless to revolt?' is strongly resonant with Deleuze's conception of the event as "the flux of becoming" (Žižek 2009: 109). This is certainly true. But while it seems that Foucault is here very close to Deleuze, at least at the level of philosophical approach, he also seems to be moving further away from him politically. Consider, for instance, Deleuze's response to a question posed by Negri on the shifting register of the concept of the 'untimely' in his work:

> The thing is, I became more and more aware of the possibility of distinguishing between becoming and history…What history grasps in an event is the way it's

> actualised in particular circumstances; the event's becoming is beyond the scope of history. History isn't experimental, it's just the set of more or less negative preconditions that make it possible to experiment with something beyond history. Without history the experimentation would remain indeterminate, lacking any initial conditions, but experimentation isn't historical. In a major philosophical work, *Clio*, Peguy explained that there are two ways of considering events, one being to follow the course of the event, gathering how it comes about historically, how it's prepared and then decomposes in history, while the other way is to go back into the event, to take one's place in it as in a becoming, to grow both young and old in it at once, going through all its components or singularities. Becoming isn't part of history; history amounts only to the set of preconditions, however recent, that one leaves behind in order to "become," that is, to create something new. This is precisely what Nietzsche calls the Untimely. May '68 was a demonstration, an eruption, of a becoming in its pure state. It's fashionable these days to condemn the horrors of revolution. It's nothing new; English Romanticism is permeated by reflections on Cromwell very similar to present-day reflections on Stalin. They say revolutions turn out badly. But they're constantly confusing two different things, the way revolutions turn out historically and people's revolutionary becoming. These relate to two different sets of people. Men's only hope lies in a revolutionary becoming: the only way of casting off their shame or responding to what is intolerable. (Deleuze 1995: 171).

Given the proximity between these two positions, or better, statements, we might well conclude, as Žižek suggests, that in 'Useless to Revolt?', Foucault is "effectively Deleuzian" (Žižek 2009: 110). If we look beyond the slippage here from resistance, through revolt, to revolution, we might say that in both Deleuze and Foucault, these find an object of affirmation in the form of a becoming, the actualisation of a subject whose acting o/in the world disrupts the continuity of history. And in both, this becoming must be seen in paradoxical relationship to history, in the sense of both belonging to it (since history presents the preconditions for experimentation with something beyond history), and at the same time escaping it (since history cannot comprehend becoming, nor account for it). Nevertheless, history, as the specific form of temporal movement of human collectives, is such precisely because of these disruptions that seemingly escape it.

More interesting than the philosophical proximity between these two statements, however (which by my reading provides an interpretive key for the other), is the political distance between them. And here, in the light of an unfair comparison, the political difference, or rather, distance, between these two statements points back to the question of subjectivity, and the ways in which each of these intellectuals comes to figure his own relation (as intellectual) to the event. Of course, developing a wider conception of how Foucault saw his own role as intellectual, or how he imagined his work linking up with political struggles, would mean reading this statement with, or even against, his many other statements that offer a reflection on these questions. However, what I find remarkable in this is Foucault's articulation of his role, as the 'job' of the intellectual, as well as the ways in which the essay sets up an opposition between this figure and the caricatured disposition of 'the political strategist', is the ways these seem to be a falling back from his own disappointed enthusiasm for the Iranian revolution. For in 'Useless to Revolt?' the role of the intellectual becomes that of the ethical spectator (see also Žižek 2009), what, suppressing all generosity, we might even characterise as the burden of the white middle class intellectual of the western academy, consigned to being the witness in the struggles of 'others', standing apart from the very becomings that are the subject of his thought.

A choice between enthusiasm and indignation? Is this after all not the only choice Foucault leaves the intellectual, between removed enthusiasm and support for the struggles of 'oppressed subjects' and indignation whenever politics steers beyond 'the universal'? Even if the meaning that the universal takes on in this context complicates matters somewhat, in many ways this Foucault - looking onto a political horizon marked by the bloody turning back of a people's revolutionary becoming and a redrawing of the terms of an oppressive power to shatter his own enthusiasm, his own subjective investment in the event – seems to fall back on an almost liberal ideal of the intellectual (albeit one far more attuned to the voices coming from 'below'). Indeed, Foucault's inability to reflect a constitutive politics might well have been linked to a deeper crisis within his own work, and one in fact that I suggest Foucault himself – although not on the same terms – comes to reflect on (see *Dossier on Critique*). The problem with the essay, I suspect, is that while he opens our perspective to the becoming of a subject, inexplicable with respect to the order that is history's account, and thus the possibility of

affirming resistance in relation to the very form and possibilities of temporal movement in human collectives, it remains a statement disposed by the question (which is also a lingering anxiety) "useless to revolt?"[21].

For our militant, whose thought is directed at the immediate political context, the present configuration of forces that we will need to match, this response – as 'the big picture' seen by the removed spectator - cannot suffice. For even after all is said, what should have been most crucial from the start is what in the end is unsettled (admitted less for 'Useless to Revolt's?' intellectual, than for our political strategist): 'what is to be done?' That is to say, for our militant facing a still unvanquished oppression, or in the midst of the drawing of the terms of a new one, the crucial question is how might we make an effective resistance (or even how might we make ourselves the *we* of an effective resistance)?

While I suspect that ultimately this question (necessarily) remains unsettled in Deleuze as well, in this interview responding to questions posed by a political militant, there is something in his statement of the relationship between becoming and history that pushes beyond the Foucault of the question 'useless to revolt?'. Deleuze's is a statement disposed by the question of escape. One might even say that the difference here between Deleuze and Foucault is that the one believes in a world that the other has less faith in. Deleuze's is as a statement unambiguously from 'our side', an intellectual position seemingly far more ready "to go back into the event", to take a place in it "as in a becoming":

> What we most lack is a belief in the world, we've quite lost the world, it's been taken from us. If you believe in the world you precipitate events, however inconspicuous, that elude control, you engender new space-times, however small their surface or volume…Our ability to resist control, or our submission to it, has to be assessed at the level of our every move. We need both creativity and a people (ibid: 176).

How then do things stand with respect to the two questions or poles of our problematic: that is, the question of resistance and the question of escape. I would like to suggest that these two questions belong to two qualitatively different moments of a struggle, and

indeed also to two different subjects (so to speak). The first, the question of resistance, belongs to the moment of defeat, when the very use and meaning of oppositional political labour is in question (to put it in the terms of Deleuze's interview, the moment of a turning back of a people's revolutionary becoming). By contrast, the question of escape, belongs to our militant, thoroughly immersed in struggle, in a becoming. Everything is still open, things can still go either way. This is in fact what characterises the militant, that is, *being disposed by the question of escape*; 'at the level of every move' making an assessment of 'our ability to resist control, or of our submission to it'. The militant is a joyful figure, a subject who believes in the world[22], in the power already with-us. She is making things happen.

While I hold to the conviction that the question of escape can ultimately only be settled at the level of collective democratic experimentation, my hope is that this thesis might be effective in some way in opening a passage from the one (the question of resistance) to the other (the question of escape) - a work on social memory for a political re-membering. A work of critique.

1.2. Questions and Method

> All social life is essentially practical. All mysteries that lead theory to mysticism find their rational solution in human practice and the comprehension of this practice.
>
> Karl Marx, *VIII Thesis on Feuerbach*

1.2.1. The Question at the End

One always begins an extended research project with a set of questions you hope to answer. However, it is sometimes the case that it is only at the end when we are ready to give our answers that all our questions can be raised to the level of 'explicit consciousness'. For some questions hide from us – behind a misunderstanding, inside an as yet undiscovered concept, or even at the other side of a pretention that we still need to work through. Ironically then, while it is always a good idea to have a well worked out

research question at the start, it is only at the end that its most concise formulation is possible. In my own case, this question has turned out to be a double one:

A - How do forms of resistance impact upon the government of the state?
B – How does the government of the state impact upon forms of resistance?

With these questions I attempt to get at a set of power relations through the struggles that have come to characterise them, figured as an extended case study focused on the relations between social movement resistance and the restructuring of water in Johannesburg. Although this (double) question serves as a guide for my analysis of a specific set of struggles that have taken shape around the City's framework for the delivery of water, its abstract and general formulation is intentional. For it is exactly in building a 'dialogue' between theory and the present, between Foucault's work on power, and struggles over water in Johannesburg, that this thesis risks a set of more general remarks on the paradoxical relations between resistance and power, as well as the limits of post-apartheid political life.

There is of course a third question, intruding between A and B, not as mediation, but which seeks to break the continuity they might seem to suggest, what in the previous section I call the question of escape. To be sure, however, these are not the sort of questions one can easily get rid of, even in a project as extensive as a PhD. Instead, they delineate the terms of a wider research project, one that indexes a definite political and institutional context, as well as a methodological decision for working on answering them.

Presenting the project in these terms, however, also brings with it some element of risk. For, although words like 'struggle' and 'movement' are common enough in our ways of speaking 'politically', and words like power almost always at work in our ways of speaking 'critically', I do not think we can assume that we all mean the same things when we speak in these terms. Equally, this is also a work that, from the start, reserves a political vocation for itself, or rather, that allows itself to think politically, and imagines an open set of relations between theory and practice, thought and political action. This too is not safe. Not only is it altogether likely that few who directly encounter this work will 'share my politics', but it also remains a project that is prepared and presented in a

definite institutional context defined by specific and established conventions relating not simply to the presentation of knowledge, but also to its production.

The first sets of risks are easier to mitigate. Indeed, if I were forced to plot this entire work onto a single conceptual axis, it could be described as a rigorous and conceptual working out of the terms resistance and power, struggle and movement, government and sovereignty. In this sense, the specific meaning given to each of these terms might be seen as veritable subthemes of the work as a whole. Mitigating the second set of risks, although certainly more difficult, has turned out to be unexpectedly productive in forcing not only rigour, but also structure on this 'political thought'.

Grasped retrospectively, the intellectual origins of the lines of research pursued as part of this project are located in a set of political and intellectual engagements centred on the politics of 'new social movements,' spanning just over a decade. These engagements have included more formal research projects, aspects of which I draw on in this thesis. Doubtless, however, the richer side of this engagement was participating in different social movement campaigns and mobilisations, generally linked to activity of the APF between 2000 and 2006. In a way this project also represents an attempt at resolving some of the questions I first encountered doing 'politics' (under the deficient title of 'social movement activist') through a more focused interrogation of a particular area of political contestation and social movement mobilisation (under the deficient title of post-graduate student).

It is, however, a thesis that concludes in a moment very different to the one out of which it emerged, characterised by real uncertainty, both with respect to the political futures of the APF, as well as the governmental policies and approaches that provoked this movement's formative struggles. For where there can be little argument that neoliberal rationality intimately shaped post-apartheid governmental practices, in addressing the very contingencies of the political and institutional contexts it sought to economically rationalise, it too came to transform, bend, and even compromise. In fact, if it ever made sense to speak of something like 'a neoliberal agenda', today we might add that the very terms and confidence of any such agenda have dramatically shifted over the last decade. We can even hazard that, today, the politico-theoretical questions imposed by neoliberalism, at least from the perspective of those who have opposed it, is shifting.

Where there is a long standing imperative to grapple with the concrete forms neoliberal ideals come to take, it seems to me that, today, it is just as important to ask 'what are those concrete forms becoming?'

On the other hand, what in the very recent past appeared as the vibrant bourgeoning milieu of new social movements (who were themselves seen as a rekindling of the radical potential of the 'the struggle against apartheid'), seems today wrecked by factionalism, political entrepreneurialism, and a more general strategic malaise. Of course, the very real challenges movements face in the present come off the back of both a concerted campaign of state repression against social movements like the APF, as well as the ongoing elaboration of increasingly complex new systems and technologies for governing the poor. In this context it becomes crucial to think about the practical terrains shaping the practices of social movements.

Tellingly, however, much of what I had written about social movements tended to be a little shallow on the question of the state, and, ironically also on the related theme of neoliberalism (which most often figured merely as the name of the wrong that social movement struggles arise in opposition to - or at least the movements I was interested in). There is probably some misguided consolation in the fact that, in this, I was not alone. As I discuss in this thesis, in many left narratives on the emergence and growth of (anti-neoliberal) social movements in post-apartheid South Africa (and both in popular and academic variants of this narrative), government and its neoliberal character are often taken as a static givens that are generally only briefly explained through well worked accounts of the dramatic turn marked by the adoption of GEAR in 1996, foreshadowing a wider proliferation of neoliberal practice at different levels of government (see *Chapter 3* and *Appendix 1*).

The summary form of this critique should not, however, be summarily dismissed. Across a number of political formations it became the short hand account of a broad critique of post-apartheid governmental frameworks. This fact must itself be explained. However, the problems that potentially arise in limiting the analysis of new social movements to the internal development of their struggles, without also understanding how such struggles are inscribed, so to speak, within the state, is that it closes our understanding to many of the forces shaping such a development. Moreover, to the extent that many of the

struggles undertaken by social movements have shifted (neoliberal) governmental practices in different and often paradoxical ways, the conditions which affect the development of such struggles are part of a state in/of flux. It seems to me therefore necessary to consider the development of social movements in relation to the set of dynamic political processes in which their struggles have come to take place. Indeed this is one of the reasons that my research question is in a double question, underlining that what I am most interested in is not simply the synchronic form of a struggle (that is what it looks like at any particular moment), but more urgently, its diachronic happening, its temporality… its own taking place.

As I show, such an approach also brings something to our understanding of contemporary governmental frameworks, as well as the forces animating articulations of post-apartheid nationalism. For where writing on social movements has often treated the question of government in somewhat static terms, critical perspectives focused on government often reverse this emphasis, such that the emergence of political resistance to various (neoliberal) governmental practices features merely as proof of a wrong, which can then be explained in relation to a set of dynamic processes at the level of 'the state' or 'the economy'. How resistance participates in this dynamic is, however, less well understood. With respect to the state, and the question of power more broadly, one of the definitive aspects of this work is to take seriously and make my starting point a late suggestion by Foucault on the analytic value of focusing on resistance, which he argued potentially throws new light on power relations more generally - to understand power relations by starting with the oppositions and resistances that characterise them (Foucault 2002).

Given the length of this work, I have not included a general review of the literature my thesis touches on in this chapter, but instead in *Appendix 1*.

1.2.2. The Extended Case Method

Setting it in the broadest terms, this project is an extended case study focused on the relationship between forms of political resistance and governmental practices. At one level, this is a theoretical thematic necessitating methodological forms appropriate to 'doing theory'. At another level, however, this thematic arises with my caring about a

concrete set of relations and the struggles over them. A theoretical project, then, but one that references many non-theoretical sources in its discussion of the relations between resistance and power. There is a question, then, about how this project moves between its different components, between reflections on participant observation, a series of research projects (see below) and the tradition of writing in the social sciences (see *Appendix 1*), and a more abstract set of political questions and theoretical propositions. The great value of Michael Burawoy's discussion of 'the extended case method' to this work is that it retrospectively gives the descriptive terms and appropriate academic precedent for what, more organically, emerged as the methodology for my intellectual project[23], and has taken me a long way towards "raising to the level of explicit consciousness" [24] much of what I want to say in this respect (see for instance Burawoy 1998).

Burawoy's discussion of the extended case method moves from a tension in the social sciences, apparent in the opposition between two models, positive and reflexive. The first, the positivist model, is the more dominant of the two, and has the survey as its 'quintessential model'. The essential point for this model is the externality of the observer/researcher to the contexts she studies. Positive methods attempt to limit, minimise and mute the presence of the observer in the world being studied, working to cancel any potential to affect and thus contaminate the data collected.[25]

The problem, however, is that for all its claims to objectivity and insistence on limiting the effects of the observer's presence in the world on the data collected, positive methods, like the survey, cannot avoid what Burawoy calls "context effects", arising from the inescapable embeddedness of the survey interview in a political, social and historical context[26] (Burawoy 1998: 12). The consequence of these context effects is that positive science often ends up violating the very "prescriptive tenets" (ibid: 10) that are the basis of its claims to objectivity. For Burawoy, it is in fact from this "irrevocable gap between positive theory and its practice that the principles of reflexive science spring" (ibid: 11). Thus rather than attempting to mute or erase the presence of the observer in the world, this is in fact the starting point for the reflexive model. It begins with an observer that is at once a participant in the worlds she studies. In fact, part of the specificity of the reflexive model is exactly the dialogue it establishes between these two positions:

> Where positive science proposes to insulate subject from object, reflexive science elevates dialogue as its defining principle and intersubjectivity between participant and observer as its premise. It enjoins what positive science separates: participant and observer, knowledge and social situation, situation and its field of location, folk theory and academic theory. The principles of this reflexive science can be derived from the context effects that pose as impediments to positive science. (ibid: 14).

Such a methodological starting point is strongly resonant with the sense the practice of "critique" takes on in Foucault. For, as I clarify in this thesis, what was essential for Foucault (and Marx) was the immanence of the critic to the world that is the object of critique, both an observer and an actor in the unfolding of the present (see *Dossier on Government and Sovereignty* in this report). The insight of Burawoy's extended case method is, however, not simply the impossibility of separating our observation of the world from our participation in it, but the fact that how the world responds to our presence in it also tells us much about the world. Rather than insulating the observer, attempting to cancel out her effects on the contexts being studied, in the reflexive model these are themselves thematised within an ethnographic approach centred on participant observation. And it is exactly towards "locating everyday life in its extralocal and historical context" (ibid: 4) that this ethnography is directed.

Given the political source of my research questions, claiming anything other than a self-reflexive methodology would be disingenuous. Not only do the questions that animate this work emerge from participation in some of the events that I write about, but it is also from my subjective location that I first sought to think theoretically about power relations in post-apartheid South Africa. What Burawoy's extended case method opens up, then, is the potential for grounding this work in a methodology emphasising ways of establishing a "dialogue" between the concrete level of social movement struggles and increasingly greater levels of theoretical abstraction.

Theory plays a double role in the reflexive model. Where in the positive model, theory can only be an outcome of investigation, whose truth is a function of the correct prior methodology, for a reflexive approach theory is both what allows us to read and navigate

the present, and what is constantly being reconstructed on the basis of that engagement with the present:

> We keep ourselves steady by rooting ourselves in theory that guides our dialogue with participants. Polanyi (1958) elaborates this idea in detail, rejecting a positivist objectivity based on "sense data" in favour of a commitment to the "rationality" of theory – cognitive maps through which we apprehend the world. This dwelling in theory is at the base of … the reflexive model of science - a model of science that embraces not detachment but engagement as the road to knowledge. (ibid: 5).

This "dwelling in theory" is, then, not a simple matter of the indifferent application of a pre-existing set of ideas to an existing context:

> Premised on our participation in the world we study, reflexive science deploys multiple dialogues to reach explanations of empirical phenomena. Reflexive science starts out from dialogue, virtual and real, between observer and participants, embeds such dialogue within a second dialogue between local processes and extralocal forces that in turn can only be comprehended through a third, expanding dialogue of theory with itself. Objectivity is not measured by procedures that assure an accurate mapping of the world but by the growth of knowledge, that is the imaginative and parsimonious reconstruction of theory to accommodate anomalies (ibid: 5).

In my own case, the specific theoretical point that forms both the basis for, and a crucial object of my thought is Foucault's work on power. While I draw from a wide set of studies, experiences and texts, it is at the theoretical level, and in relation to my reading of Foucault, that these are appropriated as part of a reconstruction of an account of the relations between forms of resistance and the government of the state.

It is in this sense, then, that the extended case method can be seen as the broad methodological model of this study, a model that, following Burawoy, can be characterised as applying "reflexive science to ethnography in order to extract the general from the unique, to move from the "micro" to the "macro," and to connect the present

to the past in anticipation of the future, all building on preexisting theory" (ibid: 5). It is also in this sense that my project "extends out" from the micro contexts of the everyday in Soweto's households, through the terrain of social movements and the political mobilisations of poor communities, to the processes of the restructuring of basic services, to a wider questioning of political forms in post-apartheid South Africa. And it is from within these multiple, cross cutting dialogues that I attempt to re-construct the theoretical ground for thinking the forms and character of post-apartheid political practices.

1.2.3. Components of the Project

Although the period of my registration at Wits spans just three years, this thesis gives expression to extended case work that could be said to have begun more than a decade ago[27]. It is, therefore, necessary to say something about the different components of the research that underlies this work. In the most general terms, there are six components to this work. Setting aside strict chronology, the first is a review of literature on South Africa. The second, which might be taken almost as the beginning of my research process, was my participation in the APF. The third component is a series of more pointed studies and papers that I have undertaken (collaboratively and individually) since 2000. A fourth component is archival work centred on municipal policy and practice, and social movements in Johannesburg. Fifth, this project draws on a limited set of interviews with officials involved in the delivery of basic services. Finally, this project moves from sustained and ongoing theoretical research whose inspiration is a (self-made) tradition of critique.

Literature Review

This project is deeply indebted to the tradition of social theory from and on South Africa. Growing up here, my political and sociological reading has tended to focus on apartheid and the struggle against it. Later, the thematic of the transition organised my literary interests. With this project, my reading has had to also take on more esoteric themes. The extent of literature consulted during this project makes any kind of separate literature review impossible. Every chapter, in fact, draws upon and references, whether by way of critical remark or borrowings, the literature on South Africa. All the same, to

be 'complete', I have included, as an appendix, a 'literature review' which stands as a brief account of my impressions and debts to some of the more important moments in contemporary thought on the major themes of my work on South Africa.

It is still, however, worth saying something here about how I related to different areas of the literature that I draw on in this work. A first area of reading relates to the apartheid era. On the one hand, here I was interested in the local governmental histories of the places that are the theatres of the struggles I focus on, as well as resistance to apartheid governmentality. Alongside this thematic, I also became interested in the debates that characterise South African historiography's history (in part for the ways many of its themes are problematically rearticulated in debates in the present). As my work developed, I also became interested in the way 'the past' comes to be figured in contemporary political discourse. My reading of South African history became a counterpoint in thinking about the ways in which apartheid and the struggle against it help shape the nationalist psyche and its political imagination.

With respect to my approach to the literature on social movements, while I often draw on academic writing, I have also taken a somewhat critical relationship to this area of literature. This is not simply about denouncing a tendency towards romanticisation (which is now as much the academic rage as romanticisation once was), but of avoiding the pitfalls of a politics that is always organised by the problem of representation. Finally, because it represented an arena to which I had no direct access, in this thesis I depend on previous existing research on post-apartheid governmental measures, alongside my select readings of policy documents, and interviews with officials. I have reviewed literature (from across the spectrum) on the development of governmental measures in the post-apartheid era. This, in fact, forms the basis for the ways I answer one side of the question(s) this work moves from.

Participant Observation

With respect to social movement resistance, the emphasis of this project is on the APF, its Soweto affiliate the SECC, and the struggles over basic services. More generally, my research around the APF and the struggle over water in Soweto builds on participant observation that dates back to the inception of the movement and a number of previous research projects and essays I have undertaken (Ngwane and Veriava 2004; McKinley &

Veriava 2005; Naidoo and Veriava 2005; Veriava 2007a; Veriava 2007b; Naidoo and Veriava 2009).

Although I draw from the literature on the theme, as well as a wide set of interviews, my most intimate portrait of the movements I talk about comes from my experience of them through various events and in different capacities. On the one hand, this has meant that the methodological challenge I faced was not so much being inducted into the life of these movements and the milieu out of which they emerged, but answering the question of what status was to be given to the singularity of my subjective experience of that life and milieu. Following Burawoy, my response to this challenge was precisely to make thematic my participation and subjective experience[28].

The Clarification of a Research Project

If one point in the development of this intellectual project was my participation in the APF, another is the series of research projects and moments of political theorisation that also form the pre-history of this thesis. These two points are, however, always linked by way of complex and shifting relays between theory and practice, and so often featured as extensions and elaborations of the other. Although the list of events important to this thesis (at both of these points) is too numerous to recall, methodologically it is important to specify those more pointed studies and intellectual experiments that give the 'primary research' foundation upon which this thesis comes to stand.

A profoundly important moment in my intellectual formation, and the first formal research I have undertaken along the lines of the thematic developed in this thesis, took the form of a collaborative research project that ran from 2001 to 2003. Working with Prishani Naidoo (also a co-founder of the APF), I sought to understand the emergence of forms of resistance to what the study described as 'neoliberalism in South Africa and Mauritius'. In developing the themes of the present work, it did two things. On the one hand, it initiated a serious engagement with the question of neoliberalism as 'an ideological perspective' that was profoundly shaping the trajectories of post-apartheid governmental practice and the limits of social transformation. Not surprisingly, then, *Re-membering Movements*, which was the title of the 150-page report produced through this project, emphasised the terrain of basic services and municipal restructuring for thinking

about South Africa's experience of neoliberalism. This, however, brings us to the other side of *Re-membering Movements'* place in the making of the present work. For if it gave an account of neoliberalism, the immediate context of this account, and, indeed, also the subject of its 'original research' were a cluster of, then, still emerging social movements.

This study already reflects an affinity with Burawoy's extended case method, interweaving, as it did, participant observation, more temporally bound ethnographic investigation in the form of interviews, and theoretical speculation, as it tried to understand changes in forms of organising. While more intensively focused on the APF, *Re-membering Movements* read the emergence of this Johannesburg based movement against the backdrop of the emergence of similar movements around the country, as well as the growing momentum of an alter-globalisation movement. The study, which was published by the Centre for Civil Society (CCS), both as the 150-page report (2003) and as a shorter book chapter (2005), was based on two years of research, including interviews with social movement activists from the APF, SECC, Orange Farm Water Crisis Committee (OWCC), Concerned Citizens' Forum (CCF), Anti-Eviction Campaign (AEC), Congress of South African Trade Unions (COSATU) (not counting interviews conducted with activists from Mauritius). As I explain below, the material collected through this project, provided an important resource for my reconstruction of the early period of the APF's history and the emergence of a popular critique of neoliberalism.

Between 2004 and 2005, Dale McKinley and I embarked on a research project focused on what appeared then as spiraling conflicts between 'community based social movements' and the post-apartheid state. The immediate context of this study was the growing repression of that very cluster of social movements that had begun to emerge from 1999 onwards in struggles for basic services and housing. Conducting interviews with both government and law and order officials, as well as social movement activists, the study attempted to understand the reasons various political disagreements between community movements and the local state took the form of violent conflict. Although it spoke to a much wider political history, the field research process focused on conflicts unfolding in three areas: Mandela Park, Khayelitsha (where struggles between the AEC and the banks provoked the repressive intervention of parts of the local state); Chatsworth, Durban (looking at the Bayview Flatdwellers' Association's struggles against evictions from state-owned housing stock for non-payment); and what was then the

emerging struggle against prepaid water meters in Orange Farm and Soweto. Travelling to and spending time in each one of the communities that became a site of conflict, as part of this study McKinley and I also conducted over 30 formal interviews with relevant individuals (from both the state and social movements) involved in these conflicts. The outcome of this study was a book co-authored with McKinley, entitled *Arresting Dissent. State Repression and Post-apartheid Social Movements*, and published by the Centre for the Study of Violence and Reconciliation (McKinley and Veriava 2005)[29].

The research conducted as part of this project came to be important in a number of respects. On the one hand, it helps ground this thesis's discussion of the complicated interplay between community resistance and state action. On the other hand, it also provided for me an entry point for thinking about the initial terms of the struggle that emerged in Soweto over prepaid water meters.

One of the more important aspects of field research that I draw on in this thesis is the study I conducted in 2006. Supported by a grant from the Centre for Civil Society (CCS), the ethnographic research focused on 'everyday' practices, and paid particular attention to the effects of prepaid meters on the practical dimension of household life and social reproduction (including everything from people's daily hygiene regimes, through strategies for doing laundry, to the decision to bypass or refuse prepaid meters), and was conducted in tandem with the development of a concept of life strategies.

The first part of the research involved merely 'hanging out' in Soweto, specifically the areas of Phiri and White City. Assisted by a friend and local activist, Jabu Molobela (whom the CCS funding allowed me to employ as a research assistant), I used the first two weeks as an orientation into Soweto life. Spending every week day in one of the areas, I walked around, struck up conversations, met with local activists, and got advice about how to understand this or that neighbourhood. I paid close attention, as well, to how political themes featured in everyday discussions, as well as people's own reflections on the relations between their everyday practices and 'politics'.

After my orientation, I began to focus more directly on the challenges posed to everyday social reproduction by what I wanted to call the deepening commodification of water in the form of the introduction of prepaid water meters. This aspect of my research

involved single interviews with Soweto household members. Based on these initial interviews, I began to follow five, later four households, more closely [30].

The choice of households to follow was based primarily on their political responses to prepaid meters (acceptance of the meter, refusal of meters and acceptance of a standpipe, secretly bypassing meters, publicly removing meters, accepting meters but campaigning for their removal). Over the course of my research I spent time with each household, interviewing members, observing, assisting with a household chore and initiating conversations and discussions. The study was by no means statistically meaningful. However, supported by other research, as well as the results of previous surveys conducted in the area, I use this research to bring to light new themes with respect to practices of households and the forms of political subjectivity that emerge in resisting the disciplinary and strategic imperatives imposed by the post-OGA context for water delivery in Soweto. In the final period of my research in Soweto, I also revisited some of the activists leading the campaign against prepaid meters in Phiri in order to talk about strategies and tactics and possible futures of the campaign. Aspects of this research were presented at a conference organised by the Municipal Services Project in 2007 (Veriava 2007b).

Finally, my research on the everyday in the transition from apartheid is supported by a more recent two year study that I conducted with Dale McKinley. Conceived as an oral history project, it focused on collecting people's accounts of their experiences of the transition, and locates these within wider individual and community social histories. The project centred on three poor communities (rural, peri-urban and urban), and undertook over 50 interviews with a cross section of people. The project was completed in 2009. Extracts of the interviews as well as three essays written on each of the areas were published as a book, and parts of the recorded interview material were edited into an hour long documentary (see McKinley and Veriava 2009).

At the broadest level, this project helped deepen my sense of the everyday challenges faced by poor households, as well as the form of their political responses to such challenges. Collectively, these projects represent the primary research that gains expression in this thesis. Alongside these projects, I also draw extensively from a recent initiative undertaken by Dale McKinley, and which I had a small part in, involving the

pulling together of an archive of material on the APF, as well as conducting interviews with activists involved in the structure at different levels and at different times over a decade of its existence. These 35 interviews (several of which I helped conduct[31]) are important for their reflections of 'leading' APF activists on their own histories within the movement. It also provides a late snapshot of the movement, at the same time as it tries to draw out people's subjective impressions of their participation in the making of this movement's history.

Archival

When I registered at Wits University, I had a well-defined set of intellectual interests and questions, as well as a significant amount of data and reflections on these. I therefore decided that, along with deepening my theoretical research, I would focus the better part of my practical energy on archival work.

There are three major areas of this project that were supported by archival work. The first area is that of government policy and practice with respect to housing and basic services (both in the apartheid and post-apartheid eras), with an emphasis on Soweto. In this regard, information was sourced from two Johannesburg based archives housing collections related to my interests: firstly, historical papers and the South African History Archives (SAHA) based in William Cullen library, and secondly, the City's archive in the council complex. Moreover I have obtained a substantial number of documents from government departments and their online archives. As far as possible I have immersed myself in these archives in order to develop a historical perspective on how contemporary officials and managers have come to understand the problems that they tackle.

Although documentation on Johannesburg Water (JW) and Operation Gcin'amanzi (OGA) has been difficult to obtain in the past, through the recent Constitutional Court case related to prepaid water meters, all major documents around the project entered the public realm. I have copied and reviewed much of the supporting documents submitted as part of the City's and JW's legal defence. In addition I have continued to follow policy developments within the city of Johannesburg, and different national and provincial government departments. In this regard, I have sourced a range of documents related to

both the delivery of basic services and approaches to poverty and the poor[32]. More generally, I have made real progress in working through aspects of the wide 'grey literature' on the management of water services produced by international bodies such as the World Bank and The United Nations Development Programme, as well as local institutions such as the Water Research Commission and the Department of Water Affairs and Forestry. From both the Cullen archive and that of the City, I have sourced material on Soweto, in particular around the questions of housing and services.

Overall, I have collected a substantial amount of material, spanning community politics, the history of Soweto, the delivery of water and other basic services, the rent boycotts, reticulation systems, post-apartheid social moments, JW and Operation Gcin'amanzi, and so on.

Interviews

While my research around governmental approaches has mainly rested on my archival work and survey of policies, legislation, and government reports, in a number of cases it has been necessary for me to directly clarify aspects of the issues I was encountering in this work. In addition to informal inquiries[33], I conducted a limited number of interviews with government officials. In each of these cases interviews were undertaken to clarify details of government's approach to various problems, in helping me understand the rationality that informs it. I have thus only pursued such engagements where I was unable to locate necessary information elsewhere.

The decision to limit fieldwork was a strategic one, based on the practicalities of devising a manageable research plan. However, as my research progressed, I began encountering the limits of what can be learned from secondary literature and official statements and documents, and it was therefore in this context that I underdertook more in-depth discussions with relevant officials. Specifically, I conducted interviews with a former senior official from the Department of Water Affairs and Forestry (DWAF) who was involved in the free basic water (FBW) policy (Mike Muller); an official from the City involved in the construction of Johannesburg's indigent management strategy (Graeme Götz); as well as a number of JW officials overseeing the project in Soweto and dealing with problems of Unaccounted for Water (UFW)/Non Revenue Water (NRW).

In all cases, I had specific questions that I needed to ask each of my interviewees. However, in all interviews I used the opportunity to try and get a sense of how government officials saw the development of their own practice and its political implications.

In my reference to formal interviews I almost always use the formal title and name of the person interviewed, unless I was requested not to. However, in a number of cases where I draw on interviews conducted with Sowetans, even though I was not asked to represent them anonymously, given that aspect of what I discuss are illegal, I have elected to use pseudonyms.

Theoretical investigations

In spite of placing it under a separate heading, theoretical investigations run through the entire history of this project. In fact, each one of the projects that I index in the previous section also develops a theoretical thematic. So, for instance, *Re-membering Movements* announced a theoretical interest in the decline of wage labour and its implications for radical politics. In the study published as *Arresting Dissent*, concepts like primitive accumulation find their original instance in my work, while the 2006 study has in its background the development of a concept of life strategies. By 2009, when I registered at the University, my reading of contemporary politics was becoming increasingly influenced by work inspired by Foucault, and in particular his writings on biopolitics. In fact, with this term my research reached a critical turning point. On the one hand, the ways it was mobilised in writers like Hardt and Negri seemed to offer real promise for helping us to confront the political malaise I describe above. On the other hand, this work, which seemed to inspire so many important moments in contemporary theory (governmentality studies, Agamben, Hardt and Negri, and so on), was one I was only briefly acquainted with. Much of my intellectual energy has been devoted to grappling with the forms and predicaments of resistance, using a reading of Foucault's - deeply influenced by Deleuze and Hardt and Negri - as a form of support . Along this path, I also found it necessary to push beyond Foucault, both with respect to the limits of his theorisation of power, and for what he offers us politically. And, here, the work of

writers like Giorgio Agamben, Hardt and Negri, Steve Biko … give us hooks, handles and springs for getting over these limits.

The form of my theoretical research has been writing. Re-writing. Beginning again. Going to something else.

Limitations

An important set of considerations emerge in relation to my own race and class position. Specifically, while I tend to write about the poor and poor people's movements, in part based on participation in the APF, my background and advantages mean I am part of the middle class. I therefore write as both insider and outsider with respect to the APF. More generally, and not unrelated, recently the issue of representation has resurfaced in relation to middle class academic narratives of poor people's movements. Activist inclined academics like Ashwin Desai have, for instance, criticised various academics for romanticising social movements, or using them as a foil for their own arguments and ends. At the same time, social movement activists have often criticised academics for capitalising on their struggles (and the plight of the poor more generally), while offering little back to those whose lives are the subject of their research. More acutely, there is a longstanding emphasis at both ends – arising from a long history of political and social theory – on the problems of narratives that erase the voices of subaltern subjects in their very claims to give re(-)presentation to them (Spivak, Black Consciousness, Rancière and so on).

It would be impossible to deal here with all the issues raised by this critique, and the ethical questions it poses for political research. However, with such problems in mind I insist that my thesis be read as "a perspective" on poor people's movements. Following the extended case method's emphasis on intersubjectivity and dialogue, what I attempt to present in this thesis is precisely a mode of engagement with a set of ideas and the contexts they belong to. The point, then, is not so much to suppress my class and race background and their impact on the perspective developed (which would be impossible), but to clarify that these mark points from which my theorisation begins and must refer back to, within an extending set of dialogues.

Conclusion

The period following my registration at Wits, began as the reconceptualisation of an intellectual project towards its development in the form of a thesis. The process set off, on the one side, by drawing together everything we already have. Transcripts and tapes, also documents, pamphlets and essays, all of it drawn together into an archive of project data. To this archive, I add my own production, mostly notebooks, abandoned drafts of essays as well as correspondences.

On the other side, the research process is beginning through a reading of Foucault. Beginning, as well, by writing about Foucault. Back and forth. From *Discipline and Punish* on. Back and forth, through the stuff on power. At least as best as I can. What is emerging are dossiers, a pile of folders filled with notes (so that when you look at them, they look like a spine).

Sometimes I work on the archive, organising and surveying the materials, re-organising them into sections. Some will develop into chapters. Organising also means seeing the gaps, and collecting new questions. The theoretical line, however, intrudes, forcing new constellations of the material, new ways of reading a 'history'. Organising is also re-organising.

I go back to my dossiers. But the problem they have to answer has already shifted. The text has to be re-assessed, new threads need unravelling. Back and forth. From the text to my notebook.

Gaps in my archive need filling, so I visit the archives. They are brilliant and overwhelming. Everything needs to be rethought. Material on the Municipal Infrastructure Investment Framework (MIIF) and an essay by a man of the state suggests the thematic of 'best practice' as a key to thinking about the development of neoliberal governmental norms. A new order is necessary. A new chapter will need to be added.

The archive of Apartheid pushes biopolitics beyond Foucault, and Marx's thought on primitive accumulation is again underlined. Theory needs to go back to Agamben. A new

dossier is opened. Back and forth. The archive, always expanding, turns me towards the men of the state to ask questions. Fill in the gaps. At least as best as I can.

When I am ready to begin writing a new set of problems present. A new order is necessary. Back and forth, from chapter to dossier.

Dossier on Critique

According to the Oxford English Dictionary a dossier is simply a bundle of papers, often concerning a person, but it can equally collect documents related to a particular matter or case. While it is not at all uncommon that a dossier should communicate an argument, this is by no means a necessary condition in its preparation. If anything, a dossier collects details, and anticipates a future where their use will be determined; a matter that has yet to be heard, a person that will need to be kept in check, a problem that will need to be resolved. What the dossier attests to is an openness with respect to the decision; the judgment might still go either way, or better, the militant can still get away. Neither simply a review, nor already a thesis, it is the preparation of a perspective for an engagement of ***whatever*** *kind.*

I

The Question of Critique Today

Critique, we have recently been told, has "run out of steam", rendering it a poor weapon for engaging in today's theoretical battles. Worse still; not only does critique appear blunted, even anachronistic today, but the enemy is said to be wise to the critical trick, and has turned its back on 'our' forces. The field marshals of the academy are even calling for a regrouping, a new assessment of the strategic disposition that has come down to us via the critical tradition.

Along these lines, Bruno Latour has recently written:

> I simply want to do what every good military office at regular periods would do: retest the linkages between new threats he or she has to face and the equipment and training he or she should have in order to meet them - and, if necessary, to revise from scratch the whole paraphernalia. This does not mean for us any more than it does for the officer that we were wrong, but simply that history changes quickly and that there is no greater intellectual crime than to address

> with the equipment of an older period the challenges of the present one…My argument is that a certain form of critical spirit has sent us down the wrong path, encouraging us to fight the wrong enemies and, worst of all, to be considered as friends by the wrong sorts of allies because of a little mistake in the definition of its main target. (Latour 2004: 231).

For Latour, the 'little mistake' of 'the critical spirit' was to have focused its sights on (scientific) facts, to have it made 'our' business to fight empiricism, when 'we' should have rather been working to renew it. Although these remarks seem to me contextually fixed to the intellectual milieu (or even 'publics') that characterise the field of science studies (of which I have only an outsider perspective), it is clear that Latour reads the problem as a wider one. But even beyond this debate, and the broader set of professionalised intellectual practices self-characterised under the sign 'critical' and its relations (critical studies, literary criticism, critical theory, etc.), there seems today less patience for discursive interventions that take a critical form, and which cannot always be dismissed as a capitulation to power. For instance, in my own experience of politics in South Africa, 'criticism' of dominant political narratives and hegemonic practices, are often met with the objection: 'Your criticisms are all very well and good, but what does it say about the alternative?'

If we (sometimes) concede the sincerity of these interlocutors, and admit the need to direct ourselves at an alternative, why should we bother with critique? 'Make up all the critical words you want', they might even say, 'but it's the new world that we're really interested in'.

In posing the 'question' of critique in these terms, I do not mean to suggest that we all, and always, mean the same thing when we talk about critique and criticism. Nor is Latour's problem with critique exactly the same as that of my interlocutors. Summarising the wide spectrum of practices that go under the name critique, a recent contribution by Michael Hardt counts "relatively generic means of fault-finding; methods to question the truth of authority; techniques to reveal the figures of power that operate in dominant discourses or ideologies; and even specific Kantian procedures of investigating the human understanding, reason, or judgment" (Hardt 2011). Nevertheless, for Hardt, in spite of the differences between ways of doing critique – conceived in his paper as the

primary mode of practicing theory as political intervention – they all remain open to the charge of being "insufficient as political methods in so far as they lack the capacity both to transform the existing structures of power and create alternative social arrangements" (ibid).

Through a politically provocative reading of Foucault's final two courses at the *Collège de France* , Hardt goes on to suggest the possibility of finding in this Foucault the outline of an alternative means of practicing (politically engaged) theory, characterised as a "philosophical and political militancy, beyond critique", and which Hardt argues "appears to be an adequate means to struggle for autonomy and democracy" (ibid). I have a great deal of respect for this position, which motivates for politically engaged modes of doing theory, self-consciously, and militantly, directed at a positive, or rather constitutive task. It seems to me, however, that we lose much more than we gain by writing off critique so soon, and it might well be that without it, our new worlds will still only be words. All the same, the challenge raised by Hardt is a crucial one: what (if anything at all) does critique have to do with 'the constitutive political tasks' which *we* face today?

II

Tracing Lines

There are many ways one can draw a line that indicates a critical tradition (that is to say, the line of the critical tradition that is one's own). And no doubt, it would be a useful exercise to investigate the many ways such lines have been drawn, where they intersect or depart, and perhaps more importantly, how they come to shape various critical practices today; a kind of rigorous genealogy of contemporary critical practice. This is a much bigger project.

In responding to the challenge presented by Hardt's paper (albeit in a roundabout and somewhat longwinded way), and as a sort of meta-theoretical appendix to the last chapter's discussion on methodology, the line I want to draw is both more modest and also more political[34]. In what follows, I try to highlight something about the points of inspiration of my own critical practice, by tracing a line between and within what have been, *for me*, important landmarks, or directional markers, for 'doing critique'.

As I stressed in the introduction, the dossiers found in this thesis represent extended theoretical investigations linked to the different questions I tackle in this work, and which broadly centre on Foucault's later work. However, I want to begin these investigations by marking Foucault's relation to something more familiar, perhaps in the same way as one searches for a nearby landmark in order to establish a preliminary bearing. In this document, I therefore also try to say something about the proximity between Foucault's and Marx's intellectual practice.

In document III of this dossier I focus on the development of Marx's critical intellectual practice in order to underline those aspects that I draw on in 'grounding' my own. In document IV, I turn to Foucault, showing how his statements on critique might be related to 'a crisis' that animates some of the shifts in his later works. More specifically, I show how Foucault's statements on critique come to centre on the problem of the correlation between 'the government of the self and the government of others'. In document V, I try to say something about the methodological, and indeed also, political, possibilities this line of Foucault's thought opens up. In the final document, I clarify what I want to take from each philosopher with respect to my own 'work on the present'.

...landmarks

Maurizio Lazzarato has noted that Foucault's writings on political economy and government are at once "very close" to Marx and very far from him (Lazzarato 2002: 102). Even more generally, however, it is not hard to see in Foucault's relationship to Marx a double relation: a certain tension combined with a shared set of concerns and often real methodological and political intersections between the two projects. On the one hand, Marxism (if not Marx himself) has often appeared in Foucault's writings, lectures and interviews as the subject of polemical statements or inferred critique. On the other hand, and perhaps less apparently, his later work, in particular his lectures on the genealogy of modern government, will, as Bob Jessop has noted, move towards an "appropriation and development of insights from Marx himself" (Jessop 2007).

Already in 1975, however, Foucault had indicated that his relationship to Marx was more complex than what might appear to be the case skimming through reference sections of

any one of his works, and it would seem, rather than ignoring Marx, his 'negligence' in offering up the appropriate citation might have rather been linked to his aversion to a certain cultish character he associated with Marxism:

> I often quote concepts, texts and phrases from Marx, but without feeling obliged to add the authenticating label of a footnote with a laudatory phrase to accompany the quotation. As long as one does that, one is regarded as someone who knows and reveres Marx, and will be suitably honoured in the so-called Marxist journals. But I quote Marx without saying so, without quotation marks, am thought to be someone who doesn't quote Marx. When a physicist writes a work of physics, does he feel it necessary to quote Newton and Einstein? He uses them, but he doesn't need the quotation marks, the footnote and the eulogistic comment to prove how completely he is being faithful to the master's thought (Foucault 1980 [1975]: 52).

There can be little doubt, however, that the relationship between these two projects, their various intersections and fissures, runs deeper than the anxieties of offering (or not) the 'appropriate citation'. As Lemke, following Etienne Balibar, has noted, Foucault's thought is characterised by a "genuine struggle" with Marx, a struggle that will prove one of the "principal sources of its productivity" (Lemke 2000: 1). If Foucault's criticisms of Marxism – whether with respect to its inattention to the question of 'the body' (Foucault 1980 [1975]: 57) or Foucault's refusal of an analytic practice that would reduce relations of power to relations of production or a bipolar field of social antagonism (see Foucault 1990a [1976]: 92-102), or even, for that matter, the sense in which Foucault's methodological elaboration seems to self-consciously run in the opposite direction from that of Marxism's 'descending' method (see Foucault 2004: 30-33) - is suggestive of a theoretical tension, it is no less true that Foucault's later work also throws light on what has been called a broader "tactical alliance" (Balibar in Lemke 2000: 1) between the two projects.

As Lazzarato notes, in both Foucault and Marx, what will be crucial will be the forms through which relations between men, or "between man and 'things'", become the object of strategies to "coordinate and command" human action with an eye to the extraction of a surplus (of power in Foucault[35] and value in Marx) (Lazzarato 2002: 102). And in

both Marx and Foucault, these strategies unfold on a terrain whose effects are never simply economic, or even political, but also, ontological.

It seems to me, however, that a more subtle affinity between Marx and Foucault - and which, in an odd way, underlies and reinforces the sense of a 'tactical alliance' between their respective projects - goes beyond the thematic or analytic intersections between their respective works, and clarifies in relation to their respective approaches to critique.

Such a connection is, however, by no means self-evident, and the suggestion of an affinity between Marx and Foucault with respect to critique is not made without an element of (hermeneutic) risk. After all, on all the occasions where Foucault draws the line of influence that gives the tradition he locates his own work within, there is the unignorable and consistent exclusion of a proper name - "From Hegel, through Nietzsche and Max Weber, to the Frankfurt school" (Foucault 1994: 148). The scandal of a critical tradition without the name Marx!

Although these risks are lessened by Foucault's confession *a citation without citation*, a gesture perhaps motivated by his desire for the "unburdening and liberation of Marx in relation to party dogma" (Foucault 1994: 135), and thus the possibility of reading Marx's place in the silences and in-between spaces of a list of proper names, risk is reinscribed in the strategy of this dossier, which makes its case in relation to a 'Young Marx', or at least, a younger one.

III

Beginnings...

In 1843, as the 25 year old Marx was preparing to leave behind the "oppressive air"[36] of Germany after being forced to resign as editor of *Neue Rheinische Zeitung* (which was shut down less than a month later), he was already working on his next project, the 'critical journal' *Deutsch-Französische Jahrbücher* (German-French Annals). Although only one issue of the journal was published, with the majority of the print run eventually finding its way into the hands of the police, the contribution the journal makes to 'critique', is, if not an important one, then at least, not an altogether uninteresting one; no less for giving us a glimpse into the attitude that shaped the philosophical practice of a young Marx (whatever its limitations)

– one of the many "beginnings", however contingent[37], on the way to his *Critique of Political Economy*.

Notably, in addition to Marx's *On the Jewish Question*, the journal also published two texts explicitly written in the tradition of critique: Engel's *Outline of a Critique of Political Economy*, and Marx's own *Introduction to a Contribution to the Critique of Hegel's Philosophy of Right*. Leaving aside what Althusser called the "enormous layer of ideology" (Althusser 2005: 74) that the 'Young Marx' is said to be still struggling to escape from under, we can note that, along with these texts, the journal also published a series of correspondences, concluding with Marx's stirring letter to Arnold Ruge (the co-editor of the journal), encouraging 'relentless criticism'[38]. Beyond the militant lyricism of a young Marx, what makes these letters particularly intriguing is the light they throw on a 'critical attitude', an attitude that I suspect is, *in part*, what establishes Marx in a critical relationship to his own beginnings; what Althusser once called his "ferocious insistence on freeing himself from the myths which presented themselves to him as truth", and his insistence on the grounding of intellectual practice in the "experience of real history" that will elbow "these myths aside" (Althusser 2005: 84). But, if there is a binding thread in these letters by a young Marx, and the approach that they take to critique, it is their immediately political character and commitment to the task of making revolution. And it is this question, that is, of 'revolution', or rather the potential for one, which is the deeper thread that runs through the exchange.

Relentless Criticism

Marx's analysis of political conditions in Germany (whose very air he complained 'makes one a serf') are interesting for a number of reasons, not least of which are its subtle reflections on the political and the question of autonomy[39]. What I want to underline, however, is that this is a thought already disposed by the militant's question: 'at the level of every move' making an assessment of 'our ability to resist control, or of our submission to it' (See *Chapter 1*). And here, the work of criticism is to 'expose' the old in order to "shape the new along positive lines" (Marx 1967: 211).

In his final letter, where Marx outlines the perspective of the proposed journal, this task is intimately tied to the "self-understanding (critical philosophy) of the age concerning its struggles and wishes" (ibid: 215). This self-understanding that the 'present time' must

arrive at, or at any rate, move towards, is, however, at once the task of the critic and that of the world (ibid) (or in anticipation of Foucault, we could say, the work of the critic as witness and participant in the unfolding processes of the world). Marx is emphatic: this does not mean raising up one or other 'dogma' through which the world will become 'transparent to itself' - "[h]ere is the truth, kneel here!" (ibid: 214). Instead, criticism will only develop new principles out of criticism of "the world's own principles" (ibid).

I do not want to exaggerate the importance of the letter. Although not obscure, it is more of a beginning (one of many) than anything else. What I want to do, however, is simply to mark several points that I think are helpful for thinking about the movement of Marx's thought.

Firstly, much of the letter is devoted to defining the role of the journal, a role that is explicitly related to a practice of criticism and the role of the critic. In Marx's terms, this implies a concern with both the "theoretical" existence and the "practical" existence of "man". In this Marx, there is still little that motivates one over the other; and the socio-political contexts in which people find themselves, their forms of life and 'economic processes', for instance, stand alongside religion as an object of criticism. Secondly Marx, with a marked Hegelian accent, sets up a striking opposition between a 'reason' that has always existed and, the 'reasonable form' that has eluded it, noting that, not only does the 'modern state' take on the demands of reason, but because of this, it everywhere becomes caught in a contradiction between its "function and its real prerequisites"[40]. The third aspect of Marx's critical practice I want to highlight is, in a sense, its deeply political character. In fact, Marx writes: "nothing prevents us…from starting our criticism with criticism of politics, with taking sides in politics, and hence *actual* real struggles, and identifying ourselves with them" (ibid: 214; Marx's emphasis).

It is necessary to also say that Marx's thought, and the questions that move his critical practice are here still bound to a 'problematic' that, just a few years later, he turns his critical sights on, and in so doing, remakes the terms and questions of this political-intellectual project. The motto given to criticism in the letters, for instance, still bears the mark of a set of questions 'all up in the head', posed as "the reform of consciousness" through "analysing the mystical consciousness" that has become incomprehensible to itself. And it does so in order to bring to light what is already latent to it, with Marx

offering that, "it will be evident, then, that the world has long dreamed of something of which it only has to become conscious in order to possess it in actuality"[41] (ibid). More crucially, however, Marx's critic will only carry out this work within historically given limits - both in relation to a historical process, as well as to the ways in which individuals have come to see themselves in relation to this process (that is in relation to subjectivity) - precisely by confronting these limits. In an impassioned, and also daring, passage, Marx outlines an intellectual practice that marks out a relationship to his present as one of "relentless criticism".

> Even greater than the external obstacles seem to be the inner ones. Even though there is no doubt about the "whence," there does prevail all the more confusion about the "whither." It is not only the fact that a general anarchy has broken out among the reformers; each one will have to admit to himself that he has no exact idea of what is to happen. But this is exactly the advantage of the new direction, namely, that we do not anticipate the world dogmatically, but rather wish to find the new world through criticism of the old. Until now the philosophers had the solutions to all riddles in their desks, and the stupid outside world simply had to open its mouth so that the roasted pigeons of absolute science might fly into it. Philosophy has become secularized, and the most striking proof for this is the fact that the philosophical consciousness itself is drawn into the torment of struggle, not only outwardly but inwardly as well. Even though the construction of the future and its completion for all times is not our task, what we have to accomplish at this time is all the more clear: *relentless criticism of all existing conditions*, relentless in the sense that the criticism is not afraid of its findings and just as little afraid of the conflict with the power that be (ibid: 212; Marx's emphasis).

...pace...

As everyone knows, Marx's story doesn't end here. In the letters, 'the philosophical consciousness' is already bending with the 'torment of struggle', but it will only 'shift base' by re-grounding itself in the perspective of the 'real movement' that Marx, in 'taking sides in politics', in 'actual real struggles', allows to reshape the terms of his critical intellectual project. In fact, the Marx we find in the letters fits well with Althusser's complaint that the critical practice of the Young Marx

remained prisoner to "a rationalist conception of critique", whose essential problem remained distinguishing the true from the false, conceived as a form of questioning to guard against "errors, prejudices and illusions":

> In his early work, Marx was largely pursuing this rationalist tradition in order to denounce the 'irrationality' of Reason's conditions of existence (for example: the state is, in itself, Reason, yet exists in unreasonable or irrational forms; it is necessary to denounce this contradiction and the insult proffered to the State-Reason – by means of critique, with a view to re-establishing the truth and condemning error) (Althusser 2006: 17).

Doubtless, Marx's treatment of the question of the state in these letters is one of the sources of this impression. More importantly, however, when Marx later turns his critical thought to this tradition, and the ideological world of his own beginnings, we already see emerging "an altogether different meaning and function" (ibid) for critique (see Marx & Engels 1998 [1847]). While the full significance of these shifts is in many ways still beyond my own powers of philosophical-textual appreciation, it is less difficult to get a sense of the (political) temporality that marks the development of Marx's thought in this period, its constant and unflinching confrontation with its own limits, and the deepening urgency it gives to reevaluating the 'tasks of the present' from within *a new perspective*. Althusser in fact insists on a certain 'pace' in the development of Marx's thought, itself marked by the contingency of beginnings, and which progressively calls into question the very problematic that gives the initial questions and terms of his critical philosophy.

Although I suspect that a work might produce results that go beyond the problematic that inspired it, Althusser's reading of Marx and the specific development of his conception of critique, has turned out to be an important signpost in mapping the intellectual terrains I grapple with in this thesis, and one that is therefore worth pausing over.

Becoming Marxist

Engels famously reported that Marx, the founder of Marxist philosophy, had once remarked that he (Marx) was not a Marxist[42]. To be sure, Marx was not here repudiating his own thought, nor rejecting the possibility that this thought should take on a political life apart from him. Likely, Marx

was responding to what in Marxism is (already within his own life time) beginning to take on the character of dogma ("[h]ere is the truth, kneel here!"), and what years later Foucault found cause to insist Marx needed to be liberated from (see above). Althusser points out that the intellectual kinship that Marx's works solicit is with a thought that is already thinking for itself, a thought grounded in real history and the struggles that belong to it. And it was in fact precisely on these materialist terms, that Marx presented his critique of political economy for critique[43].

This fact, however, takes nothing away from the confidence of Marx's texts, nor from Marx's confidence in his texts. Marx was very much a Marxist in this sense: as Althusser says, "he believed in his work" (2006: 15). Marx was not, however, a Marxist where this indexed subjection to a "total or totalising unity, constituting a body of thought that could be labeled Marxism" (ibid). In fact, rather than a tenet of thought, in the late Althusser, Marx's identity as a Marxist turns on the form of critique his intellectual practice comes to be re-grounded in.

As is well known, the tremendous contribution, significance and controversy of Althusser's writing is in no small part connected to his thesis that the development of Marx's thought is marked by an 'epistemological break' - characterised by a certain mode of 'shifting ground', by 'the changing out the elements' of this thought - as Marx moves from the problematic that marked his early writings[44], to the properly materialist perspective that is beginning to emerge with his 'Theses on Feuerbach' and *The German Ideology*. What I want to underline in this dossier, however, is the manner in which Althusser links this break in Marx's thought, to a shift in the "meaning and function" this thought gives to critique. For where Althusser sees the young Marx's critical practice stranded to a rationalist conception of critique that was bound to the idealist problematic of the State of Reason, this practice *shifts ground* precisely by *re-grounding* itself in the perspective of the 'worker's movement', that the Marx of 1843 was soon to discover[45].

While I have some reservations about the reduction of the critical practice of the young Marx to the 'rationalist conception of critique', it is the latter point that I find the most convincing, and Althusser's fixing of the shifts in Marx's critical practice to the tempo of political struggle:

> [C]ritique is not, for Marx, the judgment which the (true) Idea pronounces on the defective or contradictory real; critique is critique of existing reality by existing reality (either by another reality, or a contradiction internal to reality). *For Marx, critique is the real criticising itself*, casting off its own detritus itself, in order to liberate and laboriously realise its dominant tendency, which is active within it. It is in this materialist sense that Marx's critique could, as early as 1845, treat communism as the very opposite of the 'ideal', the deepest tendency of the 'real movement'. But Marx did not content himself with this still abstract notion of critique. For which 'reality' is in question here? … Marx tied critique to that which in the real movement, grounded critique: for him, in the last instance, the class struggle of the exploited […] (ibid: 17; Althusser's emphasis).

I want to pause on this passage, whose intelligence for me is the connection it makes between a conception of critique and a certain 'real movement', and thus the very definition Marx gives for communism in *The German Ideology*. In fact, between the letters of 1843, and Marx and Engels' definition of communism in 1845, one might note an interesting shift, a kind of 'changing out of elements', in which the critic of 'the relentless criticism' of the present state of things, swops out with 'the real movement' whose '*practical* critique'[46] is now the author of the destruction of the existing state of things:

> Communism is for us not a state of affairs which is to be established, an ideal to which reality [will] have to adjust itself. We call communism the real movement which abolishes the present state of things (Marx and Engels 1998: 57).

This real movement – whose condition is that of the class struggle itself – is in fact the real that Marx poses against reality, the real that, in Althusser's words, is "the true author (the agent) of the real's critique of itself" (Althusser 2006: 18). Marx becomes Marxist by grounding critique in the real movement; in presenting the real, as the reality of the class struggle, from the perspective of the workers movement[47].

We can now turn to Foucault.

IV

...in fits and starts

Between the publication of the first volume of Foucault's *The History of Sexuality* (Foucault 1990a [1976]) and the two volumes that follow it (Foucault 1990b [1984]; Foucault 1990c [1984]), there is a space of eight years. This 'gap' is often thought of as more than a temporal one, dividing the two lines of Foucault's later research; on the one hand a series of studies concerned with the problem of 'power' and, on the other, a set of investigations that take up the question of the subject.

In spite of Foucault's clarification in his 1982 essay, 'The Subject and Power', that it was the "subject", and "not power", that was the "general theme" of his research (Foucault 2002: 327), and his explicit confrontation of this 'gap' in the introduction to the second volume of *The History of Sexuality*[48] (titled, *The Use of Pleasure*), this shift has, if not confounded Foucault scholars, then at least presented itself as a problem needing to be resolved[49].

The great enthusiasm that accompanied the publication of Foucault's lectures at the *Collège de France* is thus accounted for not only by the breakthrough it makes for a theoretical approach to the 'government of state', but, also, it would seem, for the ways it helps fills in this apparent gap, drawing together these two, apparently, 'disparate projects'. The blurb of the first English edition of *Security Territory Population* in fact carries, in these very terms, the endorsement of the *Continental Philosophy Review*, characterising the lectures' publication as a "major event" that "might properly be called the 'missing link'" revealing "the underlying unity of Foucault's later thought" (Foucault 2007). This is in fact how it appeared in Thomas Lemke's formulation, whose essay is made all the more interesting today for having been written before the first publication of the lectures - constructed from the original audio recordings made by the course's auditors - thus giving Lemke's 2000 "missing link" thesis, all the intrigue of a discovery:

> The "missing link" between these two research interests is the problem of government. It is a link because Foucault uses it exactly to analyse the connection between what he called technologies of the self and technologies of domination and the formation of the state. It is missing because Foucault

> developed the notion in his lectures of 1978 and 1979 at the Collège de France and the material is almost entirely unpublished, at the moment available only on audio tape (Lemke 2000: 2).

There is certainly a real sense in which this is correct, and the posthumously published lectures on government help us to understand and draw together the different lines running out of Foucault's later work. Nevertheless, we should still ask whether this is the way one ought to read Foucault, or any other thinker for that matter: to search within a life's work for an overarching unity, where disjuncture, blockage and even crisis, fade away to reveal the ultimate, and unbreachable, coherence of a body of work, or alternatively, something of its irreversible discontinuity, and thus failure? Such would be fine (even if better suited to disciples and antagonists) if it did not force us to sacrifice the very disjunctures and blockages, which are, in any case, not without a productive dimension. As Deleuze says in his essay on Foucault's concept of the 'dispositif', "[g]reat thinkers are somewhat seismic; they do not evolve but proceed by means of crisis, in fits and starts" (Deleuze 1992: 159). And, indeed, it is often the 'holes' in a philosopher's work that contain the signs of these crises, the place of new beginnings[50].

Would it therefore not be better to do something else? To assume discontinuity, breaks, and even crises, along with the continuities, leaps and breakthroughs, but within a field that is opened up by our own questions, our own grappling with the present? In any case, a reading that is less about offering an account of the unity of the work, but instead (borrowing an analogy) which traces a 'line of force', linking and aligning elements that would give us the basis of a use, here-now. This is what Harry Cleaver calls "a political reading" (2000: 30), given of course that we ask the right questions [51].

I want, however, to say that here, in this 'hole' in a work, our own *problem* – appearing in the space between the question of resistance and the question of escape – potentially links up with Foucault's. As I showed in *Chapter 1*, while 'the question of resistance is far from being already closed from the start in Foucault, there is a still open question about what forms of political action might be most effective within a dynamic in which power is implicated in the very constitution of the subject who resists (see *Chapter 1*). Placing the questions arising out of Foucault's later work in very similar terms, a recent essay in *New*

Left Review by Michael Hardt links the gap in Foucault's work to an apparent crisis within it:

> In my view Foucault's studies of power run into a conceptual dead-end and posed a political problem for him as well; a rather different one than that deplored by his critics, no doubt, but not any less serious. In his biography of Foucault, Didier Eribon recounts that after the 1976 publication of the *History of Sexuality, Volume I* Foucault was intellectually fragile and unusually sensitive to criticism. For the next eight years he published no books, an enormous gap given his previous productivity. What accounts for this long interruption? I would speculate that the studies of power left him in a state of intellectual crisis or, at least, with a need to reorient his project. He had successfully articulated an extraordinary critique of power and traditional forms of politics, but was not able to advocate a new politics or propose the adequate means to struggle for a new society (Hardt 2010: 152-3).

Foucault's later works are marked by numerous reflections on his broader project, which figure almost as clarifications and explanations of his methodology and previous lines of research, but which also seemingly want to re-appropriate his entire *oeuvre* in order to set it within a 'better perspective'. One in fact need not agree on the source of a crisis, or even its character as such, to see that 'something is happening here', and which is characterised by a deeper reflection on the terms of this intellectual project. And it seems to me that one of the things we find in the thread on critique is Foucault's own thought on the relations between the different lines of research in his work, and in which he is also attempting to (re)think, if not the problem of political action in general, then at least the political means that belong to his own intellectual practice. That is, the political means of critique. This is the Foucault I want to emphasise (over the one found in Žižek and in Section 1 of *Chapter 1*).

A place to start. Again.

Beginning Again

There is something uneasy, difficult even, about Foucault's writings on critique; a superficial accessibility that covers over the affective work of the text, forcing us to constantly return to it every time we

try to say something about it, searching for something already there, and yet, not-yet, or rather something only emerging *at the frontier of what can be said.*

Their subtlety in part arises from the question form these works take ('What is Critique?' 'What is Enlightenment?'), which present a conception of critique through "enacting a certain mode of questioning which will prove central to this activity"[52] (Butler 2002: 2-3). Here the question itself – what is critique? – becomes the place of a displacement, a redrawing of a fold, *daring* us to think otherwise… "to stray afield"[53] of ourselves.

Doubtless, the most well know of Foucault's texts on critique is his essay 'What is Enlightenment?' (Foucault 1997), which takes up a novel reading of Kant's essay by the same name. One can, however, find scattered throughout Foucault's later work a number of references (some direct, others less so) to these threads, and which collectively represent something of a sustained engagement with the theme of critique and with Kant's essay. For the most part, in this dossier I draw on three texts, which seem to me the most developed of Foucault's statements on critique. The first is a lecture presented at the Sorbonne in 1978, and published with the title 'What is Critique?' The second is, of course, the more famous essay, 'What is Enlightenment?' while the third is the first lecture of Foucault's recently published course, *The Government of the Self and Oth*ers.

In relation to these texts it is sometimes noted that Foucault allows us to "rethink critique as a practice", and to rethink it in a way that it is at a remove from what it wants to critique (see Butler 2002). This is true. However, it important not to lose sight of the ways in which, in these threads, Foucault also comes to talk about the focus of his own intellectual work and the philosophical objects this work centres on.

Although one might enter these texts from any number of directions, in this document, I want to suggest that, next to his reading of Kant's essay on the Enlightenment, and in fact, in relation to it, in these texts, Foucault also wants to underline a historically determined 'relation', or even 'correlation', between, as he once put it, 'the government of self and the government of others'. Moreover, the practice of critique – whose own genealogy is bound to that of its modern modality (at least in the genealogy Foucault gives us) - finds 'no external support'; not only emerging with the 'dispositifs' or apparatuses that characterise modern power, but also (as Deleuze might say) belonging to

it. It is at this impasse that Foucault offers us a reflection on the significance of his own work, in a way that not only details the methodological relations it establishes as a consequence, but also, I think, that wants to underline the political, and indeed also, ontological, stakes his mode of critique is playing for.

Thinking Thought

Describing his project as a 'history of thought', in the introductory section of *The Use Of Pleasure* (which has strong connections to the threads on critique), Foucault characterises the "better perspective" he is developing on his intellectual practice in terms of a set of problematisations:

> It is a matter of analysing, not behaviours or ideas, not societies and their "ideologies," but the problematisations through which being offers itself to be, necessarily, thought - and the practices on the basis of which these problematisations are formed (Foucault 1990b: 11).

And in the very next sentence he links this form of analysis to the crosscutting axes of his method: archeology and genealogy.

This way of speaking about his work, the "better perspective" being developed on his project – referred to as 'a history of thought' (and differentiated from a history of representations and a history of behaviours) - not only recurs in Foucault's later works, but has a strong connection to the emerging threads in his statements on critique. Although Foucault does not put it in these terms, I suspect that part of what he wants to underline in these texts are a form of 'problematisation' linked to modernity, and in a way that links critique to it.

To grasp this point, however, we need to have a sense of what Foucault means here by thought, and how he links it to a notion of 'problematisation' (as he says, through which 'being offers itself to be'). Reflecting on the path that led to him being able to describe his work as 'a history of thought' in a late interview conducted by Paul Rabinow, Foucault put the question of thought in terms that recall his discussion in the *Use of Pleasure* (see above) and gives real agency to this notion of problematisation:

> It seemed to me that there was one element capable of describing the history of thought - this was what one could call the element of problems or, more exactly, problematisations. What distinguishes thought is that it is something quite different from the set of representations that underlies a certain behaviour; it is something quite different from the domain of attitudes that can determine this behaviour. Thought is not what inhabits a certain conduct and gives it its meaning; rather, it is what allows one to step back from this way of acting or reacting, to present it to oneself as an object of thought and to question it to its meaning, its conditions, and its goals. Thought is freedom in relation to what one does, the motion by which one detaches oneself from it, establishes it as an object, and reflects on it as a problem (Foucault 1994 [1984]: 117).

Of the particular form of self-reflexivity that Foucault is describing here, we should say that although he is insistent on the distinction between thought and the attitudes that might determine a particular behavior or conduct, as well as the forms of representation to which such might be connected, this is not to say that he is uninterested in behaviors and representations. Rather it is a question of understanding what underlies them, or, better what stands in a formative relation to them.

This is not his only strategy for defining thought. However, in the same interview, Foucault tells us that for a behavior to enter thought – that is, for it to become the subject of the form of self-reflexive questioning that his work is a history of - it must first be, in a sense, displaced, made to "lose its familiarity", and take on a new "uncertainty". The question that imposes here is how does what is most intimate to us, our own conducts and the meanings we give to them, become less familiar to us, or even, how do we come to problematise our own practice? What turns out to be key here are the social, economic and political processes that form the backdrop of Foucault's research, and the difficulties and challenges these present. However, these do not so much form or pose a particular problematisation, but rather act as a form of "instigation":

> They can exist and perform their action for a very long time, before there is an effective problematisation by thought. And when thought intervenes, it doesn't assume a unique form that is the direct result or the necessary expression of these difficulties; it is an original or specific response-often taking many forms,

> sometimes even contradictory in its different aspects-to these difficulties, which are defined for it by a situation or a context, and which hold true as a possible question (ibid: 118).

Unsurprisingly, Foucault's examples here are drawn from the store of themes that characterise his work. He, for instance, points to the ways in which various 'difficulties' encountered with respect to practices relating to mental illness or penal measures in the 18th century 'instigated' the proposal of different and diverse solutions. The point here is not, or rather not only, to show what specific difficulties presented the occasion for various solutions, but rather to link these solutions, and the practices that emerge with them, to "the general form of the problematisation that has made them possible" (ibid)[54]. In the interview he describes this analysis centred on problematisations as a "movement of critical analysis" working at two levels; tracing the ways in which various solutions have been constituted at the same time as it connects different solutions to the specific problematisations out of which these arise.

It is a matter defining, as Foucault put it in *The Use of Pleasure*, "the conditions in which human beings 'problematise' what they are, what they do, and the world in which they live" (Foucault 1990b: 10).

An-Other

Power

One of the things that is exciting about the working between the lines of the texts on critique, or marking the development of concepts between these successive statements, is the very real sense one gets of the movement of a thought coming to a "better perspective" on itself. That is to say, of thought problematising its own practice, in ways that both clarify it, and point a path beyond it: a thought crossing over behaviors and representations to find thought itself, and with this movement, coming to the thought of the subject - what this thought was already becoming. And yet, or perhaps, for this reason, they are not straightforward, shifting terms and strategies, developing new ones even as they re-turn, every time, to the same place. And indeed it is Kant's essay that exerts a particular gravity for this analysis.

I want, however, to set aside Foucault's commentary on Kant's essay for the time being. As we will see, what he ascribes to this short piece by Kant is a new way of posing the

question of the present (ibid: 305; see also Foucault 1994: 141). But he also locates the emergence of the "critical attitude" that he links to Kant's essay within a wider historical process (a process that we might add has particular significance for these dossiers' grappling with the question of government). And it is in following this line of emergence of a conception of the critical attitude in Foucault's work that we grasp something of the complexity of the relation Foucault's texts establish with Kant's essay.

In the lecture at the Sorbonne in 1978, Foucault suggests that between the lofty "Kantian enterprise and the small polemical-professional activities that bear the name "critique"" one can find "a certain manner of thinking, of speaking, likewise of acting, and a certain relation to what exists, to what one knows, to what one does, as well as a relation to society, to culture, to others, and all this one might name the critical attitude" (Foucault 1996 [1978]: 382).

This work, which marks the first explicit formulation of Foucault's conception of critique, and which was delivered shortly after his course *Security Territory Population* (focused on the problem of government), is interesting for the ways in which the emergence of this 'critical attitude' is linked to what he calls the "simultaneous movement of governmentalisation" (ibid: 384). This 'movement', which Foucault's 1978 course at the *Collège de France* (*Security Territory Population*) takes as its subject, refers to the process, beginning from around the 15th and 16th centuries, whereby a particular mode of directing the conduct of men - which had grown out of the institutional form of the Christian church (what he sometimes spoke about under the heading of pastoral power) - will increasingly shift, or rather be "displaced", and expand into "civil society"[55], while at the same time becoming more focused (with a 'proliferation' of treatise on conduct; on 'conducting the conduct' of children, the poor, cities, states, one's body, one's mind and so on) (ibid: 383-384; see also *Document 3*). And Foucault comes to speak about these treatises in terms of an 'art of government'.

There is, however, a subtle point that is often overlooked in commentary on Foucault's work on government, but which emerges far more starkly in this 1978 lecture on critique: *the process of governmentalisation is in a sense always double*. It is the virtue of Hardt and Negri, in their recent book *Commonwealth*, to point to this "doubleness" in Foucault's theorisation of power, which they see at work in his monumental studies *Discipline and*

*Punis*h and the first volume of *The History of Sexuality* (Hardt and Negri 2009: 56). For Hardt and Negri, there is in Foucault's theory of power always an 'other' of power, "or even an other power", in relation to what Foucault calls resistance. And if this is true of books like *Discipline and Punish* and the *History of Sexuality* (Volume 1) as Hardt and Negri suggest, it is also true of Foucault's courses on government (see *Document 3*) as well as these statements on critique.

Echoing his formulation in the course *Security Territory Population*, Foucault tells us here that a "fundamental question" for the 15th and 16th centuries was "How to govern?", a question to which "all the institutions of government" – pedagogical, economic, political – would come to respond (Foucault 1996: 384). It is worth pointing out that in *Security Territory Population* the immediate backdrop of this new art of government was what he called the "insurrections of conduct", linked to a whole series of revolts. In the Sorbonne lecture, he therefore notes that this question, which for him was in a very real sense characteristic of the period, "cannot be dissociated" from a second question, "How not to be governed?". It is important to point out, however (in spite of his 'slip' at the end), that this question does not so much mark a rejection of government for Foucault, but rather functions as a form of 'constant contestation' of the particular mode in which government might be realised:

> In the great anxiety surrounding that way to govern and in the inquiries into modes of governing, one detects a perpetual question, which would be: "How not to be governed like that, by that, in the name of these principles, in view of such objectives and by means of such methods, not like that, not for that, not by them?" (ibid).

And it is exactly in relation to this 'double movement' – between the question 'How to Govern?', and 'How not to be governed?' - that the drama of governmentalisation unfolds. What is crucial, however, for our discussion on critique, is that it is in relation to this "simultaneous movement of governmentalisation, of society and individuals"[56], and specifically in relation to this question of 'How not to be governed?', that Foucault uncovers "something close to what might be called the critical attitude":

> Against this, and like counterpoint, or rather at once partner and adversary of the arts of governing, as a way of suspecting them, of challenging them, of limiting them, of finding their right measure, of transforming them, of seeking to escape these arts of governing, or in any case to displace them, as an essential reluctance, but also in that way as line of development of the arts of government, there would have been something born in Europe at this time, a kind of general cultural form, at once a moral and political attitude, a way of thinking… (ibid).

The "preliminary definition" that the 1978 lecture gives to critique is therefore the "art of not being governed so much" (ibid). Critique, as what is linked to the other side of the process of governmentalisation, will thus find its specific points of development, or rather, what Foucault calls the "anchoring points" of the critical attitude, in those domains that the 'art of government' takes as its source and support[57]. In fact, Foucault sees emerging from this "game of governmentalisation and critique" many of the forms of discursive reflection that characterise modern thought.[58]

In this text we already get a strong sense of how, in relation to the genealogy of critique (which figures almost as the other side of the genealogy of government), Foucault wants to think the relations between the three broad lines running through his work, which is in fact precisely what he reads as the focus of critique; that is, the relations that bind together knowledge, power and the subject. In fact, I would even go so far as to say that Foucault shows us the ways in which critique emerges with a form of power and subjection whose mechanisms form a tight set of relations with knowledge. Moreover, in so far as the process of governmentalisation must be thought of as well in relation to processes of subjection/subjectification, critique belongs to an alternate "movement", a force of "desubjectification":

> If governmentalisation is really this movement concerned with subjugating individuals in the very reality of a social practice by mechanisms of power that appeal to a truth, I will say that critique is the movement through which the subject gives itself the right to question truth concerning its power effects and to question power about its discourses of truth. Critique will be the art of voluntary inservitude, of reflective indocility. The essential function of critique would be

> that of desubjectification in the game of what one could call, in a word, the politics of truth. (ibid: 386).

And it is in this context that the 1978 lecture turns to the question of Enlightenment (Aufklärung), and the ways in which Kant's essay foregrounds the question of knowledge within an analysis coordinated along the axes of the question of autonomy and obedience to authority.

I would like to linger a bit on Foucault's characterisation here of the strategic field in which critique finds itself intervening. He describes it as a game and calls this game 'a politics of truth' (and elsewhere in the lecture 'a game of power and truth'). To be sure, we are talking about a politics in which the contestation of power will in a certain sense also invest relations of knowledge, a contestation of a form of power marked by specific relations between power and knowledge (that is, specific relations between mechanisms to affect conduct and the systems of knowledge that establish the terms of their "application and validity"). However the subject of this politics, her conducts, and even her critical conduct, are already inserted into this terrain, and in a strong sense take their form within it.

In this tight passage, this game, as a politics of truth, is defined in relation to two forces or rather two types of forces; in the lecture Foucault calls them 'movements'. The first is the movement of governmentalisation, by which Foucault indexes the process through which a particular form of power takes hold of life, subjugating it to specific forms of conduct, and, as Foucault would have said, 'through mechanisms that appeal to truth'. The second, alternative, movement is characterised by a force of inservitude and indocility, a force of desubjectification. In relation to this other side of the process of governmentalisation, in *Security Territory Population*, Foucault speaks about revolts of conduct, and suggests the term "counter-conducts" in relation to the "struggle against the processes implemented for conducting others" (2007: 201). In the Sorbonne lecture, where Foucault seems far more focused on the specific ways in which struggles at the level of knowledge rebound on 'this game', the alternative or counter movement is described in terms of critique. What I want to highlight, which speaks both to the truly profound stakes of this '*double movement'* which characterises the politics of truth, is that it is in relation to it that the subject of this politics is decided. What makes Foucault

indispensible to my own project is that he allows us to refocus our critical energy, beyond this or that particular intervention in the game, to the constitution of the game itself.

Problematizing government

There are a number of questions about Foucault's relationship to Kant's essay. Unquestionably, there is something in it that Foucault finds inspiring. Yet this is not the whole story, since what he finds inspiring is perhaps not unrelated to the paradoxical relations this text potentially forms with its canonical terms. In fact, what seems to me crucial in grasping Foucault's relationship to Kant's essay is grappling with the way it is linked to a particular problematisation that is fundamental to modernity: the problematisation of government. Doubtless the specific 'difficulties' that instigate thought to reflect on the special form of conduct we call government (which is after all 'the conduct of conduct' itself) - to problematise it, so to speak, in terms of the question of 'how to govern?' (which cannot be "disassociated" from its other) - is what Foucault first reflects on under the heading of 'the insurrections of conduct', linked to the pastoral revolts of the 15th and 16th centuries (see *Dossier on Government and Sovereignty*). If, under the heading of Governmentality, Foucault sought to grapple with solutions that the age of reason presented to this problem, and the practices that grew with them, the theme of critique was for Foucault 'a still open dossier' running alongside this crucial thread in his work (and he says as much). This seems to me precisely the context that defines his relationship to Kant's text.

It is worth pointing out however, that in the 1978 lecture Foucault does not spend much time on Kant's text; he refers to it, highlights specific aspects connected to his discussion of "the game of critique and governmentalisation", and then holds it in the background as he draws out the implications of his broader discussion in terms of his own critical project. However, with each re-turn to Kant's essay this reading becomes not only more detailed but also complex. In fact, in 'What is Enlightenment?' and the 1983 *Lecture at the Collège de France* , not only does Kant's essay become far more important to the central lines of Foucault's discussion, but he brings to it a rich commentary that situates it in its own time, but also along an axis that runs into the present.

In the 1978 lecture, however, the crucial point Foucault wants to highlight is the ways in which Kant's way of defining Enlightenment links up to his own way of defining the "critical attitude", in terms of intervention in a game that binds power, knowledge and the subject. Although, in this lecture, Foucault moves somewhat quickly through them, I want to pause on those aspects that he underlines in relation to Kant's 'definition' of the Enlightenment since they collect – in raw form - many of the consistent themes of his engagement with this text.

Firstly, he tells us that Kant defined Enlightenment in relation to "a certain state of immaturity in which humanity would be maintained and maintained authoritatively" (1996: 386). Crucially, however, this immaturity, or minority (following Thomas Abbott's translation of Kant's essay), is, in a sense, "self-incurred"; at least in so far as it is here related to a "lack of determination and courage" (Kant 2001: 135). But, determination and courage for what? Kant's definition of this state of minority masks a deeper complexity that Foucault's later statements reflect on. Kant tells us, "minority is the incapacity to use one's intelligence without the guidance of another" (ibid), or as Foucault explains in 'What is Enlightenment?', it is here "a certain state of our will which makes us accept someone else's authority to lead us in areas where the use of reason is called for" (Foucault 1997: 305). The *problem* here centres on the question of subjectivity, since, as Foucault makes clear in his 1983 lecture, it is here not by an act of violence that we are prevented from thinking for ourselves, but instead, because of ourselves, or more precisely, because "*of a certain relationship*" we have "*to ourselves*" (2010: 33; my emphasis).

Following the examples given by Kant, we are therefore in a state of minority, when "a book provides meaning" for us, when "a pastor has conscience" for us, or when doctor stands as the "judge" of the diet we follow (Kant 2001: 135; see also Foucault 2007)[59].

What I think is important here, and which I want to return to, is that this state of minority is marked by a certain relation, Foucault also calls it a "correlation", between authority, and a certain disposition with respect to the subject; as Foucault puts it in his reading of Kant, "a certain correlation between an authority that is exercised and that maintains humanity in this state of immaturity…[and] a lack of decision and courage" (Foucault 1996: 386).

Secondly, in the Sorbonne lecture, what Foucault highlights is that Kant defines Enlightenment as an 'exit' from minority, through an "appeal to courage" that is itself connected to the public labour of the philosopher (ibid: 386). In the 1978 lecture this element of Foucault's reading of Kant's text is not well developed, but, I suspect that it was what formed the deeper basis of Foucault's fascination with this text, and as Hardt has noted, is in no small part related to what he takes inspiration from (Hardt 2011). As Foucault emphasises in 'What is Enlightenment?' and the 1983 lecture, Kant calls Enlightenment an "exit" (Kant 2001: 135), a "way out" (Foucault 1997: 305) from this state where our judgment is ceded to the authority of another. Where in 1978 he underlined a certain correlation, in 'What is Enlightenment?' this is formulated in slightly more rigorous terms, such that the 'exit' of Enlightenment is here "defined by a modification of *the preexisting relation linking will, authority, and the use of reason*" (Foucault 1997: 305; my emphasis).

Part of the ambiguity of Kant's text, which Foucault powerfully draws out, is that Enlightenment is here at once a moment and a particular phenomenon, a process in which men are the same time a part or element of, and as Foucault emphasises, also a "task and an obligation" that will have to be undertaken (ibid). It is both a collective process, but which implies as well an individual disposition. In this sense then, there is Enlightenment because people are actors within this process, and this process occurs only to the extent that they "decide to be its voluntary actors" (ibid: 306). Kant's motto for the Enlightenment, which is at the same time its very condition, is thus "Sapere Aude! [dare to know!] Have the courage to use your own intelligence" (Kant 2001: 135). What seems to move Foucault deeply here is the ways in which the essay connects Kant's own intellectual enterprise to the moment in which he is writing, a moment that, in part, comes to assume its specific difference "because he is writing" (1997: 309). Enlightenment then, is in this sense a way of relating to the "present", and the collective subject, the we, that constitutes this present (ibid: 309).

As I have shown, Foucault's engagement with Kant's essay should be located within a broader analysis centred on the problematisation of government, a problematisation that turns out to be formative with respect to the modern. However, it is really with this new way of relating to the present that he seems to want to mark something of an innovation brought by Kant's essay:

> [T]he question of modernity was not introduced into European culture with this text…the question of modernity was raised from at least the sixteenth century, throughout the seventeenth century and at the beginning of the 18th century…[T]he question of modernity arose with the question of what authority was to be accepted and the question of the evaluation or comparison of values in [a] polarity of Antiquity and modernity. Now I think that with Kant… a new way of posing the question of modernity appears or surfaces, which is no longer in a longitudinal relationship with the Ancients, but in what could be called a sagittal...[or] a vertical relationship of the discourse to its own present reality. The discourse has to take its own present reality into account in order, [first], to find its own place in it, second to express its meaning, and third to designate and specify the mode of action, the mode of effectuation that it realises within this present reality. What is my present reality? What is the meaning of this present reality? And what am I doing when I speak of this present reality? (Foucault 2010: 13-14).

Marking this difference seems particularly important in Foucault's later reading of Kant's text, and in fact points to an axis of subtle development in his reflections on the essay. In the 1978 lecture Foucault underlines the way in which Kant's text is aligned with a form of questioning of authority, a way of posing the question of 'how not to be governed' (with its roots in the 15th and 16th century), as what characterises the critical attitude. However, in the 1983 lecture, and in 'What is Enlightenment?', he seems to shift away from this formulation. If, as Foucault suggests (in the quote above), the question of modernity is raised with the question of 'what authority is to be accepted' (the question of how to govern/how not to be governed), the later public readings of Kant's text seem to want to underline the specific difference of Kant's way of addressing this question. And here, it is this difference that now comes to characterise what is no longer referred to as the "critical attitude", but rather, what, in 'What is Enlightenment?', he now calls "the attitude of modernity":

> The hypothesis I should like to propose is that this little text is located, in a sense, at the crossroads of critical reflection and reflection on history. It is a reflection by Kant on the contemporary status of his own enterprise. No doubt

> it is not the first time a philosopher has given his reasons for undertaking his work at a particular moment. But it seems to me that it is the first time that a philosopher has connected in this way, closely and from the inside, the significance of his work with respect to knowledge [connaissance], a reflection on history and a specific analysis of the specific moment at which he is writing and because of which he is writing. It is in the reflection on "today" as difference in history and as motive for a particular philosophical task that the novelty of this text appears to me to lie. And by looking at it in this way, it seems to me we may recognise a point of departure: the outline of what one might call the attitude of modernity. (Foucault 1997: 309).

This questioning of the present, of the 'we' that belongs to it, and which is also an insertion in the present, a way of belonging to it and an intervention in the making of it, marks the specific difference, the new way of raising the question of modernity, introduced by Kant. This is undoubtedly the most important part of what Foucault takes from Kant's essay, formulated as the question of 'who we are today?'

One aspect of what Foucault wants us to see is the ways in which Kant's essay becomes part of enacting, by articulating, a certain strategy for exiting a correlation that links the exercise of authority to forms of subjectivity. It seems to me, however, that Foucault's interest in the text is just as much the new correlation it is suggesting, and indeed, in a certain sense helping to establish. In fact, I wonder if staging this paradox for the present is not part of the pleasure Foucault takes from his public readings of this essay.

In the 1978 lecture, when he reminds us of the motto of the Enlightenment, he therefore also immediately sets it next to a second, that of the sovereign, Frederick II, who says: "[l]et them reason as much as they want as long as they obey" (Foucault 1997: 387)[60]. There is a particularly interesting ambiguity here, for this movement of a subject exiting minority – who, as we saw, is at once agent and element of the necessarily collective undertaking called Enlightenment – is 'correlated' with that of another at a second pole,

that of the sovereign. In 'What is Enlightenment?' Foucault puts it in the following terms:

> Enlightenment, as we see, must not be conceived simply as a general process affecting all humanity, it must not be conceived only as an obligation prescribed to individuals: it now appears as a political problem. The question, in any event, is that of knowing how the use of reason can take the public form that it requires, how the audacity to know can be exercised in broad daylight, while individuals are obeying as scrupulously as possible. And Kant, in conclusion proposes to Frederick II, in scarcely veiled terms, a sort of contract – what might be called the contract of rational despotism with free reason: the public and free use of autonomous reason will be the best guarantee of obedience, on condition, however, that the political principle which must be obeyed itself be in conformity with universal reason. (ibid: 308).

Although Foucault offers a rich discussion of the particular opposition between public and private that Kant's thought is grounded in here, I want to simply underline the crucial significance he seems to want to give this relation. In fact, in the 1983 lecture, Foucault suggests that, for Kant, it is Frederick (with some difficulty) who is given the role of the agent of the Enlightenment, for the way his mode of governing removes the 'obstacles' standing in the way of people using their own understanding:

> [W]e have… through Frederick's … way of governing, that adjustment between, on the one hand, a government of self which will develop in the form of the universal (as public discussion, public reasoning, and public use of understanding) and, on the other, the obedience to which all those who are part of a given society, state, or administration will be constrained. Frederick of Prussia is the very figure of Aufklärung, the essential agent who makes the right redistribution in the interplay between obedience and private use, universality and public use (Foucault 2010: 38).

Perhaps one of the most interesting aspects of the 1983 lecture is the way it clarifies the ground of development for this "correlation" by setting it at the springboard of political modernity.

The lecture suggests that Kant's 1784 text was not the only time he had found recourse to undertake the form of reflection on the present that, as we saw, is what marks the innovation of his essay. He takes it up again, according to Foucault, in his reflection on the French revolution (in *The Conflict of the Faculties*). And it is in fact the latter, or rather the phenomenon of enthusiasm that surrounds the revolution that replaces the sovereign as the agent of the Enlightenment:

> The difficulty Kant clearly experienced in giving the King of Prussia this role as agent of Aufklärung no doubt partly explains the fact that, in the 1798 text I spoke about in the previous session, the agent of Aufklärung, the very process of Aufklärung, will be transferred to the Revolution. Or, more exactly, it will not be transferred to the Revolution, but to that general phenomenon of revolutionary enthusiasm produced around the Revolution. In the 1798 text, revolutionary enthusiasm replaces or succeeds the King of Prussia in the role he was given in the 1784 text as agent of Aufklärung (ibid: 39).

Although Foucault does not himself put it in these terms (and probably would not have), I do not think it is unjustified to relate Foucault's statement here to the crucial transition through which the question of political modernity often comes to be thought: that is the transition from royal sovereignty to popular sovereignty.

But more importantly, in his 1983 lecture on Kant's essay, when he motivates beginning with this text, he suggests that it is exactly in line with, "to formulate it in rigorous terms", the "relationship between the government of self and the government of others". It should be equally unsurprising then that, in the lecture that follows, he should come to refer to Kant's Enlightenment as a "new dividing up", a "new distribution of the government of the self and the government of others".

The importance of grasping this subtle point in Foucault's discussion of Kant's essay is that, from such a perspective, it becomes possible to approach the question of modernity somewhat differently (even differently from the way Foucault does). From this perspective, it becomes possible to approach modernity as a power relation… government and opposition, a questioning of how to govern at the same time as it is a

questioning of how not to be governed. But at this point, the question of escape again imposes: a questioning of how to break with this 'dialectic'[61] (see also Hardt and Negri 2009).

V

Method and Object

When, at the start of the 1983 course, *The Government of the Self and Others* (after clarifying the terms of his project as 'a history of thought'), Foucault turns to Kant's essay on the Enlightenment, he describes this discussion as "not exactly an excursus [..but] a little epigraph" (Foucualt 2010: 6). Just a few sentences later he also admits that Kant's text is something of a "blazon" and a "fetish" for him. Now an epigraph, at least in the literary sense, is a short piece of text (often a quotation) which precedes a work, and which, in some way, suggests or connects up with its theme. By contrast, in heraldic vexillology, a blazon is a type of discursive description of an emblematic sign (such as a coat of arms or a flag), marked by a specific grammar for progressively specifying the elements of an emblem.

These characterisations of Kant's essay raise two questions. Firstly, in what sense is this detailed discussion of Kant's essay – what at any rate appears as a digression or excursus – an epigraph for the course that follows centered on the theme of "parrhesia" in the ancient Hellenic writing. This question – of the relationship between the course's discussion of Kant's essay and its treatment of the theme of parrhesia – is in fact what is taken up in Hardt's essay (2011). The second question is more along the lines of what I have been trying to do in the previous document, that is, to answer the question about the relationship between Foucault's project and these discussions of Kant's essay; we might say: how does Foucault's discussion of Kant's 'What is Enlightenment?', his way of speaking about this text, come to specify the elements of something that would be an emblem for him, for his project as 'a history of thought'? And what seems to me crucial here is the relationship these public readings of Kant's text form with something that Foucault sets next to it – what, for lack of a better way of putting it, is a discussion on method (although, as we will see, there is more than the methodology of the philosopher or even the historian that is at stake here).

In relation to Kant's question – that is, this question of 'who we are today?' - Foucault wants to say something about what he is doing, about what is specific to his way of doing critique. This is not to say he is here 'effectively Kantian'. Indeed, if Foucault confronts something like Kant's transcendental in his mode of doing critique, he does so only in order to historicise it. In fact, it seems better to say that Kant's question is his only by accident, by "the crossing-over" of this philosophy's own terms. In the same light Foucault's formulation of the question off the back of his reading of Kant's essay, should be seen as a form of invention, as much as it is a discovery. In fact, Kant's question becomes definitively Foucault's for the ways it comes to feature as the central element, or in keeping with the heraldic analogy, the principle 'charge', of what the discussions on method call the 'historicophilosophical approach' (in 'What is Critique?), or 'historico-critical analysis' (in 'What is Enlightenment?').

In the dossier that follows this one, and throughout this thesis, I return to this question of Foucault's method, his historico-philosophical practice. In drawing together my discussion on Foucault's conception of critique, I want to merely point to a few recurrent details that relate to the discussion of method found in these texts.

In 'What is Critique?', after powerfully showing how a certain way of 'problematising' the relationship between rationalisation and "the rage" or excesses of modern power reposes the question of the Enlightenment for the present, Foucault turns to his own strategy for getting at this problem. And he calls this strategy historico-philosophical:

> The historico-philosophical practice is a matter of making one's own history, of fabricating, as through fiction the history that would be traversed by the question of the relations between the structures of rationality that articulate the true discourse and the mechanisms of subjugation that are tied to it (Foucault 1996: 391).

In this lecture, the more elegant formulation of Kant's question of the Enlightenment (as the question of 'who we are today?'), is not yet present, but one clearly sees it taking form when Foucault describes the "first characteristic" of this historical philosophical practice in terms of a form of questioning:

> What am I then, I who belong to this humanity, perhaps to this fringe, to this moment, to this instant of humanity that is subjected to the power of truth in general and of truths in particular? To desubjectify the philosophical question by referring to its historical content, to liberate the historical contents questioning the effects of power from this truth which they are supposed to restore (ibid: 392).

The point I think that is important here is the ways in which the 'ontological' question, as the question of 'who we are', is in this way historicised. The thematic privilege Foucault gives to the Enlightenment is related, then, to the ways in which the period not only makes possible such a questioning, but also for how it throws light on the principle elements such centres on[62]:

> The relationship of historicophilosophical labour to this period is privileged because it is there that these relations among power, truth, and the subject that it is concerned with analysing appear in some way, raw and at the surface of visible transformations. But it is privileged too in the sense that it forms from there a matrix for the course of a whole series of possible domains (ibid: 392).

This is, of course, not to say that it is only with respect to Enlightenment and modernity that Foucault wants to apply this form of questioning, this 'historicisation' of the ontological question, too. As he puts it in 1978, it will rather be a matter of seeing "under what conditions, at the price of what modifications or what generalisations, one can apply to any moment of history the question of Aufklärung" as the questioning of "the relationship of power, truth, and the subject" [63].

What does this mean, practically? I don't think it is insignificant that when, in these discussions, Foucault gives us an idea of what the historical-philosophical approach entails by way of 'method', he does so with reference to both negative and positive aspects of an "ethos" (in fact, in 'What is Enlightenment?', he puts it explicitly in these terms).

Reading across these texts it is clear that Foucault wants to set himself apart from various contemporary strands of a rationalist conception of critique, as a refusal to strand

thought to an analysis centering on "the legitimacy of historical modes of knowing" (an approach that in the 1978 lecture he associates with Dilthey and Habermas). The paradox that we were made to confront in relation to Kant's text is in fact here doubled, because it is really with Kant that he underlines the source of two distinct modes of doing critical philosophy:

> Let's say that in his major critical oeuvre - that of the three Critiques and above all the first Critique - Kant set out and founded that tradition of critical philosophy which posed the question of the conditions of possibility of a true knowledge. And we can say that a whole part of modern philosophy since the nineteenth century presented itself and developed from this as the analytic of truth. This is the form of the philosophy that you now find in the form of, say, Anglo-Saxon analytical philosophy…
>
> But within modern and contemporary philosophy there is another type of question, of critical questioning whose birth we see precisely in the question of Aufklärung or in Kant's text on the Revolution. This other critical tradition does not pose the question of the conditions of possibility of a true knowledge; it asks the question: What is present reality? What is the present field of our experiences? What is the present field of possible experiences? Here is not a question of the analytic of truth but involves what could be called an ontology of the present, of present reality, an ontology of modernity, an ontology of ourselves…
>
> It seems to me that the philosophical choice confronting us today is the following. We have to opt either for a critical philosophy which appears as an analytical philosophy of truth in general, or for a critical thought which takes the form of an ontology of ourselves, of the present reality. It is this latter form of philosophy which, from Hegel to the Frankfurt School, passing through Nietzsche, Max Weber and so on, has founded a form of reflection to which, of course, I link myself insofar as I can. (Foucault 2010: 20-21).

It is important to say that critique, for Foucault, then cannot be a matter of fault finding or searching for that "false idea knowledge makes of itself". Rather, Foucault's critical labour is directed at the very relations that bind rationalisation to modes of domination,

in order to identify what it is already possible to go beyond. This seems to me, partly, what Foucault is suggesting as the first (negative) principle, or rather, as Foucault calls it, the "ethos" of his "permanent critique of our historical era" (1997: 312).

Here Foucault enjoins us to refuse "the "blackmail" of the Enlightenment", that is, to refuse the choice between being for or against the Enlightenment, which in fact comes down to the seemingly mutually exclusive option of remaining "within the tradition of rationalism" or trying "to escape from its principles of rationality" (1997: 313). Foucault's point here is that the Enlightenment, defined "as a set of political, economic, social, institutional, and cultural events", is not only crucial to the genealogy of the very arrangements, institutions, and practices in relation to which we come to speak of modernity, but also that we, and whatever critical stance we might take to these, belong to the same immanent plane in which they take shape. If Foucault refuses to temper a critical disposition with respect to the forms of rationality that belong to modernity, he equally wants to underline the impossibility of making an intellectual practice outside of it.

With his second (negative) principle or ethos, Foucault also refuses an intellectual practice that would make recourse to what is characterised here as "humanism". Part of what is important here is the shift away from an essentialist conception of human nature, and any perspective that would ground the question of the subject in trans-historical typologies[64]. In fact, part of what is interesting about his displacement of the question of Enlightenment in these essays, is his insistence on separating Enlightenment from humanism, and the way he poses against the latter's static conception of the subject "the principle of critique and a permanent creation of ourselves in our autonomy" (1997: 314).

Against a mode of critique that would fall for the blackmail of the Enlightenment, or make an intellectual practice on the ground of humanism, then, Foucault affirms an ethos no longer simply defined by its mode of opposition, but which, in 'What is Enlightenment?', he now characterises "as a limit attitude"; an ethos going "beyond the outside-inside alternative" to work at "the frontiers" of who we are now (1997: 315). We are in fact now properly on the positive side of the new ethos of criticism. And indeed for Foucault, this ethos is a virtual reversal of the injunction of Kantian Critique:

> Criticism…consists of analysing and reflecting upon limits. But if the Kantian question was that of knowing what limits knowledge must renounce exceeding, it seems to me that the critical question today must be turned back into a positive one: In what is given to us as universal, necessary, obligatory, what place is occupied by whatever is singular, contingent, and the product of arbitrary constraints? The point, in brief, is *to transform the critique conducted in the form of necessary limitation into a practical critique that takes the form of a possible crossing-over.* […] This entails an obvious consequence: that criticism is no longer going to be practiced in search of the formal structures with universal value but, rather, as a historical investigation into the events that have led us to constitute ourselves and to recognise ourselves as subjects of what we are doing, thinking, saying (Foucault 1997: 315; my emphasis).

Although there is a question about what form this practical critique, this crossing over, might take, it seems to me that something important is happening here. In the next line Foucault tells us that this new mode of doing criticism will be "genealogical in design and archeological in method". What is clear, however, is that there is far more than simply a methodological issue at stake here. In fact, across these statements, the methodological thread develops along a strategic-political axis.

In 1978 (before he has explicitly linked his critical practice to the crossing over of a form of limit) the essential target of critique is that which, at a given moment in history, "constitutes a system's acceptability". In this respect he proposes an analysis focused on "positivities", or historically determined "ensembles", characterised by the relations that, in a particular context, constitutes 'the knowledge – power nexus'. In this iteration, it is really this 'ensemble' (constituted by these relations) that figures as the basis for the "acceptability" of modes of subjugating people to specific conducts:

> [I]t is not a matter of describing what knowledge is and what power is and how the one would repress the other or how the other would abuse the one, but rather it is a matter of describing a nexus of knowledge-power that allows one to grasp what constitutes a system's acceptability, be it the system of mental illness, of punishment, of delinquency, of sexuality, and so on (Foucault 1996: 394).

One might well connect Foucault's characterisation of "positivities" in this essay, to the concept of dispositif that is becoming increasingly central in his works (see Agamben 2009). However, in the lecture, what is important for the historicophilosophical approach is bringing to light the conditions of acceptability of a particular system, ensemble or dispositif, at the same time as we "mark its emergence" as a particular historically specific form[65].

In 'What is Enlightenment?' Foucault seemingly wants to shift the emphasis from what "constitutes a system's acceptability", to a crossing-over of "the "contemporary limits of the necessary," that is… what is not or is no longer indispensable for the constitution of ourselves as autonomous subjects" (1997: 313). By my reading, in this shifting of emphasis, we see something of a deepening orientation to the question of the political means of critique. In 'What is Enlightenment?' he also no longer speaks of positivities; however, the form of singularity that his work focuses on, what gives this historico-critical practice its "homogeneity" and "continuity" through different contexts and historical moments, nevertheless remains visible in what he calls here "practical systems". With respect to these practical systems Foucault writes:

> Here we are taking as a homogeneous domain of reference not the representations that men give of themselves, not the conditions that determine them without their knowledge, but rather what they do and the way they do it. That is, the forms of rationality that organise their ways of doing things (this might be called the technological aspect) and the freedom with which they act within these practical systems, reacting to what others do, modifying the rules of the game, up to a certain point (this might be called the strategic side of these practices). The homogeneity of these historico-critical analyses is thus ensured by this realm of practices, with their technological side and their strategic side…these practical systems stem from three broad areas: relations of control over things, relations of action upon others, relations with oneself. This does not mean that each of these three areas is completely foreign to the others. It is well known that control over things is mediated by relations with others; and relations with others in turn always entail relations with oneself, and vice versa. But we have three axes whose specificity and whose interconnections have to be analysed: the axis of knowledge, the axis of power, the axis of ethics. In other

> words, the historical ontology of ourselves must answer an open series of questions; it must make an indefinite number of inquiries which may be multiplied and specified as much as we like, but which will all address the questions systematised as follows: how are we constituted as subjects of our own knowledge? How are we constituted as subjects who exercise or submit to power relations? How are we constituted as moral subjects of our own actions? (1997: 317-318).

Frank Talk

What is happening here, in this shifting of Foucault's thought on critique? My sense is that at stake in the movement between these reflections on Kant's essay - between 1978 ('the critical attitude', the question of 'how not to be governed', and the 'the conditions of a systems acceptability'), and 1984 (the 'attitude of modernity', the limits of "the necessary" and a (practical) mode of crossing over) – is Foucault's own shifting *from the question of resistance to the question of escape*. This seems to me what Hardt is getting at when he suggests that, in his final works Foucault is finally able to go beyond a certain conceptual, which it turns out is also a political, dead-end.

This conceptual-political dead end, as I have already hinted, relates to the implications of the doubleness of power that Foucault's work allows us to grasp. While the immense value and political potentiality of Foucault's work on power is to open our thought to a strictly relational dynamic in which 'resistance comes first', it nevertheless remains a work that fails to articulate the possibility of a positive politics, that is, a mode of resistance that is also an autonomous constitution of alternative forms of life.

The importance, then, of this movement in Foucault's thought – between his statements in 1978 and 1984 – is its articulating of a "practical critique" that would take the form of a 'crossing over' of the correlations and forms of subjection that characterise modern configurations of power. This, I would argue is precisely the importance of Foucault's reflections on Baudelaire (in 'What is Enlightenment?') and parrhesia (in the course that follows his lecture on Kant's essay in the course 'The Government of the Self and Others').

It is from this vantage that I would like to return to Hardt's essay. For it seems to me that the importance of this reading of Foucault is to emphasise the place of his (Foucault's) reflections on parrhesia, where the political vocation of the latter is to mark out a model that goes beyond the recuperating interplay of resistance and power, toward the constitution of a new collective subject, that is at the same time a making of the present and the forms of life of that belong to it. The tremendous value of this reading to my own work is the perspective on the later Foucault it opens up, and its radicalisation of a conception of an 'ontology of the present and ourselves', which now takes on an explicitly political sense that is bound to 'the making' of a collective political subject:

> By ontology, here, Foucault is clearly not referring to immutable, eternal being, as do conventional conceptions. The ontology of the present and ourselves, of ourselves in the present, can only be a process of becoming. This seemingly paradoxical notion of ontology as process in the present, a being of becoming, is key to Foucault's conception of the potential role of theory and the theorist. The philosophical relation to the present is an active and collective relation, that is, not merely a matter of registering or even evaluating the present but acting on and transforming it. The task of theory is to make the present and thus to delimit or invent the subject of that making, a "we" characterised not only by our belonging to the present but by our making it. It is not clear yet, though, how Foucault imagines we can accomplish the transformative and constitutive task (Hardt 2011: 21).

In Hardt's account the significance of Foucault's lectures on parrhesia, and especially the forms it comes to take in the militant practice of the cynics, is, then, the way it seemingly offers a model for this ontology of ourselves. As I have already noted, Foucault's discussion of Kant's essay and critique is followed by his development of this thematic of parrhesia, which is taken over to the following year's course as well. Defined by Foucault as 'true discourse in the political realm', or free, frank speech ("franc-parler"), the courses illustrates three distinct appropriations of parrhesia at different moments in the ancient world. While the specific work of this dossier is to underline the points of inspiration of my own way of doing critique (thus setting a detailed commentary on this thematic beyond my immediate tasks here), it seems to me important to point to the extremely

interesting relation between Foucault's discussion on parrhesia and his discussion of critique.

In the second lecture of the course, 'The Government of Self and Others', in which Foucault introduces his auditors to this theme of parrhesia, he outlines something of what is at stake in this concept:

> [W]e have, if you like, a whole structure, a whole bundle of important notions and themes: care of self, knowledge of self, art and exercises of oneself, relationship to the other, government by the other and truth-telling, and the obligation to speak the truth on the part of the other. You can see that with parrhesia we have a notion which is situated at the meeting point of the obligation to speak the truth, procedures and techniques of governmentality, and the constitution of the relationship to self. Truth-telling by the other, as an essential component of how he governs us, is one of the essential conditions for us to be able to form the right kind of relationship to ourselves that will give us virtue and happiness (Foucault 2010: 44-45).

As Hardt notes, this excursion into the ancient world and its concept of parrhesia, is by no means 'innocent' and has contemporary political issues at its root (Hardt 2010: 151). And, I would argue, if we are correct that, at the centre of Foucault's discussion of critique is an attempt to think the shifting forms of the 'correlation of the government of self and others', the profound importance of the theme of parrhesia is the manner in which it seems to turn the (modern) forms of such correlations on their head. Indeed what we find in parrhesia, in particular in the form it takes with the Cynics, is a correlation between a subject's (autonomous) constitution and self-government, and this subject's subversion and antagonistic relation to 'the government of others'. A political practice that militantly attempts to make the world anew:

> [T]he Cynic life defined itself as a royal life, and even as the royal life par excellence, fully sovereign over itself. I think that this sovereignty, by which the Cynic life characterised itself, expressed a double derision towards political sovereignty, the sovereignty of kings of the world. First, because Cynic sovereignty asserted itself aggressively, in a critical, polemical mode, as the only

> real monarchy. What basically was at issue in the meeting between Diogenes and Alexander was which of them was the true king. And Diogenes, of course, asserted himself and revealed himself as the true king, facing Alexander, who held his monarchy, in the true sense of the term, only inasmuch as he too shared in the sovereignty of that wisdom […] On the other hand – this was the other side of the Cynic derision of monarchies – the Cynics real monarchy inverted all the signs and distinguishing features of political monarchies (Foucault 2010: 307-308).

One, in fact, finds in Foucault's discussion many passages highlighting the ways in which Cynic parrhesia, inverts the forms of correlation of the government of self and others. However, by way of summary, I want to quote (at length) Hardt's reading of this complex and rich thread in Foucault's work.

> The Cynics practiced parrhesia, Foucault explains, through a kind of public, critical preaching, often aimed against social institutions. They also sought to enact the truth through scandalous behaviour that exposed to public view aspects of life that are generally hidden…Two fundamental principles of the true life for the Cynics were exposure and poverty: not only destroying any division between private and public, but also releasing the Cynic from the limits of individuality, so as to be able to construct a life addressed to humanity as a whole…The *askesis* of the ancient Cynics, Foucault claims, is a 'militancy that aims to change the world, much more than a militancy that would seek to furnish its adepts with the means to arrive at a happy life. The life the Cynics proposed is a militant left that struggles to change both ourselves and the world…[In the Cynics' struggle for social change t]he care of the self is enlarged to the care not only of a few others but humanity as a whole…In terms of philosophical doctrine, Foucault argues, the ancient cynics contributed little, merely adopting and transforming various traditional formulations. Their singular contribution instead is to make life the centre of a philosophical and political project […] Foucault defines Cynics' primary goal as 'militant life, the life of combat and struggle against the self and for the self, against others and for others. The only true life for the Cynics is a life transformed, and the only way to achieve such a life is to create another world out of this one…The key to

> the shift accomplished by the Cynics is the development of the terrain of life – a militant life, a revolutionary life – as the locus of politics (Hardt 2010: 158-159).

However, apart from the suggestion that the modern heirs of cynic parrhesia are "revolutionaries whose lives enact a – sometimes violent – rupture with the conventions and values of the dominant society" (ibid.), neither Foucault not Hardt give us a sense of what parrhesia in the modern might look like, let alone something like an example. This is of course not a job for them. However, I would like to suggest that we, here at the southern tip of Africa, already have a rich instance of parrhesia to draw upon, and one whose affective power already marks our world and works. For it seems to me that the clearest, and most immediate referent (for us) of a parrhesia in the modern - that is, of a "frank talk" that articulates a mode of correlating a strategy for making ourselves in our autonomy, with a strategy for remaking the world in which we live – is Biko. What we find in Biko is an altermodernity, an antagonistic style of life that breaks with the recuperating interplay between resistance and power. This seems to me the form of practical critique that the best Foucault might be said to point towards.

It could well be objected that in Hardt's reading such is not even critique, but what he poses as an alternative to this mode of political-intellectual engagement. For me, however, this is merely a semantic issue. By my reading, Hardt's objections to critique arise from his dissatisfaction with a practice that becomes trapped in modes of opposition and negativity, a dissatisfaction with ways of doing critique that cannot articulate positive or rather constitutive practice. In fact, I suspect that the primary target of Hardt's polemical statement is not the mode of doing critique that I have attempted to outline in my discussion of Marx and Foucault, but rather, what takes the name of critique in today's academic publics which have little to do with the real movement through which militant subjects and radical collective forms of life are constituted politically. By contrast, the militant critique I take from Marx and a (radicalised) Foucault always already belongs to such a movement, is always already grounded in the common. Indeed, for me, the original source of a formulation that makes critique both a 'destruction of the existing state of things', and the articulation of a constitutive project, is, after all, Hardt and Negri's 'critique of the state form'[66].

VI

Marx to Foucault. This is the provisional line I want to draw, and which sets the critical aspirations of this project apart from, and even against, 'a rationalist conception of critique' (from its narrow, 'fault finding' variants, to its more sophisticated philosophical variants).

...of productive struggles and tactical alliances

There are of course many differences between Marx and Foucault. Deep ones, as well. Mine is not an attempt at synthesis, or at least not the type of synthesis that would want to erase these differences. I suspect that where Marxism has often appeared in Foucault's work as the object of 'critique', this is in part for the ways in which Marx appears to the Foucault of 1978 as an imposed limit, or the object of a particular 'struggle', as Lemke and Balibar might say. Conversely, we might also say that what consolidates their 'tactical alliance' is this critical attitude towards the inherited epistemological field; Foucault's critique as a "limit-attitude" that calls into question our most intimate 'ways of knowing' (see also Butler 2002), and what Balibar calls Marx's 'anti-philosophy', neither "the doctrine" nor "the system of an author called Marx" (Balibar 1995: 2), but a constant "displacement of the sites, questions, and objectives of philosophy" (ibid: 5) that calls this very practice into question. Could the matter have been any other way?
After all, is it not that, as Hardt once suggested, materialism cannot be a body of thought, but is instead "a constant questioning of the priority thought gives to itself"? (Hardt in Read 1999).

Let us leave these questions aside. The political question is more immediate. From Marx I take the potential for grounding this critical work in the perspective of the real movement for the destruction of the present order. It is for me a matter of presenting *a* perspective on the struggles of a post-apartheid South Africa from *'our side'*, that is, from the side of the radical movements that have grown out of these struggles, and posing this perspective on the reality of the political order against every perspective in support of the order. From Foucault, I take the potential to think about the constitution of the game that will determine the character of the strategic terrain these movements and their struggles emerge on, and which, in different ways, affects any perspective such a movement might come to form of itself and its struggles.

This is, of course, summary and therefore inadequate. There are other connections and proper names; more lines, between, and in-between. Doubtless the reader already has a sense of some of these and will encounter others before the end. There is, however, another important landmark, another line, imposing on the first. It begins from the name Biko – which is really the name of the political labour of a generation in struggle - cutting across both points in order to deface them, and sully their canonical status as landmarks of western thought.

After all, if the subject Marx was concerned with was the European working class, and Foucault, 'western man as the subject of desire', it is only by the violence of a dislocation that we should find something about our story, in these respective his-stories. But in the very silences and absences of these texts, the place of our own "productive struggles" with Marx and Foucault clarifies. It is in these spaces that Biko intervenes.

Of course we have to read Marx and Foucault. As Chakrabarty has pointed out, we cannot understand our own modernity in the postcolonial world without grasping how deeply it is bound to the very processes and institutions that provoked Marx's and Foucault's respective critical interventions:

> The phenomenon of "political modernity"— namely, the rule by modern institutions of the state, bureaucracy, and capitalist enterprise—is impossible to think of anywhere in the world without invoking certain categories and concepts, the genealogies of which go deep into the intellectual and even theological traditions of Europe. Concepts such as citizenship, the state, civil society, public sphere, human rights, equality before the law, the individual, distinctions between public and private, the idea of the subject, democracy, popular sovereignty, social justice, scientific rationality, and so on all bear the burden of European thought and history. One simply cannot think of political modernity without these and other related concepts that found a climactic form in the course of the European Enlightenment and the nineteenth century (2000: 4).

In fact even the modes of critique that have developed in the postcolonial world are often genealogically bound to the canons of modernity (ibid.). It is, however, important not to lose sight of the fact that modernity is in a sense always 'two', always domination and opposition. In such a context, the political challenge, is not so much finding a place for ourselves in the modern, but to make an alternative, as an alternative way of being contemporary in the world. This is what 'we' call altermodernity (see Hardt and Negri 2009).

We read Marx and Foucault for the weapons they might contain, or the tools for making new ones. It is on these terms that we negotiate our tactical alliance with Marx and Foucault.

From Marx to Foucault.

From Biko I take the potential of drawing any such line as "my line", that is, as the line of the critical tradition that is my own. For Biko steals from everyone and bows to no one. The essential problem is always the struggle, and what weapons thought might bring to it. In fact, in Biko, this is the only hermeneutic that counts. Our line begins with Biko, because this is where I started; where I learned to read politically, and my exemplar for how to be, militantly.

Biko intervenes to give us the confidence to write our difference, and to write with all the dignity, heroism and tragedy that is its condition. It seems to me, however, that with-Biko, critique was already something no longer simply criticism, no longer simply critical words against their oppressive worlds. The force of Biko's critique of white supremacy is not just what he said about whiteness, but rather its grounding in the constitutive movement of black becoming. Biko's is in the first a constitutive project, which militantly addresses itself to power, and with the very voice and body that is the real subject of this critical production. BC was not our Enlightenment. It does not take blacks from minority to majority. BC indexes a politics centered on making a subject that puts in question the very divisions and correlations that underpinned the Enlightenment's perspective on itself. With-Biko we reason as we like.

Chapter 2: Post-Apartheid Politics and the Emergence of New Social Movements

> How pathetic it is when politics can be conducted only in the name of the nation.
>
> Hardt and Negri

It's a well-known story. On the 25th of June 1955, more than 3000 delegates braved the police cordons to attend 'The Congress of the People'. Taking advantage of a loophole in apartheid social engineering, men and women of "all races and colours" - workers and peasants, students and intellectuals, clergy and communists - gathered on the open marshland of Kliptown to give us a vision of 'a free South Africa' (South African History Online, accessed 18 April 2011). For months leading up to the historic assembly, "freedom volunteers" criss-crossed the country collecting the demands and hopes of 'progressive' South Africans, hopes and demands that would be used to craft *The Freedom Charter*.

On June the 26th the police were ordered to break up the assembly. But it was too late; the Charter had been adopted, opening South Africa onto 'the dawn of a new era' of national(ist) politics. All members of the Congress Alliance later came to adopt the Charter, imagined as a "transparent measure of popular will" (Chipkin 2007: 68), and in the decades that followed, it became "the common programme enshrining the hopes and aspirations of all the progressive people of South Africa" (South African History Online n.d.). Or so the story is told[67].

With the debatable exception of the 1996 Constitution, there is no document more important to the mythologies of a post-apartheid South Africa than *The Freedom Charter*, and no *promise* more important to its political imaginary than the Charter's first principle, "*The people shall govern*". For many, however, official invocations of *The Freedom Charter* stand as evidence of a Thermidor[68] - the model of an Orwellian constitution[69] whose foundational principles have been reshaped to the point of contradiction. Criticism has however done little to dull the zeal of the Charter's *official* re-membering.

The utopian vision, according to which the people, as the ultimate bearer of sovereign power, govern themselves, however, contains within it an aporia that, seemingly, marks a threshold[70] for occidental political thought – that is, "how to ground government in sovereignty?" (see also *Dossier on Government and Sovereignty*). In this respect, the unequivocal statement of the first line of the Charter's preamble does little more than reaffirm a principle that, for more than two centuries[71], has endeavoured to bring and hold these two poles together: "no government can justly claim authority unless it is based on *the will of the people*" (my emphasis).

What should we make of this aporia which seemingly splits and opposes 'politics' to itself? For even where the character of so many contemporary struggles puts into question the harmony of a narrative in which the state governs as the indifferent expression of *the will of the people*, popular politics continue to reduce the question of government to polarised accounts of fidelity or betrayal, where what is often at stake is the imagined 'will of a people'. On the other hand, at the alternate end of the spectrum, 'specialist' intervention and critique of governmental policy increasingly suppress '*more* properly' political questions like 'consensus', 'will', and 'demand' - which tend to figure here only in a general or derived sense - and focus instead on what a prominent South African editor called the 'nuts and bolts' of delivery[72], or rather, the explicitly technical practice of government. It is almost as if the tension between these two poles - on the one hand a conception of sovereignty that references a 'collective will of a national people', and, on the other, an ever more specialised practice of government - were so strong that any attempt to pose the question of the state must first banish the 'contradiction' by suppressing one, in order to grasp the other[73].

In the first part of this chapter I focus in on one side of this problem, by looking at the ways in which narratives of 'project and destiny'[74] have come to figure in the texturing of contemporary political positions. I go on to argue that an understanding of the ways in which the liberal democratic form endeavours to resolve this aporia in the relationship between sovereignty and government, not only brings new resources for an analysis of the political realm, but also potentially allows us to recognise powerful *apparatuses* for the production of national subjects. In the second part of the chapter, I relate this discussion to the emergence of new social movements, and their agency in shaping the terms and character of a critique of the ANC's stewardship over the process of transition.

Specifically, I suggest that the APF emerged, in part, as a form of resistance to the limits to political autonomy and subjectivity instituted within the traditional organs of the 'liberation movement', and in important respects, also remained a product of those limits.

2.1. NDR and the State

2.1.1. On the eve of Polokwane…

Each week, before losing the presidency of the African National Congress (ANC), Thabo Mbeki published a 'Letter from the President' on the party's website. The duality of his title as 'president' was well served by these public statements which, although seemingly addressed to 'the people' in their abstract unity were, more often than not, delivered in the accent of the party[75]. And while the themes of the letters were varied - from simple accounts of the mundane rhythms of government, to remembrances of the fallen martyrs of the 'National Democratic Revolution' (NDR) – they were sometimes also marked by open polemic against 'foes' of the nation and party. Not surprisingly, then, on the eve of one the most fractious leadership battles of the party's long history, and amid increasingly hostile attacks on the former president himself and the legacy of his term in office, Mbeki explicitly confronted the long standing accusation that government's 1996 macro-economic policy, *Growth, Employment and Redistribution* (GEAR), "represents a neo-liberal assault on the standard of living of the working people, for the benefit of capital" (Mbeki 2007).

While Mbeki's online letters were no stranger to polemic, what set this intervention apart was its urgency - underlined by the fact that he had never before found cause to confront, so *close to home*, a real challenge to the then ruling block within the ANC's monopoly over the symbolic forms of post-apartheid nationalism. So, in defending the 'objective' advances of the NDR, Mbeki narrows in on the immediate question hanging over it:

> The entirely false argument that sought to portray GEAR as an ANC betrayal of the working people has resurfaced in the recent past under the label of a so-called "1996 class project". The shameless fabrications advanced under this label

> have sought to discredit our movement in the eyes of the masses of our people, to prepare for its political defeat (ibid).

The reference to the "1996 class project" characterisation clarified the immediate target of the attack. The phrase, made popular within the South African Communist Party (SACP), the Congress of South African Trade Unions (COSATU), and sections of the ANC – more broadly representing an important and vocal component of Jacob Zuma's support base in the run up to the congress - was described by the SACP's general secretary (now Minister of Higher Education), Blade Nzimande, as a "combination of certain objective processes of class formation in a democratic South Africa, and of deliberate policy choices followed by the government and capital, especially since the adoption of GEAR in 1996" (Nzimande 2006). Emphasising the "ideology" of the small layer of black capitalists and the professional and managerial class that surround them, for Nzimande, the "consolidation" of this "class project" saw it become dominant within the state as well as the (Congress) movement more generally, with its influence extending as far as sections of the media (ibid).

At stake in this characterisation was an assessment of the broader post-apartheid project, here geared towards 'restoring the profitability of capitalism' through the introduction of a set of neoliberal measures that have worked in the interest of sections of international and local capital, as well as a hedonistic emergent black bourgeoisie moulded in the image of Fanon's comprador class, and at the expense of deepening inequality and the continued immiseration of the country's poor and working class black majority. This narrative - beyond its inflection within the SACP - was not new, and with varying degrees of intensity, nuance and rigour, has been an important component of left discourse over the last decade (see *Chapter 1* and *Appendix 1*). What no doubt moved Mbeki to write his online salvo, however, was the ferocity of this critique's deployment within the Alliance and the mainstreams of nationalist discourse in contesting a vision of the NDR, and thereby Mbeki's record as president of party and state in presiding over it. Setting aside the ironies of the fortuitous timing of the SACP's antagonistic posture[76], the public animosity read off the statements of the embattled factions of the ANC-led Alliance gave off the scent of a crisis, which, although still politically resolvable[77], struck at the centre of the post-apartheid nationalist imaginary.

Where the coiners of the "1996 class project" characterisation took as their 'public objective' the reinstatement of the "working class" to the position of leadership over the NDR (ostensibly in the frame of a reconfigured party under the leadership of Zuma), Mbeki, standing at the centre of a storm, invoked "materialist philosophy"[78] in order to prove that they never lost it. Pointing to the expansionary posture of the state, its spending on the "social wage" and investments in infrastructure under the *Accelerated and Shared Growth Initiative-South Africa* (AsgiSA), Mbeki dismissed any suggestion of the state's capitulation to neoliberalism, or GEAR's resemblance to IMF and WB imposed structural adjustment programmes[79]:

> By *sovereign decision*, we continued to increase the social wage even as we addressed the macro-economic challenge identified in the RDP document. We did this specifically *for the benefit of the poor*, completely rejecting the 'structural adjustment' prescription that the democratic state should abandon them, leaving it to the market to determine their fate (Mbeki 2007; my emphasis).

No doubt, since the status of the *Reconstruction and Development Programme* (RDP) often figured prominently in the complaint that GEAR marked a turn away from the foundational principles of the 'national democratic revolution'; and the ANC's 1994 mandate, the former would, for Mbeki, provide the key point of reference to be used in measuring the success of state policies. Under the heading "what the people say", Mbeki, citing from a Statistics SA report that had been published just a few days earlier[80], demonstrated a progressive, albeit modest, improvement in people's access to basic services and housing since 1994, and thus towards the RDP goal of "meeting basic needs" (ibid), which, as the argument runs, was after all government's rationale for adopting GEAR[81]. From this perspective, the claims of his accusers are the wilful exploitation of the continued misery of "the poorest in our country", which, it was said, "the democratic revolution inherited from the centuries of colonial and apartheid white minority domination, [in order] to persuade them that the ANC has betrayed them." (ibid).

While materialist philosophy appeared as the hollowed out frame of the debate, a mark of each camp's claim on the traditions of radical thought, nationalism is its proper

terrain. The inescapable context of the SACP's argument, and the limits of its strategic gaze beyond the leadership tussles within the ANC, merely reinforce the narrow, stagist trajectories out of which the 'NDR' conception springs, and which, as Neville Alexander has pointed out, "simply abdicated any pretense to political leadership of the mass movement and permitted the political allies of the party, that is the aspiring black middle-class leadership of the ANC, to lead the mass struggle" (Alexander 2002: 25). In Mbeki's hands, however, the NDR seems to become something else[82]; the work of closure with the past, and an opening onto the endless path of nation through what Benjamin called a 'homogenous open time' (Benjamin 1998) (and which Anderson identified as the temporal modality of national imaginings (Anderson 2006)). As if reciting a formula for the imagined march of 'a people' through a history, or the prototypical nationalist's vision of progress, Mbeki's letter therefore begins and concludes with the possibly irrefutable, yet somewhat empty affirmation, "today is better than yesterday" (Mbeki 2007)…with no other cause beyond the commitment to the work of making tomorrow better than today. A 'pragmatic' vision for just another '*ordinary country*'[83].

2.1.2. Between the Public Performance and the Business of Government

Whether because of the elusiveness of a promised 'better life', or the failure of the data and technical proofs of what counts as governmental success to translate into the political realm, the Mbeki era was at its end. What is certain is that the field of forces that swept Jacob Zuma into the presidency (mobilised around an interpenetrated legal and political campaign whose public metaphor was that of an unstoppable wave caused by tectonic shifts), runs far wider, and is far more complex, than the symbolic registers it drew upon. But, where I begin with the debate on the eve of the Polokwane Congress of the ANC, it is not to highlight the significance and complexities of succession races in the ruling party, but more immediately, to establish something about the terms under which the political contests of the present often unfold. And in this respect, if we discern in the structure of Mbeki's defense something of a tension, between, on the one hand, the historical characterisations and imaginings of the liberation movement, and on the other, the specialised practices of post-apartheid government, giving account of the relation between these poles is exactly the challenge Mbeki's letter sets itself in refuting the claims of his accusers.

In a recently published book, ostensibly focused on the 2009 election (but charting as well the longer path followed by Jacob Zuma en route to the presidency), appropriately titled *'Zunami'*, Roger Southall cautions against making too much of the role played by "struggle theatre" in the political practices and discursive strategies of ANC officials. For, as Southall (following many others) reminds us, officials of the ANC often make recourse to the historical narrative of the Congress tradition in the public representation of the party and government, or else "particular dimensions of the 'liberation movement' script are used to justify certain policies when it is helpful to do so" (Southall 2009: 20) – whether, for instance, to sell BEE as the pursuit of the objectives of the NDR, or simply in order to discipline political opposition to the left (see Bond 2006; Hart 2007a). Southall therefore counsels that we separate the rhetorical forms that often accompany the public presentation of policy from the actual practices of the ANC in government, and focus our analysis on the latter:

> It is important, therefore, in analysing the ANC to look behind the curtain, and not to confuse the public performance with what is really going on behind the scenes – for far from being the vehicle of mechanical historical forces [as deployments of the NDR characterisation might suggest], its political practice is far more pragmatic. This is most clearly exemplified by the broad thrust of its economic policy. (Southall 2009: 20).

If Southall's position, not unlike Patrick Bond's more critical 'talk left, walk right' characterisation, seems to dismiss the importance of such 'struggle theatre' to what really is going on 'behind the scenes' (that is the whole question of government), should we not still ask why government needs the public performance? Is this merely to be treated as a problem relating to the mundane instrumentalism of party discourse, or simply the index of the politically commonplace problem of hegemony? Or does it also point to something deeper, perhaps something of the inescapable disposition of a nationalist liberation movement in power, or even something inseparable from our modern conception of democracy itself?

While I pursue this line of questioning, I think it is important to highlight where Mbeki focuses in trying to connect the 'practice of government' and the discourse and *'liturgy'* of party officials. For what is significant about Mbeki's letter on the eve of the Polokwane

Congress of the ANC, is not so much the public performance, but its efforts in proving that the director's command of the entire production was always only ever faithful to the 'liberation movement script' in its sublime detail. Simply put, for Mbeki, it is here not simply a matter of preparing this or that policy measure for presentation to the ANC's alliance partners on the left for instance, or merely a matter of stating government's fidelity to *The Freedom Charter*, the NDR or even the RDP (as he had so often done), but in a certain sense, responding to a challenge to prove it. And crucially, it will be issues of housing and basic services - those long-standing ('governmental') challenges that in the post-apartheid era appear under the ambiguous sign of 'delivery' – that Mbeki's proof turns on; attempting here to connect the subject of the public performance (in this context, ostensibly the NDR), to the outcomes of the governmental practice unfolding behind the curtain.

That issues related to housing and basic services should come to stand as the place where the seemingly ambivalent trajectories of 'destiny and project', and the business of pragmatic government, are reconciled, is by no means trivial. The singularly important place given to issues of housing and basic services in post-apartheid South Africa, however, goes beyond its connection to the RDP's principle of "meeting basic needs", or the place it is given in the statements and poses of the priests of post-apartheid nationalism, and relates precisely to the ways in which the governmental terrains linked to these issues have become the site of intense struggles between 'government' and 'the poor'. Although this is in many ways what I think is most important, both for how we should read this statement and in terms of the wider concerns of this project, in this section I want to pause on the more abstract problem of the relationship between the public discourse of elites and actual governmental practice.

It seems to me that, in the subtle economy of Mbeki's letter there is a tension that opens up an important set of questions about post-apartheid 'democratic' politics. Not surprisingly, in the letter it is on the word of the people that the question of government's fidelity to its 1994 mandate (and more broadly the historical mission of nation and party expressed in the NDR conception) is apparently settled. After all, from Rousseau to the *Freedom Charter*, the legitimate bearer of sovereign power appears as the political subject of 'the people' whose 'will' is the principle that directs democratic government. However, while, on one side of the rhetorical movement of the letter, the

party eclipses the people, marking its proper (political) expression[84], on the other side the people 'blur' indifferently into the subject of governmental power. For what appears under the heading 'what the people say' is, in Mbeki, not the expression of a 'voice'– not the people speaking or making an estimation of government's record in giving flesh to the promise of 'a better life for all'. It is not the referendum, or the poll, that Mbeki turns to for an account of 'what the people say', but, instead, the survey of the population.

In Mbeki's letter, when he gives us an account of 'what the people say', he shows us percentages of people with access to housing, water and electricity 'today', and the "steady increases" these figures represent over previous census data. Similar improvements are shown in relation to education, as well as broad indicators pointing towards improvements in the population's standard of living.

If criticism of Mbeki often pointed to his lack of the 'common touch', an inability to shed the disposition of the intellectual - more comfortable engaging in polemic or poring over the data of government than in listening to 'ordinary people' - at stake in the slide from the (political) subject of the people to the (governmental, or even biopolitical) subject of the population, is far more than the archetypal tension between 'the intellectual' and 'the man of the people', and collects a set of problems that takes us beyond the rhetorical strategies of Mbeki's letter, to an antinomy seemingly at the centre of the nation state.

It becomes important here to ask what becomes of the people as political subject? Does it still appear in the data? Or has the people become indistinguishable from the governmental subject of the population, preparing a context in which the party increasingly comes to stand in as the arbiter for the will of the nation? To set matters in such terms is perhaps to overstate them. Nonetheless, this series, party-people-population, seems fundamental in understanding contemporary configurations of power.

One might well object that the kinds of sleight of hand I describe are common enough in the representations made by 'the men of the state'. We anticipate them as the inevitable texture of political discourse - double speak – and interpret it accordingly. In highlighting the ways in which Mbeki's double speak moves indifferently from people to the population[85], then, what I want to draw attention to is less the sleight of hand itself, than

an apparent tension it seems to suggest; between a conception of sovereignty grounded in the collective will of a national people, and a conception of government ever more intensively focused on the life of the national population (see for instance Foucault 2007; see also *A Dossier on (bio)Power*). In spite of this tension, however, I do not think we can avoid confronting either of these poles. In fact, it is the tension itself that must be rendered thematic, necessitating that we not only give an account of the rationalities that motivate the practice of government, but also the modes through which this practice is coded as the exercise of a people's political sovereignty.

2.1.3. Mbeki's Legacy

In the short time between his bid for re-election as president of the ANC, and his unceremonious ousting as president of the country, Mbeki looked over what, for many, seemed like something of a political crisis. If pundits traced the roots of this crisis to the 'forces' unleashed with the now historic 52nd Congress of the ANC at Polokwane, or, more cynically, the fallout from the legal troubles of the then newly elected ANC president, Jacob Zuma, it also immediately appeared wider than the internal battles of the ANC, or the legal trials of the new ANC president. Leaving aside the xenophobic pogroms in May 2008, or the rhythms of ever-present 'service delivery protests', which were anything but insignificant in shaping the political character of Mbeki's final months as president, the political battle that sprung up alongside Zuma's legal defence soon become the subject of a counter campaign, somewhat dramatically cast as a "defence of the Constitution" and the very values and principles that were said to underpin our democracy.

In what would have seemed unthinkable a decade earlier, the late Kader Asmal, among the most senior members of the ANC and stalwart of government, found cause to make his campaign to discipline the political language of Alliance leaders public. Focused on then ANCYL president, Julius Malema, and COSATU general secretary, Zwelenzima Vavi's, public statements of being prepared to kill and die for Zuma, Asmal entreated South Africans to sign a declaration "[a]gainst the injunction to kill and in defense of the Constitution we must live for" (2008).

At one end of the political spectrum, this response (to Malema and Vavi's statements) was dismissed as an overreaction to the political idiom used ('more a figure of speech than a call to (literal) arms'). On the other hand, for Asmal, and like-minded South Africans, such statements figured (within the context of Jacob Zuma's trial) as a threat that took aim at the rule of law. Thus, in his declaration, these statements and the broader context that underpinned them marked a "significant moment in our history" that required nothing less than all of us becoming "activists in the service of our Constitution" (Asmal 2008).

Although much of this would turn on the uncertain fortunes of Jacob Zuma, and the politico-legal wrangling that stretches back to Schabir Schaik's conviction and the sequence of events that ensued from it, it was often fought at both ends within the ambivalent discourses of post-apartheid nationalism, with its themes of a 'national democratic revolution', the Freedom Charter, the sanctity of the Constitution, the historic mission of the nation and party, and, we might add, in more abstract terms, what is sometimes referred to as the problem of the relationship between constituent power, and constituted power. These same themes would again reappear when in the wake of Mbeki's ousting, Terror Lekota and Sam Shilowa led a break away from the ANC, whose outcome was the formation of a party called the Congress of the People (explicitly invoking the memory of the 1955 gathering). And not surprisingly then, when in the press conference where Lekota famously served "divorce papers" on the ANC, the terms of the separation were precisely the ANC's departure from *The Freedom Charter*, and its principle "all shall be equal before the law".

Already in 2006, commentators like Achille Mbembe warned of being able to discern the troubling signs of what he called the 'Nongqawuse Syndrome' in the fall out from the battle within the ANC, no doubt capturing a perception shared by many watching over the forces taking shape around Zuma's campaign:

> As the former national-liberation movement the African National Congress (ANC) implodes, the stakes are getting higher. The Nongqawuse syndrome – the name for the kind of political disorder and cultural dislocation South Africa seems to be experiencing – is once again engulfing the country. This is a syndrome South Africa has always suffered in times of demoralisation and acute

> social and mental insecurity. The Nongqawuse syndrome is a populist rhetoric and a millenarian form of politics which advocates, uses and legitimises self-destruction, or national suicide, as a means of salvation. (Mbembe 2006).

Even though the terms that Zuma's double campaign was framed in – the "populist rhetoric and a millenarian form of politics" that it gave expression to – underscored for many the gathering of a storm that threatened to wreck 'the achievement of 1994', it is no less true that it drew these, the rhetorical forms and modes of mobilisation it put to use, from the political practices of the liberation movement and their reconfiguration in the wake of the specific challenges post-apartheid nationalism was made to address. In fact, this same storm, dubbed a Zunami, was at the other end of the debate imagined as the revitalisation of party democracy that restores politics to its proper place (and gives expression to the forces driving 'the national democratic revolution').

As pundits thrashed out Mbeki's legacy in the weeks that followed his ousting as president, a particularly salient paradox was often ignored. Those sympathetic to the former president pointed to his rigorous management of the state with a "real world pragmatism"[86] that is credited with delivering economic growth and stability, however debatable[87]. However, a perhaps more subtle skill that bears mention was his ability to recode and ground this 'management' (which was anything but ideologically neutral) in the idioms of post-apartheid nationalism. If, for instance, his pre-Polokwane letter presents a defense of GEAR, the policy there appears immediately grounded in the political languages of the liberation movement, motioning simultaneously towards the "objective" conditions shaping the government of the state, and the "strategic objectives of the NDR", however instrumentally these might be defined[88].

It is in fact not possible to understand how GEAR, a policy that had from its introduction been the cause of fierce public and intellectual contestation, continued to play a role in shaping economic and even political life in post-apartheid South Africa, without also understanding the role nationalism and the institutional fabric of the ANC and broader alliance played in *insuring* government policy. As I show in this thesis, post-apartheid governmental policy and practice reflects, in many profound ways, what its critics have called a commitment to neoliberalism. Nevertheless it is no less true that such commitments emerged under the cover of the "development objectives of the

NDR", and the emerging mythologies that give post-apartheid politics its terms. One of the secrets of Mbeki's government of the state, was thus its relation to something standing apart from it, that is, his government-with-the-party, and the developed arsenal of tactics for circumscribing and intervening in the political realm that this made available, from nationalism to democratic centralism. For this very reason, however, post-apartheid nationalism - at whose margins an imagery of a 'revolution betrayed' was (from the very beginning) being nurtured - would have appeared to the authors of the "1996 class project" characterisation as something of the Achilles Heel of the president. For, where one of the features of Mbeki's legacy was a tradition of government-with-the-party, this could also be said to have defined the terms of his eventual fall[89].

It was precisely with an eye to the stirrings of the leadership race in the ANC that, in 2006, Gillian Hart challenged the audience gathered at a colloquium of left academics[90] to grasp "more fully how meanings of the NDR have been redefined and articulated as part of the hegemonic project of the ruling bloc within the ANC" as well as "how and why these meanings have become an increasingly vociferous site of struggle and contestation within the ANC Alliance and in grassroots politics" (2007a: 47). Quoting a late essay by Harold Wolpe, Hart notes that, if what had been at stake in the RDP for the ANC and its allies was "the completion of the NDR", the forms through which the RDP "eradicated sources of contradiction and conflict by asserting harmony and a consensual model of society" meant that the 'crucial political issues' submerged in its conception of a "fundamental transformation" always threatened to become a source of contestation (ibid: 56). In Hart's account, the unilateral adoption of GEAR in 1996 was thus more than simply a shift away from the "benign Keynesianism" of the RDP towards "harsh neoliberalism", as has often been argued by the left. Neither simply the "roll-back of the state", nor "just' the final victory of class over race apartheid", GEAR marked for Hart more profoundly "a redefinition of the NDR in terms of a re-articulation of race, class and nationalism, along with the assertion of new technologies of rule" (ibid).

Of crucial importance in this account, however, is the fact that (public) redeployments of the NDR conception by the ruling block within the ANC paralleled, and in part grew out of a "drive" to contain increasingly antagonistic challenges to what Hart calls 'the ANC's hegemonic project'. Pointing to the fact that the "frequency and intensity" of public invocations of the NDR became "increasingly vociferous" after 2002 with the emergence

of a new breed of oppositional movements, Hart insists on a conception of the NDR that is sensitive to ways in which the notion comes to operate within a broader discursive arsenal used to discipline political challenges from the left (ibid: 58).

It is, however, important to see the crucial shift Hart's work makes in the critical analysis of the NDR conception. What is important is no longer simply the ways in which deployments of the conception are instrumentally directed towards soliciting hegemony for a ruling elite crowded around Mbeki as they pursue a programme of neoliberal restructuring – a talking left that enables a rightward step. Now it becomes important to understand how the conception is made to work to particular ends, and how it, in fact, bends to those ends. What is significant about Hart's analysis is that it points to the possibility of constructing something like a political genealogy of the NDR conception, that makes its changing shape, the contingencies that mark its deployments in different contexts, and the political imperatives it accumulates, the subject of critique.

While I enthusiastically embrace this approach, Hart's account tends to under-emphasise the operation of a conception of NDR, pre 2002, in underwriting state policy through the inscription of a set of limits on the content and forms of dissent (*vis a vis* government policy), ***within the Alliance***. Crucial in this respect were the ways the discourse of the NDR articulated with the principle of democratic centralism (see below), increasingly underscoring a political ethos whose effect was not unlike the maxim, which, in Kafka's incomparable *The Great Wall of China*, ***insures*** 'the decrees of the high command':

> Try with all your might to comprehend the decrees of the high command, but only up to a certain point; then avoid further meditation. A very wise maxim, which moreover was elaborated in a parable that was later often quoted: Avoid further meditation, but not because it might be harmful; it is not at all certain that it would be harmful. What is harmful or not harmful has nothing to do with the question. Consider rather the river is a spring. It rises until it grows mightier and nourishes more richly the soil on the long stretch of its banks, still maintaining its own course until it reaches the sea, where it is all the more welcome because it is a worthier ally. - Thus far may you urge our meditations of the decrees of the high command. – But after the river overflows its banks, loses outline and shape, slows down the speed of its current, tries to ignore its destiny by forming little seas in the interior

> of the land, damages the fields, and yet cannot maintain itself for long in its new expanse, but must run back between its banks again, must even dry up wretchedly in the hot season that presently follows. – Thus far may you not urge your meditations on the decrees of the high command (Kafka 2002b: 168).

In fact, many of the leading figures of the new breed of movements who marched under the banner of the Social Movements United (SMU) at the WSSD in 2002, found themselves outside the fold of the broader alliance for precisely pressing those limits.

The heterogeneous set of social movements that emerged with our new century resist any general theory of genesis. Nonetheless, the political deployment of the NDR (within the Alliance), in the name of an ostensibly neoliberal policy framework, is threaded through the mesh of tensions out of which they sprung. What the post 2002 public deployments of the ever-mutating conception of the NDR thus highlighted, was the growing dysfunctionality of the Alliance in containing popular forces, and a concomitant drive to generalise the discursive figures and disciplinary models of the ANC-led nationalist movement across 'civil society'[91].

What is certain, however, is that the emergence of a new crop of antagonistic movements was an important pole of forces that post 2002 redeployments of NDR discourse sought to neutralise. Ironically, however, in at least one sense, the structure of many of the arguments and criticisms levelled by the oppositional movements alluded to by Hart, potentially selected the terms that would be deployed against them. If such criticism could be read as a challenge to the hegemony of the ruling block within the ANC (what came to be called the 'Mbeki camp'), as Hart suggests, we should ask if this was not in part for the ways in which their narratives and critique of the present - often shot through by accounts of a 'betrayal' - laid claim to *'an image of the past'* and an *'idea of the future'* in whose name the struggle was said to have been waged; thus calling into question not only the character of the ANC's leadership over the liberation movement and the broader NDR, but more importantly, its virtual monopoly over the symbolic economy of post-apartheid nationalism. And is it not also the case that what we find in the bitter exchanges within the ANC-led Alliance is a return of the myriad tensions running through post-apartheid South Africa's notion of 'transformation', that although repressed within the hegemonic exercise of nationalism's narrative of the transition, have

nevertheless continued to reappear within it with ever more threatening force (from social movement critiques to the '1996 class project' characterisation)?

2.2. Becoming - The Emergence of the Anti-Privatisation Forum (APF)

Men make their own history, but they do not make it as they please; they do not make it under self-selected circumstances, but under circumstances existing already, given and transmitted from the past. The tradition of all dead generations weighs like a nightmare on the brains of the living. And just as they seem to be occupied with revolutionising themselves and things, creating something that did not exist before, precisely in such epochs of revolutionary crisis they anxiously conjure up the spirits of the past to their service, borrowing from them names, battle slogans, and costumes in order to present this new scene in world history in time-honored disguise and borrowed language. Thus Luther put on the mask of the Apostle Paul, the Revolution of 1789-1814 draped itself alternately in the guise of the Roman Republic and the Roman Empire, and the Revolution of 1848 knew nothing better to do than to parody, now 1789, now the revolutionary tradition of 1793-95. In like manner, the beginner who has learned a new language always translates it back into his mother tongue, but he assimilates the spirit of the new language and expresses himself freely in it only when he moves in it without recalling the old and when he forgets his native tongue. (Marx, Eighteenth Brumaire)

2.2.1. Imposing the limits of critique

The story of the emergence of new social movements in South Africa is almost always also a story of the limits of the Congress tradition of the liberation movement (sometimes referred to as 'the mass democratic movement'[92]).

Critical narratives of the transition have often emphasised the ways in which the heterogeneity of popular organisations which emerged out of the struggle against apartheid came to be refigured in the 1990s under the singular banner of the ANC, or else subordinated to its 'uncontestable leadership' over 'the Congress movement' and

Alliance – a process often seen to have resulted in the 'demobilisation' of the popular movement and a concomitant narrowing of space for debate and critique[93]. The summary form aside, such accounts, in their emphasis on the 'top down' character of this process of demobilisation, tend to underestimate both the importance of 'a sense of belonging' of grassroots activists to the Congress tradition in their acceding to specific forms of action, and the ways in which the political milieu that took form in the 1990s was underpinned by the creation of a new set of institutions and processes within which forms of political engagement and contestation came to be shaped and "structured" (see also the discussion of Piven and Cloward in *Appendix 1*). In fact, that the Congress movement became subsumed within an electoral representative system as well as corporatist political forms might be seen as a political reality that was both imposed from above and agreed to as part of a widely embraced strategic vision (which turned out to be profoundly self-reinforcing in shifting popular organisations onto new terrains that redirected political-economic struggles from the streets to the boardrooms of embattled institutions).

Throughout the 1990s, one can in fact find many examples of the ways in which political antagonisms were channeled into corporatist forums, with an attendant demobilisation of popular energies. Paradoxically, in many cases the formation of these corporatist institutions, not only emerged in response to the struggles of grassroots organisations, but were often greeted as victories. A telling case in point was the 1991 national campaign led by COSATU against the South African government's introduction of a Value Added Tax (VAT), which the federation argued would have seriously negative effects on the poor for its impact on the price of basic goods. Apart from what the O'Malley archive characterised as the "winning of certain short term demands", one of the key outcomes of COSATU's campaign against VAT, which included a successful national stayaway, was the establishment of the National Economic Forum (NEF), a consultative forum through which different representative civil society formations could be consulted about economic policy decisions. In late 1992, reflecting on these very processes under the heading of "Strategic Unionism", and in terms of what are said to be labour's successes in being able to "campaign for new labour laws, reform existing institutions…and work towards the creation of novel institutions" (Von Holdt: 1992), Von Holdt wrote:

> The government has…tried to delay and frustrate these changes ... Thus there have been endless obstructions to extending basic union rights to farm and domestic workers, and to restructuring the NMC [National Manpower Commission] and, at the same time, it proceeded with its own unilateral programme of economic restructuring. The most visible manifestation of this was the imposition of a Value-Added Tax (VAT). COSATU responded by spearheading a broad anti-VAT coalition. The campaign gathered so much momentum that COSATU pulled out of the NMC in protest against government delays, and put forward the demand for a national economic negotiating forum […] By the middle of 1992 business and government had agreed to the formation of just such an NEF, and COSATU was preparing to re-enter the NMC. Once again the success of resistance had culminated in a new institutional breakthrough (Von Holdt 1992).

To be sure, together with COSATU's interventions in the National Manpower Commission (NMC), the newly formed National Economic Forum (NEF) represented, as Bezuidenhout has pointed out, "a shift towards a corporatist mode of policy-making" (Bezuidenhout 2000: 7), and both acted as important forerunners to the establishment of NEDLAC. The irony, of course, is that while its VAT campaign delivered COSATU a place in the newly formed National Economic Forum (and later in NEDLAC), as late as 1997 its corporatist campaigning was still battling to have additional basic goods like paraffin declared VAT free[94]. Never mind the fact that the original demand for reversal of VAT was completely wiped clear from the left's political agenda (personal communication, Dale McKinley 2012). And while labour's entry into corporatist institutions like the NEF, and then later NEDLAC, was optimistically greeted as holding the promise of participatory democracy and the potential for labour to proactively and directly intervene around 'governance issues' and in particular "on macro-economic issues" (see for instance the O'Malley archive), as is well known, this perceived potential was foreclosed when, in 1996 the executive bypassed both parliament and corporatist governance in deciding on the macro economic framework for a new South Africa. This is, in fact, one of the reasons GEAR was seen as the traumatic betrayal of a trajectory for the transition established in the early 1990s.

That economic policy should be decided as the competence of the executive is itself not so unusual, and, for instance, in Agamben is shown to be part of a longer story in which 'the state of exception' comes to operate as a paradigm of government[95]. The reason GEAR took on such importance in left narratives of betrayal was because of how much the left invested in the idea and possibility of a more open, more participatory crafting of economic policy under the ANC. GEAR's 'non-negotiability', however, made clear that we were to be just another liberal democratic state, just 'an ordinary country'.

It is important to read the processes in the early 1990s in the context of the Congress movement's acceptance of and shift towards 'negotiation centric' forms of political engagement whose concrete paradigmatic expression was the parallel process unfolding at the Convention for a Democratic South Africa (CODESA). In fact, it is safe to say that the 1990s were characterised by the mushrooming of corporatist forums, like the National Housing Forum and the National Electricity Forum, as well as more local processes like those unfolding in the newly formed Johannesburg Metropolitan Chamber, and which mark the beginning of a process of incorporation of organs of 'the mass democratic movement' into 'the state'. In the words of Ashwin Desai:

> The transition was underpinned by corporatism. This involved big unions, big business and the state. Conflict was to be institutionalised. The political had to be controlled by the ANC or its allies in the tripartite alliance – COSATU and the SACP (Desai 2003: 16).

We should add, however, that institutionalisation was in fact the response to conflict, and often forms of resistance led directly into forms of control. In fact, in understanding how such shifts and the forms of action that they valorised came to be part of the everyday repertoires of the organisations and movements making up 'the mass democratic movement', it becomes crucial to look at how a particular sense of belonging to the Congress tradition came to define the ways in which individual activists exercised their own self-discipline and censure, subordinating themselves and their organisations to the approaches and positions of the leadership of the ANC. A particularly relevant anecdote in this respect is found in Prishani Naidoo's re-membering of the Congress-aligned student movement. Recounting how in 1996, student leaders belonging to the Congress tradition were summoned by then-President Nelson Mandela to a meeting at the Union

Buildings to account for their continued disruption of campuses across the country (that is, protesting in spite of the ANC leadership's calls for a cessation of protest in the interests of attracting foreign investment and allowing for negotiations in different sectors to unfold), Naidoo writes:

> He [Mandela] strongly believed that, as good and loyal members of the Congress tradition, student leaders would respect their role in the new democracy which, in his view, was to 'get many degrees', and allow him to play his role. If students were just patient, he would be able to ask big business to grant them the funds that they needed. All that was needed was patience. And, like good and loyal Congress members, student leaders used their allotted five minutes to clarify that they did not think that they were disrespecting the Congress tradition by making their demands for higher education, and then lined up to get the President's autograph… I'd been there, listened in shock and awe, nervously spoken, and reluctantly queued up. As I watched each of us wait patiently to shake the legend's hand, it struck me that our struggle was much bigger than we had imagined - it was not just against the structures and values entrenched by apartheid, but also against the deeply entrenched practices, relations and values amongst ourselves that saw us want to be accepted, to belong, to be part of the grand movement and 'tradition' that had defeated apartheid and that we believed would shape our present and our future into something that we could all be happy with. In each of us, what we knew needed to be fought in the present was coming up against what we knew would have to be done in order to take this place in the broader movement. (Naidoo 2007a: 16).

The crucial point that I want to underline is not, however, that criticism and difference within the Congress movement were always summarily dismissed or disallowed, but instead that they had to be constantly submitted to interpretations of democratic centralism and the NDR, which translated into a strategic approach described in Naidoo as allowing activists to "complement, and contradict" (Naidoo 2005)[96] – but always, and necessarily to be more complementary than contradictory[97]. Summarising the political operation of the NDR conception and the dominant model of its critique, McKinley and Veriava write:

> The politics of the NDR was bound up in the argument that the liberation struggle could only realistically concentrate its energies on the anti-apartheid (as against an anti-capitalist) terrain, thus ensuring that the national struggle against apartheid would be prioritised over the class struggle against capitalism. This is important because at the very time that the activities of the workers and the poor were placing materially-located and radical, anti-capitalist class politics at the forefront of the liberation struggle, the ANC chose to give primacy to the national component of struggle, conceptualised as an all-inclusive, multi-class movement to defeat apartheid through a negotiated settlement (McKinley and Veriava 2010: 7).

Along these lines, critique and difference were to be submitted to internal processes of discussion and at the same time subordinated to a principle of unity. The outcome of such processes, it turned out, was often the deferral of grassroots political demands to the immediate 'interests of the NDR', however defined within centralised decision-making structures at higher levels of the ANC. One of the things highlighted by McKinley and Veriava's study, titled *Arresting Dissent*, is the ways in which criticism which operated outside of the sanctioned modes of the Congress movement came to be looked on with contempt and was often responded to with disciplinary action. Individuals speaking and acting outside of sanctioned parameters were labeled 'ill-disciplined', 'counter-revolutionary' and/or 'ultra-left'[98]. McKinley and Veriava, however, say little about how subjects come to be 'interpellated' within the Congress tradition, and in fact reproduce the very modes of discipline that characterise it[99]. Indeed, the latter is, for me, something of the deeper importance of Naidoo's anecdote on the student movement that I quote above.

In this context, and with the increased stakes attendant to the adoption of GEAR (declared non-negotiable in 1996 by President Mandela and Trevor Manuel), it is interesting to note the ways in which critique of ANC policy from within the Congress movement often begins with an acclamation of the ANC and belonging to its fold. In fact such criticisms have tended to be defined by their need to demonstrate that their questioning or alternative positions and approaches were not directed at destroying the movement, but towards assisting in the meeting of its historical mission. Thus, what increasingly came to be contested was not just a particular course of action or policy, but

instead the very nature of the historical mission, the signs through which it was expressed and even what 'liberation' was 'meant' to (and could) consist in. It is, in fact, on this basis that we ought to understand the ways in which 'an image of the past, and an idea of the future in whose name the struggle was said to have been waged' have become so central to post-apartheid political contests. The importance of narratives of demobilisation, however, and what underlies their place in this section, is also their part in the story of the emergence of new social movements like the APF. For if one aspect of this process was a proliferation of corporatist institutions and the ascendance of what McKinley and Veriava call a "negotiations centric polity" (2010), this context also presented a limit to political action, whose crossing over became the starting point of a new movement.

2.2.2. 'Born out of Struggle'

The stories of origins and beginnings are always important to *the relationships subjects come to establish with themselves*, often taking the form of a mythology that explains: 'this is who we are, this is how we got here'. And it is no less true of collective subjects, and the ways in which individuals come to recognise themselves and others as part of a 'we'. In this sense, for members of a collective, the story of its beginnings is also the story of 'our beginnings'. To hear militants of the APF tell their story, what is interesting is less the tensions and contradictions that a perceptive scholar might pick out, or differences in the accounts that accrue depending on where the speaker stood in the unfolding of the event, but instead the form of affirmation that underlies this collective identity:

> The APF was not someone's great idea, but you could say it was an idea whose time had come because it was born directly out of struggle…during our first days we were just campaigning in the streets, militantly, visibly through direct action. The idea was that we did not want to debate privatisation. We wanted to take action against it. And, at that time privatisation was still a debatable issue. It was still being contested by the ANC, nothing had started practically yet. But, those comrades who came together had made up their minds that privatisation was unacceptable. The APF was therefore born as a militant organisation, not a talk-shop. (Trevor Ngwane, interview 2003).

And regardless of their faction, of which side of an internal disagreement they fell on, or what they might have come to see as 'wrong' with the movement, on this, they all agree: 'Born out of struggle'[100].

To be sure, the APF was born out of two struggles, whose backgrounds are crucial not only to understanding the issues this movement arose in response to, but perhaps even more importantly, to how it came to form a collective identity such that its members came 'to see and speak' of a movement. For in this thesis, one meaning of 'movement[101]' is *the common name of a collective becoming.*

Wits 2001

In 1999, Wits contracted a team of management consultants (University Management Associates – UMA) to look into the restructuring of support services at the university. Parallel to this process, a "task group" was convened focusing on academic restructuring. In October of that year, "Wits announced that a team was in place to coordinate the Support Services Review and academic restructuring" (Van der Walt 2001). The programme was called Wits 2001. Along with the restructuring of the institutional architecture and academic activity, one of the outcomes of this process, ratified by the University Council in February 2000, was the outsourcing of five areas of support services: transport, grounds, catering, maintenance and cleaning (ibid).

With the ANC government having announced cuts in its subsidies to institutions of higher education (in particular, in 1997), the University administration argued that it would have to rationalise its spending and remodel the institution, prioritising its 'core functions' of research and teaching, while finding ways of increasing income streams. Members of the university community criticised Wits 2001 on the basis of its "neoliberal" orientation and transformation of the university into an enterprise along the lines of "the corporate university" (ibid; Van Der Walt 2000, Barchiesi 2000). However, beyond the academic restructuring undertaken (the reduction of academic faculties from nine to five, the 'merging' of ninety nine departments into forty schools, as well the cancellation of 'redundant' courses), the central target of Wits 2001's antagonists was the university's retrenchment of 623 workers.

In 2000 Nicolas Dieltiens was a postgraduate student, newly returned to his alma mater. As a former student activist and editor of the student newspaper he was no stranger to campus politics. It is significant that Dieltiens identifies Wits 2001 and the retrenchment of the 623 workers as the primary political question facing members of the institution in 2000:

> When I arrived [back on campus]…I don't remember having any preconception of any great political movements underway… but it was soon into the year when the retrenchments were announced as part of the Wits 2001 restructuring of the university's non-core services (cleaning and catering)…otherwise there were the usual student issues I suppose, exclusions being the perennial issue of students from disadvantaged backgrounds ... I mean that goes without saying, but … in 2000 the issue of retrenchments brought to the fore what the implications of the privatisation of these services on campus would be (Nicolas Dieltiens, interview 2010).

The campaign that unfolded against Wits 2001 is one side of the story of the origins of the APF. It is no surprise, then, that for those who fell into this struggle, and who later threw their energies into the building of the APF, the key issue, as what defined the character of the wrong that provoked their opposition to Wits 2001, was 'neoliberal inspired privatisation'. In later years critics of the APF found cause to question the understanding of privatisation that took shape in the APF (see *Chapter 4*), and indeed also of neoliberalism. It is, however, important to understand both how these particular terms came to take on such importance in clarifying the object of political action for militants in Johannesburg in 2000, as well as the concrete referents that came to be associated with them. In this respect, we should not underestimate the important role played by the Campaign against Neoliberalism in South Africa (CANSA), a small network formed by left academics and activists engaged in popularising an emerging critique of neoliberalism and privatisation (see below). For Dieltiens, as well as others, CANSA was of crucial importance, both in establishing connections between militants in Johannesburg, and in extending the Johannesburg left's opposition to neoliberalism.

The previous year, having graduated with a Bachelor of Arts degree (majoring in politics), Dieltiens struggled to find work, and so resolved to volunteer at CANSA. CANSA's activities consisted mainly in the hosting of workshops on different policies, including those seen to arise out of the ANC government's adoption of GEAR and embrace of a market centric models of development planning. For instance, CANSA hosted discussions on plans for the restructuring of service delivery in the City of Johannesburg in the form of a programme dubbed 'iGoli 2002'. It was in such workshops that Dieltiens and others (see below) began to engage in developing a critique of privatisation and neoliberalism.

In Dieltiens' account, it was a desire to fight privatisation (in the form of the immediate worker retrenchments on the campus) that motivated his re-entry into the South African Students' Congress (SASCO) Wits branch[102] in 2000:

> … I personally knew a lot about the workers who were going to be affected. I felt that it was something that we had to make an intervention about and there was very little that was happening in terms of student mobilisation on the question, and so I joined SASCO to see what sort of political programme they would be pursuing (Nicolas Dieltiens, interview 2010).

But Dieltiens found that while there was some support for the National, Education, Health and Allied Workers' Union's (NEHAWU's)[103] unfolding campaign, not much was going on in the SASCO branch in relation to pertinent worker or student issues at the time. Instead, the branch had become stuck around a number of problems, of which, perhaps most debilitating were divisions caused by the tensions between two branch members, both of whom had previously served as President of the Students' Representative Council (SRC), David Masondo and Thato oa Magogodi[104]. With branch members divided over how to handle the issue, a great deal of energy and time were being spent there, with very little attention devoted to building a campaign against Wits 2001. More generally, the branch was haemorrhaging for historical reasons not very different from those discussed above[105].

It was during this period that I too came back into SASCO (ironically in part to intervene in the battle unfolding between Masondo and oa Magogodi), and found myself re-energised by a remarkable first year student who had seen the potential danger of this somewhat petty fight derailing any SASCO campaign against Wits 2001. In a recent interview conducted by Dale McKinley, I remembered that period in the following words:

> … [F]rom about 1998, actually more '99, I was less … active in the branch… when there was a certain campaign that I felt strongly about I'd throw myself into the work, and you know, do my best to make it a success. But generally I was frustrated with branch life, and my own remobilisation was partly due to a first year student who came in at the time, Daniel Hutchinson, whose energy and willingness to try new things on campus helped me to re-find a place in the organisation (Ahmed Veriava, interview, 19/02/2010).

Of real significance was the fact that Hutchinson and Dieltiens were also active in city politics through their membership of the SACP (Johannesburg central branch) as well as the campaign against iGoli 2002. It seems to me that, as a consequence of their participation in other forums, what they were able to bring to the dwindling campus struggles was a renewed sense of urgency for opposing Wits 2001, and the possibility of establishing connections with political developments unfolding in the city. Their enthusiasm renewed in me a sense of possibility for the struggles on campus being part of a broader movement in the making. And so, we, as part of a wider group on campus, began to use the political space and name provided by SASCO in helping build a campaign against Wits 2001.

While student activists certainly faced challenges to mounting an effective campaign against Wits 2001, workers faced their own. For one, NEHAWU's campaign was handicapped by being forced to submit itself to a Commission for Conciliation, Mediation and Arbitration (CCMA) process that prevented it from going on strike immediately. In this context, NEHAWU could engage only in lunchtime pickets, which it organised, and for which student activists also mobilised. In fact, NEHAWU welcomed and relied on such support from students, in particular SASCO members:

> … NEHAWU apparently was very open to the students' support of the struggle. They said that they were negotiating, they were still in negotiations with the management at the time, and they couldn't really, for that reason, do more than lunch time pickets … on the Senate House concourse… (Nicolas Dieltiens, interview, 15/02/2010).

Although some students supported these pickets, the campaign remained small, and it was difficult to ensure that the numbers of students coming out in support grew. Visits to residences and public meetings were not always successful in bringing students out on marches or to the lunch time pickets. And there continued to be just a few of us doing this kind of organising. Moreover, not only did many students not see 'how Wits 2001 affected them', but even more decisively, examinations were looming, and ordinary students, as well as SASCO members and leaders, began to prioritise their passing over building the campaign.

Another important aspect of the emerging campaign was the pointed critique developed by a small group of academics including Glenn Adler, Andries Bezuidenhout, Sakhela Buhlungu, Bridget Kenny, Rahmat Omar, Greg Ruiters, and Lucien van der Walt, released on 22 May 2000.

While this group of academics was allowed to present its critique to a special session of the University Council on 2 June 2000 (only to be ignored)(Van Der Walt et al. 2001), its real utility was in providing support to the criticisms being made by workers and students. But, academic support for the campaign was always limited and increasingly dwindled, with Van Der Walt being one of the few who continued to participate in the campaign.

It was in this context that the campaign shifted in the form of a decision to try to bring other structures into a more formal anti-Wits 2001 alliance on the campus to take up other forms of action and critique. The Students' Representative Council (SRC) and the Postgraduate Association (PGA) were, thus, drawn into a formation with SASCO that called itself the Wits Crisis Committee (WCC). Although meetings of the WCC were

mainly attended by students, formally it also included NEHAWU and a few academics. While formations like the SRC and PGA did not broaden the mass base of the campaign, as formally recognised structures of the student body they did give it more legitimacy. In truth, though, there was little to distinguish the WCC from SASCO, as most of those active in the WCC were also members of SASCO[106].

The formation of a crisis committee was, in part, a strategic positioning in overcoming SASCO's weaknesses by broadening the organisational ground of the campaign, and in this way giving it greater legitimacy[107]. In addition, it also allowed activists to engage directly with constituencies that SASCO did not organise.

Along with a few marches and participation in the lunchtime pickets, the activities of the WCC included a stinging poster campaign targeting leading members of the university administration, banner drops, and an occupation of the eleventh floor of the administration block by members of the SRC, PGA and SASCO on 20 June 2000. In spite of this multi faceted campaign, the university went ahead with its plans, and on 30 June 2000, 613 workers were officially retrenched. In the months that followed some 30 academics also effectively lost their jobs (mainly through early retirement packages and the freezing of posts). With approximately 400 of the retrenched workers belonging to NEHAWU, the union also lost a significant portion of its membership (Van Der Walt et al. 2001). In response to the student occupation, the administration applied for and obtained an interdict against the student leaders who had taken occupation of the eleventh floor.

iGoli 2002

The difficulties and pitfalls of the campaign against Wits 2001 was one of the factors that underpinned its broadening beyond the campus.

By 1997, the Greater Johannesburg Metropolitan Council (GJMC) (established as part of the move towards democratisation of city planning and management post-1994) was facing a financial crisis[108] (Beall, Crankshaw and Parnell, 2002: 88-89). With the city owing a number of debtors, including ESKOM (which was owed three months payment) (ibid: 95), national and provincial government intervened. On 10 October 1997, a

proclamation was issued effectively preventing the city from undertaking new capital investment projects, and compelling it to undertake programmes towards reducing its budget deficit. In addition to the requirement that the municipality investigate the worth of 'public-private partnerships' in its approach to service delivery, the proclamation also stipulated the need for the greater enforcement of payment for services. (Barchiesi 2005: 196).

Importantly, the proclamation also announced the establishment of an emergency Committee of Ten (later expanded to Fifteen) consisting of the chairpersons and deputy-chairpersons of the GJMC and the four metropolitan substructures (MSSs) as well as five appointed councillors. Falling under provincial and national government, and tasked with developing a plan for the turnaround of the city, the work of the Committee was initially envisaged as going on until 2001. However, in 1998, a four person management team was appointed to oversee the turnaround of the City, and the Committee handed over its powers to a Transformation Lekgotla (Barchiesi 2005; Beall, Crankshaw and Parnell 2002). Holding 'emergency powers', the Transformation Lekgotla did not have to consult broadly about its decisions, something that activists later raised in the context of their refusal to accept some of the plans made without their consultation.

iGoli 2002 was a product of the Transformation Lekgotla and this management team, which outlined a three year plan, including the sale of certain assets of the GJMC that were considered to be unprofitable (including the Rand Airport, Metro Gas, the Johannesburg stadium, and the fresh produce market). In addition, certain aspects of the GJMC's activity were now to be undertaken by commercially run utilities (electricity, water and sanitation, and waste management), agencies (parks, roads, and storm water drainage), and corporations (the civic theatre, the zoo, and the bus service).

As the ANC-led GJMC prepared for the roll-out of this plan, workers organised in the South African Municipal Workers' Union (SAMWU), residents of Soweto (some organised in the ANC and SANCO), and activists in the SACP (Johannesburg central branch) began to protest what they saw to be the introduction of forms of privatisation in the running of the city. In response, but in different ways, each of these groups was met with discipline and censure.

In 1993, Dale McKinley joined the SACP in frustration at what he saw as "the marginalisation" of any radical or left critiques in the ANC (Dale McKinley, interview, 01/03/2010). At the time, the SACP seemed to McKinley to provide more space to challenge what he saw as "leadership in the ANC … beginning to pursue their own personal accumulation as well as to gradually, but systematically, abandon(ing) any of the more radical components of the national liberation struggle … [arguing] that there was no alternative and that we are in a capitalist world"[109] (Dale McKinley, interview, 01/03/2010). But when he was disappointed by the direction in which the SACP was being moved by its leadership, he chose to turn his attention to more local level politics in the Johannesburg central branch of the party:

> [U]ntil late 1998 I sat on the provincial executive committee of the SACP, which was the highest structure in Gauteng. It was as a result of losing those battles that we talked about[110] that I made both a political, as well as a personal decision, to return to a local level of politics … where the struggles were going to be …So I went back to the branch…[T]he SACP Jo'burg branch attracted to it during that period a range of people that I don't think would ever have gone into the SACP unless they had felt that the SACP was part of something that was real in terms of its struggles. So, it was really about hooking up with students, unions, other left activists; it was being around very local struggles against impacts of various forms of privatisation, corporatisation that were beginning to happen around water, electricity, around evictions, around outsourcing, and a range of other things (Dale McKinley, interview, 01/03/2010).

In 1999, McKinley, Dieltiens and their comrades in the SACP participated in an initiative to broaden alliances for a campaign against iGoli 2002. Central in this respect was a workshop in Johannesburg hosted by CANSA in October, where the iGoli 2002 plan was discussed and critiqued (Nicolas Dieltiens, interview, 15/02/2010; Trevor Ngwane, interview, 23/03/2010/03). Some of those who attended this workshop were members of COSATU-affiliated unions, like the South African Municipal Workers' Union (SAMWU), as well as other activists who went on to become founding members of the APF. Students, like Daniel Hutchinson and Nicolas Dieltiens, as well as Trevor Ngwane, a Councillor from Pimville, Soweto who had recently been expelled from the ANC for

publicly criticising iGoli 2002[111], joined the city-based activist set in this meeting at which it was resolved to establish a forum through which actions against iGoli 2002 could be co-ordinated and jointly undertaken. The initiative was called the Anti-iGoli 2002 Forum (AIF).

In its first months, SAMWU played the role of co-ordinator of the AIF, hosting meetings at its provincial offices (Dieltiens 2000). And, prefiguring a role that he would (controversially) play in the years to come, Ngwane acted as spokesperson (ibid).

In so far as iGoli 2002 would fundamentally transform the employer-employee relationship in a number of areas in which SAMWU organised, throughout the process, albeit with some ambivalence, the union mobilised and campaigned against the plan[112]. From the beginning, however, there were real limits to the kind of campaign SAMWU could mount. As it had been for NEHAWU, whose campaign against Wits 2001 was constrained by the corporatist framework governed by the Labour Relations Act (LRA), SAMWU too found itself in a position determined by the existing institutional framework governing engagements between the state as employer and the union's membership. It also was a 'disciplined formation of the Alliance' whose leadership often had strong loyalties to the ANC or, at the very least, to the notion of a strategic alliance between labour, the Communist Party, and the nationalist ANC.

One of the central lines of SAMWU's campaign was to challenge what it saw as the Johannesburg municipality's flouting of the Framework Agreement for the Restructuring of Municipal Services (signed between COSATU and the South African Local Government Association (SALGA) in December 1998 and ratified in the Central Chamber of the South African Local Government Bargaining Council in September 1999 (see also *Chapter 4*). On 5 October 1999, SAMWU declared a dispute with the GJMC in the Greater Johannesburg division of the bargaining council over iGoli 2002, and threatened to take to the streets in mass action if resolution could not be reached. In a press statement that announced this course, SAMWU insisted that the dispute was necessary "after months of negotiations around the iGoli 2002 restructuring plan failed". It went on to state:

> The iGoli 2002 plan falls completely outside of the Framework Agreement, which stipulates that before any service can enter into a partnership with the private sector, all public alternatives must have been exhausted. The Agreement also says that mass consultation with unions and communities must take place and that cost-benefit analyses, integrated development plans and principles for service delivery must be agreed upon before restructuring can begin. SAMWU has been angered that the employer has drawn the union into numerous empty bargaining council meetings under the pretence of negotiations, whilst their elite "Transformation Lekgotla" has secretly proceeded with implementing iGoli 2002 at the very same time. The Lekgotla has ignored every alternative proposal that the union has put forward. SAMWU demanded this morning that parts of iGoli 2002 that are already being implemented be immediately halted whilst real negotiations take place (SAMWU 1999).

With little progress coming from either negotiation or the types of political action undertaken by SAMWU[113], it seemed as if concession to iGoli 2002 was inevitable. It was in this context that members of SAMWU also participated in the CANSA workshop whose outcome was the formation of the AIF.

The CANSA workshop had, in fact, been initiated by Trevor Ngwane[114] (the second of two workshops focusing more broadly on forms of privatisation), in broadening struggles emerging in Soweto around accessing electricity (Trevor Ngwane, interview, 2010/03/23)[115]. According to APF and SECC activist, Virginia Setshedi, in 1999, Eskom began to cut people off from their electricity for non-payment of their bills, prompting people to come together to discuss possible solutions. Setshedi, a young resident of Diepkloof Zone 2, Soweto, who had just graduated from Wits University (where she had also been a member of SASCO), remembers how attempts at bringing neighbours together around their common electricity problems coalesced with work Ngwane was involved in:

> In 1999, we heard Eskom was switching off electricity and the first meeting I remember was at the backyard of the house that I was living in, and people spoke about their problems and all that. And then I got a sense of where the community is, and we started visiting councillors, and it was clear that the

> problem is not only for Diepkloof Zone 2, but for the whole Diepkloof. Then we formed the Diepkloof Concerned Residents Committee … and that is how I met Trevor (Virginia Setshedi, interview, 2010/03/30).

In September 1999, Ngwane expressed his critical views about iGoli 2002 in a forum in the *Sunday World* newspaper to which he had been invited to contribute. Another prominent ANC member, Kenny Fihla, a regional leader of the party, had also written in defense of the plan on behalf of the GJMC[116]. The following Wednesday, Ngwane was stripped of all his positions in the ANC. Two weeks later he appeared before a disciplinary committee which suspended him[117].

In the context of these emerging struggles around electricity and his own isolation and disciplining within the ANC, Ngwane began to draw on other networks, such as CANSA for support. One of the initiatives to come out of this engagement was the workshop that led to the formation of the AIF.

In its original form the AIF did little more than facilitate discussion amongst the different groups and individuals, or assist in ensuring communication about (and solidarity for) actions organised by SAMWU and the SACP. Meeting weekly at the SAMWU provincial offices in central Johannesburg, the AIF did, however, grow to include groups beyond those present at its formation. By May 2000, a press statement announcing the first protest action in its own name included the following organisations: SACP, Pimville branch of the South African National Civic Organisation (SANCO), South African Graduates Development Association (SAGDA), Gauteng Hawkers Association, Workers' Organisation of South Africa (WOSA), African People's Democratic Union of South Africa (APDUSA), CANSA, Democratic Socialist Movement (DSM) and COSATU (Johannesburg region) (AIF 2000[118]). Significantly, as some of the smaller, more critical, left groupings joined, SAMWU withdrew its formal participation in the AIF, with only some of its members continuing to participate in their individual capacities (Dieltiens 2000). The lasting importance of the AIF, however, was to have allowed for the building of links between different groups resisting iGoli 2002.

As we will see, what came out of early resistances to local government restructuring in Johannesburg, was the Anti-Privatisation Forum (APF), reconfiguring the political terrain

in the city, and establishing a left identity outside of the structures of the alliance. However, these resistances will also be of real relevance in shaping what that restructuring plan came to look like (see Barchiesi 2004; Samson 2007). In an odd way, then, both the APF and JW, as protagonists of the struggle I talk about later in this thesis, owe something of their form to these struggles and the political milieu to which they belong.

2.2.3. Remaking Urban Futures

By the time the WCC took its decision to broaden its campaign, the AIF had already begun to bring together forces in the city in opposition to iGoli 2002.

In the midst of the failures of the campaign against Wits 2001, the WCC initiated a meeting with the Branch Executive Committee (BEC) of the Johannesburg central branch of the SACP, a constituent member of the AIF. One of the outcomes of this meeting was the decision to host an activist forum to discuss ways of bringing together the campaigns against iGoli 2002 and Wits 2001 as part of a principled opposition to 'privatisation' and, more generally, 'neoliberalism'.

From the beginning, the target of this joint campaign was a conference called 'Urban Futures' (John Appolis, interview, 2010/03/17; Nicolas Dieltiens, interview, 2010/02/15; Prishani Naidoo, interview, 2010/02/15). Although, on its surface, a run of the mill academic conference, as an initiative jointly hosted by the City of Johannesburg and the University of the Witwatersand, it was strategically geared to showcasing their respective institutional restructuring plans in the making of a 'world class' City and University[119]. It therefore presented itself as an appropriate public event at which to undertake a joint campaign.

The conference included researchers, policy analysts, City Councillors, bureaucrats and academics (Weinberg 2000). It was also attended by a number of well- known international academics, like Manuel Castells and Saskia Sassen (Nicolas Dieltiens, interview, 2010/02/15; Prishani Naidoo, interview, 2010/02/15).

In the weeks running up to the conference, members of the WCC discussed possible ways of disrupting the gathering. By the time the activist forum took place, a number of discussions had already happened about possible forms of action, including within the Johannesburg central branch of the SACP and the AIF, and which set the terms of the discussion that unfolded one Saturday morning at the beginning of July, on the tenth floor of COSATU house. (John Appolis, interview, 2010/03/17; Nicolas Dieltiens, interview, 2010/02/15; Prishani Naidoo, interview, 2010/02/19; Ahmed Veriava, interview, 2010/02/19).

A number of organisations responded to the call to attend the forum, including AIF, SAMWU, SACP (Johannesburg central branch), COSATU (Johannesburg region), CANSA, WCC, SASCO, NEHAWU, and Khanya College amongst others. A particularly important discussion centred around what our orientation to the conference should be. While it was generally agreed the conference provided a useful platform to voice a critique of iGoli 2002 and Wits 2001, the manner of this critique was a source of debate. Those in the WCC, as well as many in the SACP and AIF, were keen to disrupt parts of the conference, in particular those sessions and events where the City's and University's plans were being showcased. Others, and in particular, Patrick Bond, tried to convince the people present of the need to be critical from within the conference rather than militantly disrupt it. Having heard about the plans for disruption, Bond, who was both involved in CANSA and active in organising events linked to the conference, had, prior to the forum, invited Nicolas Dieltiens[120] and me to a meeting with him and Lindsay Bremner (another academic involved in the organising of the conference). At the meeting, Bond and Bremner proceeded to offer us a substantial number of tickets for left delegates to attend the conference[121].

Dieltiens remembers:

> [W]e decided that the conference would be disrupted, and it was on hearing that, that Patrick Bond invited you and I to meet with him to see what he could do to reconcile the differences that had been created around the forum and he made an offer to us to participate, because the conference had a registration fee that none of us were really going to be paying to attend, so he made an offer of, I think it was, some 80 tickets to people who want to attend, and so, because we

> were in no way representing everyone, we had to go back and we couldn't accept this offer on behalf of anybody. So we took it back to our constituency, this offer from Patrick Bond, who turned out to be in some way an organiser of the Urban Futures conference himself. We decided to decline the offer and then continued with our programme to disrupt and to publicise issues around the retrenchments, using, I guess, the conference as a publicity opportunity. (Nicolas Dieltiens, interview, 2010/02/15).

In the activist forum, Bond's position was pounced on by students. For his part, after being called 'a petit bourgeois intellectual'[122], Bond himself joined the campaign and, in fact, might have even written a public statement in support of it[123].

The conference began, then, with protesting activists with placards denouncing the University and City managers and strategists. During the week of the conference activists gathered to highlight different aspects of iGoli 2002 and Wits 2001, and to embarrass City and University strategists and leaders by drawing attention to the already present consequences and potentially negative effects of their respective plans. They disrupted presentations and gatherings in which key proponents of iGoli 2002 and Wits 2001 were present and/or acting as hosts. One such event was a fancy dinner one afternoon in Newtown into which protesters marched uninvited, denouncing the two plans, and proceeding to eat the food laid out for conference delegates. Another was a panel discussion in which Mike Muller (then Director-General of DWAF) was making a presentation on the transformation of the delivery of water. Sharing the panel with him was left Wits academic, Greg Ruiters. After Ruiters had made his presentation, which highlighted an emerging critique of the restructuring of the delivery of basic services, and motivated political action against neoliberalism, he joined protesters in denouncing iGoli 2002 and Wits 2001. As Ruiters and the toyi-toyiing protesters left the venue, Wits students, who had brought water balloons along, aimed them at Muller (catching him with one). Delegates were also asked to sign a petition that activists present at the Saturday morning forum had drawn up to pledge support for their now joint campaign against iGoli 2002 and Wits 2001.

The event that takes on a formative role in the re-memberings of activists as the beginning of the APF, was their shutting down of the closing session of the conference.

As Bundy and Fihla (who were to close the conference), fled the hall after activists broke through the doors, protesters took over the stage, displaying their banners and making speeches against the City and the University. First to address the crowd from the stage was John Appolis, COSATU regional representative to the AIF and the activist forum (John Appolis, interview, 2010/03/17). He remembers:

> We took over the stage and I was handed the mike, and I chaired the session there in the Great Hall of Wits University. And, you know, we then sort of agitated – the people who were remaining in the hall – about the problems of the ANC government, a neoliberal programme, GEAR, privatisation, and why we decided to disrupt this particular conference – because the City Council is one of the initiators of privatisation … (John Appolis, interview, 2010/03/17).

John Appolis had been participating in meetings and other activities of the AIF for some time in the city. As COSATU's regional campaigns co-ordinator at the time, he had been mandated by the COSATU regional office to represent the federation in this structure. When the invitation to the activist forum called by the WCC was received by the federation, it was only natural that he be asked to attend (John Appolis, interview, 2010/03/17). Appolis's long service in the trade union movement, and his known activism in the AIF and its related campaigns, meant that he was a popular choice to chair the informal session.

What followed on stage, and in the audience (where some demonstrators took seats next to paid up delegates and others continued toyi-toyiing in the aisles), was a demonstration of what Dieltiens called "the sense of indignation", and the affirmation that "regardless of how small we were we could do something about changing" the situation on campus and in the city (Nicolas Dieltiens, interview, 2010/02/15). Activists displayed banners and placards, several of them still bearing the old slogans, demands and declarations of Congress formations. Also striking were the calls for the end to neoliberalism and privatisation, and the demands for socialism. Participating in this particular disruption were primarily students from SASCO, NEHAWU members, activists from the SACP (Johannesburg central branch), a few activists from the COSATU region, and other independent left activists. Although SAMWU had formally supported joint action against Urban Futures, few SAMWU members participated in the actions.

2.2.4. From Campaign to Movement

It was during the week of demonstration at Urban Futures that the name 'Anti-Privatisation Forum' first appeared in the public realm. The name was not, however, something that activists remember deliberating upon, but most would agree that it made real sense at the time. With the two struggles at the root of its formation characterised (by almost all its activists) as *against* two plans for *privatisation* (however understood), it is not surprising that the name the formation took was the 'Anti-Privatisation Forum'.

On 15 July, a statement was sent out with the simple (and politically significant[124]) title, 'Anti-Privatisation Forum Communique No. 1', and was quickly followed by the more dull 'Anti-Privatisation Forum Statement on Disruption of Urban Futures 9th Plenary Session'[125]. Having been beaten to the press room by Bundy, who had convened a press conference soon after protesters took over the closing session, the first statements of the APF were addressed to the public attacks on the organisation's founding action.

Addressed to "all academics, workers and students", the communiqué begins, "Disrupting whose urban futures?" In an almost archetypal political gesture, the APF claims its action in the name of the whole and against a wrong brought about by the City and the University acting in the name of the few:

> The Anti-Privatisation Forum notes with regret that Vice-Chancellor Colin Bundy has used the University of the Witwatersrand's (Wits) scarce financial resources to misinform the public about events at the institution on Friday 14 July 2000. It is also with regret that we note the Vice-Chancellor's use of disrespectful language in describing protestors from major trade unions, student and civic structures (which represent hundreds of thousands of people across the country) as "uncouth" and "shameful." We stress that the protest at the last session of the Urban Futures conference organised by the Anti-Privatisation Forum - a coalition representing church[126], trade union, student and community structures - must be understood in its context (APF Communique No. 1, 15 July 2000).

And, not surprisingly, APF Communique No. 1 makes 'GEAR-like' neoliberal policies the name of the wrong that is embodied by iGoli 2002 and Wits 2001:

> The two main organisers of the conference - the Greater Johannesburg Metropolitan Council (GJMC) and the University- are both major employers presently involved in disputes with organised labour over their restructuring plans, both of which are in line with the government's controversial neo-liberal GEAR programme. The GJMC has been involved in a two-year battle with SAMWU and IMATU over its controversial iGoli 2002 plan to privatise and commercialise council functions and dismiss thousands of council workers. SAMWU and IMATU charge that iGoli 2002 will lead to massive retrenchments, poor services and increasing electricity cut-offs as services are commercialised, and worsen conditions in the townships (ibid).

Referring to the APF's decision to disrupt the Urban Futures conference, the second statement released on the same day argues that struggle 'has superceded polite debate':

> Yesterday's disruption of Colin Bundy and Kenny Fihla's pretension of innovation in forging their restructuring schemes was a demonstration of the damage privatisation and retrenchments wreak and the anger of those subject to their managerialist fancy. The Anti-Privatisation Forum had no recourse to more restrained and polite action since the contest over the transformation of South Africa has superceded the stage of academic debate and mediation. With the implementation of privatisation at Wits University and the Greater Johannesburg Metropolitan Council, debate becomes, together with the workers whose livelihoods it gambits, redundant. The contest of ideas has been replaced by the contest of power (APF Statement, 15 July 2000).

In the months that followed, many of the activists, who attended the activist forum and subsequent protests, continued meeting (Trevor Ngwane, interview, 2010/03/23; Nicolas Dieltiens, interview, 2010/02/15; Teboho Mashota, interview, 2010/05/15). In the words of John Appolis:

> Then after [Urban Futures], I think the activists and the people organising [the disruption] then got together and said we must form some kind of co-ordinating structure to resist, continue resisting these plans both from the side of Wits University and from the City Council. And I think that led to the sort of formation [of the APF]... (John Appolis, interview, 2010/03/17).

The form of depoliticisation that took hold in the 1990s coincided with emergence of forms of repoliticisation, sometimes in the form of a nostalgia for the character of resistance of the past, but also in relation to a desperate sense of the need for reconstituting a left beyond the restrictive frame of the Congress movement. At the beginning of the century, this sense was shared not only by small left groupings outside of the Congress movement, or activists politically orphaned by the virtual collapse of structures from the Black Consciousness (BC) and Pan Africanist traditions, but also by a good many from within it.

For some founding members, like Dale McKinley, the continuation of the weekly meeting of activists from different struggles against forms of privatisation and their effects, was where "real politics began to be discussed, as opposed to just practical struggles":

> But the coming together of the activist forum, for me, represented the politicisation of those struggles, where politics began to be discussed, in the sense of 'ok, are we serious about starting a new organisational forum that can represent and coalesce these struggles or are we simply interested in opposing what we think are the most immediate kinds of things?'... But that debate itself was what catalysed the majority of people in deciding that 'yes, what we needed was a new organisational form to coalesce these struggles, and, but not just the struggles, but a yearning, I think, for a political home of sorts (McKinley, interview, 2010/03/01).

Although many activists were keen to maintain the political momentum arising from the APF's disruption of the Urban Futures conference and subsequent meetings, it was only at a Summit on privatisation, held by the APF in September 2000 that a formal decision was taken to extend what had begun as a campaign against two specific 'privatisation

plans', to become a more permanent and structured initiative. Significantly, the 'founding declaration' that comes out of this summit, clarifies an antagonistic critique of the ANC, centred on the latter's betrayal of the liberation movement, embodied in the shift away from the ethos of the RDP with the adoption of GEAR.

> As concerned residents and citizens of South Africa, united by a common vision of a better life for the poor and workers of the country and recognising that independence has not brought liberation from material bondage, we agree that privatisation or corporatisation of state owned enterprises and local government means adding hardship and suffering for the poor. … We remember instead the principles underpinning the RDP. These say that government's resources should be mobilised to provide all citizens with piped water, electricity, health services, housing and other means to live with dignity. Therefore, government should be the provider of essential services. The government has argued that it does not have the money to provide these services. But the issue is not if there is money or not but who controls it. The government's GEAR policy benefits those privileged by Apartheid and their new black allies. GEAR has cut back the money given to local government by over 80% since 1990 which has forced privatisation plans like iGoli 2002 (APF founding statement, 23 September 2000).

At its beginning then the APF claimed fidelity to the aspirations of the liberation movement and those principles (as said to be embodied in the RDP) which set the ANC's popular mandate. Another early statement from the same period is titled 'Democracy Is Not For Sale', in order to imply that the activity of the APF works to defend the political order against a new threat in the form of privatisation and neoliberalism (APF statement, 2000/09/09). More generally, within the popular discourse beginning to emerge with the APF, the rightward shift of the ANC moved it closer to that political place formally occupied by the apartheid government (that is, closer to the place of 'the oppressor'[127]).

Representing the formative place of the two formations, a member of the WCC and SASCO, Sibongile Radebe, and John Appolis, chairperson of the AIF and COSATU

regional campaigns co-ordinator, were elected as joint chairpersons of the APF. 'At the beginning', the APF consisted of those formations that made up the AIF and WCC, as well as a number of organisations who responded to the original call to attend the COSATU House activist forum or were present at the important summit held in September 2000. The list of names that populated the footer of its statements, thus, included NEHAWU (Wits University), South African Students Congress (SASCO), SACP (Central JHB), South African National Civics Organisation (SANCO), Democratic Socialist Movement (DSM), the African Peoples Democratic Union of South Africa (APDUSA), Workers Organisation for Socialist Action (WOSA), Campaign Against Neo-Liberalism in South Africa (CANSA), SA NGO Coalition (SANGOCO), Jubilee 2000, SA Graduates' Development Association (SAGDA), Soweto Electricity Crisis Committee, Ecumenical Services on Socio-Economic Transformation (ESSET), Gauteng Hawkers Association, Evaton Reconstruction Forum, Keep Left, the Alternative Information and Development Centre (AIDC), the Independent Municipal and Allied Trade Union (IMATU) and the South African Municipal Workers Union (SAMWU)[128] (APF founding statement, 23 September 2000). At the time, these names were still those of a coalition rather than the affiliate-based form that the APF became.

However, one of the consequences of the antagonistic politics that began to take root in the APF and its expression through explicit public critique of the ANC, was that it took the formation's questioning of the ANC beyond sanctioned limits (see above). And it was in this context that all Congress-aligned structures withdrew their participation in the APF. However, some activists, initially participating as representatives of SASCO or COSATU, now continued working in the organisation in their individual capacity (e.g. Nicolas Dieltiens and John Appolis).

Parallel to the formal exodus of Congress-aligned formations, a new layer of community structures was being mobilised around the APF[129]. As a consequence, the APF started to take on a very different character, provoking discussion about how it should operate and structure itself.

Throughout its existence, the structure of the APF constantly evolved. Two dynamic factors shaped the processes out of which the APF's organisational form emerged. Firstly, the changing composition of the movement's constitutive struggles (and the

contingencies they brought), and secondly, the very character and political histories of the individuals and organisations that constituted the APF, and that later joined and worked to sustain it. Nevertheless, there was also a conscious effort to allow changing experiences of struggles to shape and define an approach to organisational structure through democratic discussion (John Appolis, interview, 2010/03/17; Dale McKinley, interview, 2010/03/01; Prishani Naidoo, interview, 2010/02/19; Trevor Ngwane, interview, 2010/03/23).

Along one axis, then, the organisational form of the APF was shaped by how its militants thought best to approach politics. The names of organisations (forums, concerned residents, crisis committees), their initial structurings and internal processes, as well as the forms of political action they facilitated, in many cases, were testament to the profound genetic bond between the structures that constituted the APF and the Congress tradition. This is not surprising as it was within the Congress movement that many of the leading activists in the APF had their first experience of politics. They brought with them this experience into these discussions about structure and political organisation. Within this group were also a handful of unionists, like John Appolis and Rob Rees, who brought to the APF a strong sense of organisation building. The experience of the Congress tradition, however, also negatively shaped what militants borrowed from older political forms and practices. Some had, for instance, been at the bad end of the violence of organisational disciplinary processes within the Congress movement for pushing too far the limits of their questioning of party decisions, and were thus more insistent on the critical autonomy of the militant.

But, there were also activists in the APF with a less intimate relationship with the Congress movement, for example, members of the Socialist Party of Azania (SOPA) and the Pan Africanist Congress (PAC), and others who came from the Black Consciousness tradition (Trevor Ngwane, interview, 2010/03/23; John Appolis, interview, 2010/03/17; Ahmed Veriava, interview, 2010/02/19). In part, this meant that they did not have a subjective investment in the Congress tradition, nor equivalent approaches to political action (Trevor Ngwane, interview, 2010/03/23; Ahmed Veriava, interview, 2010/02/19). In addition, the growing anti-/alter-globalisation movement and the political imaginaries attached to it had also produced in a few young militants new

questions and ways of thinking about politics and organisational forms (Trevor Ngwane, interview, 2010/03/23; Nicolas Dieltiens, interview, 2010/02/15).

It is of real significance that many of the founding activists of the APF took a particular concept of Marxist Leninism (whether mediated by the Congress tradition or Trotskyism) as their starting point - a fact that shaped how they related to questions of structure and political form. And somewhat at the other end of the ideological fault lines of the APF was a more loose set of affinities that often came to be called 'autonomist'. Although the substance of these complex and changing debates is not necessary to summarise here, it is enough to say that different approaches to organising, belonging to the varied political traditions constituting the APF, were forced into conversation.

As I pointed out above, however, the form the APF would take was also shaped, perhaps far more profoundly, in relation to the composition of the struggles it fell into. Describing the early APF in a 2003 interview, John Appolis stated:

> Largely, the people who compose the APF and other new social movements are people who are directly affected by some of the neoliberal policies like the cut-offs and evictions, and that in itself provides a catalyst for people to form organisations and to develop ways of resisting these kinds of attacks immediately. And, I think what happened is that process of experiencing these attacks and a radicalisation of people through those issues, had intersected with a layer of activists who are remnants of the past (laughs) (John Appolis, interview, 2003/07/17).

Ironically, then, the departure of Congress aligned structures cleared the way for the APF to move from a coalition, whose centre was weekly activist forum meetings, to a constituted affiliate-based movement with a complex, evolving organisational form. No Congress structures continued, in fact, to be present in the APF. As I already pointed out, only a small number of SAMWU members attended the activist forum in preparation for the disruption of Urban Futures and participated in the action itself. Seen as one of the strengths of the form of the activist forum at this initial stage of the APF, participants did not have to come in as delegated representatives of formal organisations (Trevor Ngwane, interview, 2010/03/23; John Appolis, 2010/03/17). Participants need

not even belong to an organisation. This allowed for several unionists to continue participating in the APF long after their unions had decided to withdraw. Almost immediately after the Urban Futures protests, NEHAWU stopped sending representatives to activist forums, and COSATU asked its regional representative, John Appolis, to withdraw. For his part, Appolis chose to continue working in the APF:

> The drivers of privatisation are the ANC government at different levels, you know, national and local level, so the struggle against privatisation meant we had to confront the ANC government, we had to start analysing the class character of the ANC government, etc., etc. And that led to a kind of polarisation between the APF and ANC government because that was really, they became the real targets of our protests and our demands. And COSATU, being in alliance with the ANC, found that very difficult because now they had to confront all these contradictions between being in alliance with the ANC as well as being part of an organisation or a struggle that focused directly on the ANC and exposing, criticising and attacking it. So, COSATU started distancing itself from the APF, and they took a decision in one of the executive committees, where I was not present, not to get involved in the APF anymore. So, I had to withdraw from the APF as the COSATU representative. But I stayed in the APF as a community activist, as an activist who wanted to continue the struggle against privatisation, etc. (John Appolis, interview, 2010/03/17).

In addition to the unions, the SACP withdrew, with some of its members (including Dale McKinley) continuing to participate in their individual capacities. In November of 2000, McKinley was, in fact, expelled from the SACP. The APF's co-chairperson (and SASCO member) disappeared. Other SASCO members like Dieltiens and Hutchinson continued participating but no longer as formal representatives of the organisation. Those activists who continued participating in the APF, saw in it an alternative political home (John Appolis, interview, 2010/03/17; Dale McKinley, interview, 2010; Prishani Naidoo, interview, 2010/02/19).

As I have said, the APF's becoming a pole of attraction for community movements was decisive in shaping the formation's futures. The Soweto Electricity Crisis Committee (SECC) and the Kathorus Concerned Residents (KCR) were among the first 'community

affiliates' of the APF. The growing profile of the APF, along with the various local campaigns of such affiliates, helped inspire the formation of other community groups that would also join the forum. For example, in the midst of running battles between residents in Thembelihle and the Red Ants and police, activists from the SECC visited the area, offering support to those resisting evictions, and thus forging a relationship with what was, in 2002, an emerging struggle. (Trevor Ngwane, interview, 2010/03/23; Teboho Mashota, interview, 2010/05/15).

In this way, the APF came to take on a new identity apart from the initial formations that constituted it. And, if it had emerged in a context where issues of 'labour' (that is, retrenchments and other effects of privatisation on workers) were centre stage of its campaigns, it was increasingly becoming one in which 'community' and the specific struggles that belonged to this terrain were what was primary (John Appolis, interview, 2010/03/17; Nicolas Dieltiens, interview, 2010/02/15); Dale McKinley , interview; Trevor Ngwane, interview, 2010/03/23). This shifting was not, however, one without a form of mediation. Indeed, in a formation in which many of its activists were bound to approaches that gave the greatest political agency to workers at the point of production, the imperative was to connect these emerging struggles to struggles of workers. In its early iterations, the APF described itself as building links between struggles in the factory and struggles in community (motioning at an older tradition of social movement unionism) (John Appolis, interview, 2003; Naidoo and Veriava 2003; 2005). However, at the height of its influence and political energies, it was a movement of the poor and unemployed.

Following the Urban Futures disruption, the activist forum represented the organisational form of the APF, which was characterised by its mainly city-based activist constituency. With the subsequent growth of the APF through the entry of new community affiliates, this organisational structure made less sense and began to be problematised for the ways it tended to allow mainly city-based activists, generally middle-class students, academics and unionists to direct the organisation. Through these debates, the APF shifted from an organisational form in which the organisational floor was represented by weekly activist forums, to a co-ordinating committee weighted in its representative form in favour of community organisations. And the chief function of the new co-ordinating committee was to be a place through which activists from different

struggles taking place in different township communities[130] were able to collectively strategise, share experiences and ideas, and direct the APF (Trevor Ngwane, interview, 2010/03/23). Through the shifting of the organisation from the activist forum to the co-ordinating committee, in its orientations and concerns, the APF now began to reflect the character of the growing number of community organisations constituting it. Alongside the constituent form of the co-ordinating committee, the APF also instituted functional offices and established a number of subcommittees to deal with specific organisational tasks (such as media, legal work, research)[131].

Although the organisational form was weighted in favour of community organisations, the APF allowed for a number of different levels of participation. Individual activists could thus participate in the organisation without belonging to a formal organisation. Alongside the community formations that made up the APF, other small political groups also affiliated, such as the Socialist Group (SG), Keep Left, and, for a short period, the Democratic Socialist Movement (DSM). There were also two positions to which activists were appointed – the Organiser and the Administrator. As funds were raised for operational costs, these became the only two full-time paid positions in the organisation. Trevor Ngwane played the role of first organiser, and Teboho Mashota, who had become administrator of the SECC, was the first administrator.

The evolution of the APF's organisational form was linked to the rhythms of its internal development in the struggles of its members, rhythms marked by constant changes. As the focus of the APF moved from the very pointed attacks mounted on Wits 2001 and iGoli 2002 to include township community struggles against water and electricity cut-offs and evictions, the APF grew into a movement with sophisticated decision-making forms and spaces for democratic engagement. Nevertheless, tensions between poor members from townships, and middle class ones from the city, remained on the surface – with the middle class exercising disproportional functional power in directing the organization.

While it is possible to underline contradictions and limitations in the development of the APF, it is nevertheless essential to read this development in relation to the complex struggles that have shaped it (both internally and externally). At the same time, the ways in which its founding militants came to see the place of the movement within the wider political realm was crucial in setting the terms by which these struggles came to be

understood. Along these lines, I want to suggest that the importance of the emergence of the APF (as well as its limit), is the dominant imagined relationship between itself and the ANC.

> I think, politically, the fact that you had new movements, new activists, new militants coming through the struggles, and then you had people who came from the 1980s, 1970s – in terms of the struggles then – I think that brought a new dynamic to the APF. I mean, you had militants who were at the forefront of the struggle against the ANC government and you had militants and activists who could provide a kind of broader context to the struggles that people were engaging with, and I think the newer militants could see the connections between their issues and the broader political questions of the day. And I think that sort of allowed the militants to move beyond their immediate sort of issues and saw the need to build the APF as a kind of counter pole to the ANC government. (John Appolis, interview, 2010/03/17).

Seeing the connections, in part, meant being able to see beyond loyalties to the Congress tradition, and so opening up a new space of critique. This is, indeed, the importance of the APF in the constitution of a new political space in Johannesburg. It never, however, completely escaped the shadow of the Congress tradition. For not only were its critiques often dressed in the garb of the Congress tradition, but it often saw itself as refilling the ethico-political space vacated in the 'rightward shift' of the ANC. In the names it gave itself, in the songs it sang, in its ways of speaking and forms of action, the APF borrowed from the Congress tradition. In many ways, then, it could only ever see itself as a counter pole, a double of similar substance.

This, however, takes nothing away from the novelty of many of the experiments undertaken by the APF in making a new and radical politics. Social movement activists borrowed from the itineraries of the liberation struggle, but they also transformed and added to past forms as they mimicked them. The experience of the APF seems to me to be somewhere between "the beginner who has learned a new language" but is still translating "it back into his mother tongue" and a subject that has completely assimilated

"the spirit of the new language" without having 'to recall the old' and, thus, can now express "himself freely in it" (see quote above). That is, the becoming of the APF is the experience of a limit, of encountering and partially overcoming it.

The crucial part of this story was the development of a set of tactics that in fact also shaped the collective identity of the APF. For in the acts of reconnection that took root in the earlier struggles of the APF, it articulated a politics whose response to commodification and neoliberalism was a mode of self-valorisation. This, as I argue in *Chapter 4*, is the lasting importance of the political experiment that begins with the disruption of an urban future in 2000.

Conclusion: An Image of the Past and An Idea of the Future

That part of the challenge presented by the appearance of social movements like the APF was the ways in which it put into question a series of narratives through which the post-apartheid state claims a continuity with the struggle against apartheid, perhaps also points to the limits of this challenge. For whatever radical potential and insurgent energy the APF has brought to the political realm, such has often found itself folded back into narratives of betrayal, which, just as often stand alongside an alternative account of the people's constitutive political aspirations in the struggle against apartheid. But, in this, the APF was not alone, and not only is this rhetorical manoeuvre present in many of the narratives through which the political claims of social movements have entered the public realm, but it seems today an almost elementary political gesture, that not even the right is afraid to draw upon.

To illustrate the ways in which various political positions come to outline a generic relationship between the past and the present as the basis of a political claim, we can hazard a crude summary in the form of two complementary statements:

A. This is wrong…this is like apartheid… this is **not** what the struggle was for…
Instead
B. This is what the Freedom Charter says…this **is** what the struggle was (really) for…

The exact formulation of the argument is of course not what is important here, nor does it seem particularly important that such arguments should refer to a qualified event or specific moment marking the expression of the constitutive political desires of the people (as for instance, *The Freedom Charter*). Instead what I want to draw attention to is the topology such statements seem to establish, or at least move from.

I do not think that it is too much of an exaggeration to say, that in myriad political positions that are cast in such terms, we see unfolding, as before our very eyes, the contested processes through which nations take their first insecure steps in (re)constructing the "myths of origin and national continuity" (see Balibar 1991: 87). Leaving aside the nation-state's almost inevitable, and always committed ambivalence with respect to its own origins, I want to highlight the ways in which the narrative, suggested by the generic political claim I present above, splits the history of the nation into two distinct localities, or even continuums in the sense that these are also distinguished by their respective temporalities. On the one side is the history of the national oppression, of apartheid and the struggle against it. On the other is democracy, which is to say, the continuum of 'freedom' and its discontents. It is of course this latter locality or continuum that the present properly belongs to. It would, however, be a major mistake to imagine that post-apartheid South Africa's 'image of the past' holds nothing but the signs of negativity and, just as severe an error, to think that that past does not intrude on the present.

It is in fact not difficult to show how, from an image of 'apartheid', the politics of the present takes one of its principle points of reference of a (political) wrong, a negative yardstick for a politico-ethical calculus ('This is wrong… it's like apartheid'. Or even, 'this is wrong because it perpetuates apartheid'. 'This is worse than apartheid'). In this sense, apartheid is always the wrong threatening to return, or wrong not yet eradicated. In fact, even the statement of a new wrong seems to be made to merely fill in the symbolic space vacated by apartheid (from 'apartheid to neoliberalism', from 'race apartheid' to 'class apartheid'). Notwithstanding, it is also with respect to a re-membered past, and an image of the struggle, that post-apartheid South Africa discovers both its enduring concepts of 'the sacred unity of the people', and the latter's constitutive political will. Like apartheid, 'the struggle', often given the consistency of an event, takes on mythic proportion, as the place in which the political foundations of the present were established, where the

principles for the making of new the political order were expressed, and where the people, in the their ethical fullness set the terms of the political project that we must faithfully work to realise. 'This is, after all, what we struggled for… 'what so many went to prison and died for'.

I do not, however, mean to imply that there have been 'no political betrayals', or that, politics only ever instrumentally turns to 'the struggle' in validating contemporary political claims. Moreover, there are objective, and also very real political reasons why the term apartheid continues to have purchase in talking about contemporary South Africa. Not recognising this would be to fall into the trap of an argument that, both in its popular and more sophisticated academic variants, tends to give itself to a reactionary impulse. That is, 'we need to just get over the past, already', where 'getting over' can mean anything from simply the amnesiac forgetfulness of many white South Africans, to more sophisticated liberal variants. In fact, where the question of the past has been made a political issue, the response cannot be to try to turn politics away from it. Such arguments imply a depoliticising gesture in response to an anxiety that seems to unite liberal and conservative alike. My main point is, rather, a more simple one.

What I think is important to underline is ways in which, in relation to this seemingly recurrent gesturing to the past, we can identify the traces of particular ways of seeing and speaking about the political, seeing and speaking about what is political. That is, *who we are today* remains bound to a particular figure of wrong and a set of aspirations belonging to *a past from where we just come*. No doubt, it is here that we must recognise the potential for melancholic logic that would make injury that basis of identity, suffocating our very imaginings of the meaning of and potential for freedom, by making our concept of the latter forever reference the past oppression that it first emerged in order to overcome (see Brown 1995). As Brown points out, this not only stunts the development of our concept of freedom, but potentially arrests the expansion of our struggles for freedom. Equally we need to be aware of the ways in which mobilisations of notions like apartheid - as the marker of a wrong whose return remains an ever present threat - potentially work to reinforce the democratic state's own modes of domination:

> When institutionalised, freedom premised upon an already vanquished enemy keeps alive, in the manner of a melancholic logic, a threat that works as

> domination in the form of an absorbing ghostly battle with the past. Institutionalised, freedom arrayed against a particular image of unfreedom sustains that image, which dominates political life with its spectre long after it has been vanquished and pre-empts appreciating of new dangers to freedom posed by institutions designed to keep the past in check. Yet the very institutions which are erected to vanquish the historical threat also recuperate it as a form of political anxiety; so, for example, functions of the "state of nature" or the "arbitrary sovereign" in the liberal political imagination (ibid: 8).

While it would be interesting to develop this point, and the possibility of showing that an image of apartheid comes to occupy a similar position to that of the state of nature in the liberal political imaginary, it seems to me, that the most pernicious aspect of the past's political omnipresence, is rather the ways it works to neutralise constitutive power, by locating it, not in the present, but in the transcendent unity of the people in the struggle. Rather than trying to discover ways to exorcise the past, then, it might be better to focus on the specifically political question that the recurrence of this theme underlines.

Dossier On (bio)Power

I

Getting at the Question of Power

That a form of hegemony, both with respect to the party and the society, should draw support from and come to be so closely linked to a particular 'economy' of signs centred on the past is perhaps on its own not so remarkable. Nor is it particularly unusual that such signs should relate the generic figures of "project and destiny", which, as Etienne Balibar has shown, appear as the "the symmetrical figures of the illusion of national identity" (Balibar 1991: 86). That *who we are today* is in some sense expressive of the unfolding destiny of a national people is, after all, a presupposition of all narratives that give to nations "the continuity of a subject" (ibid: 86). Nevertheless in 'our' case, the stakes seems somewhat different from the contexts that Balibar was reflecting on, at least in the sense that I alluded to in the previous chapter; that is, those of us of 'a new South Africa' still belong to the very processes in which "the myths of origins and national continuity" (ibid: 87) are taking shape, the very processes in which national identity is forged and bound to a form of state. And if this is always already true of all national subjects, it is exactly an intensive difference I want to underline, apparent as an urgency that characterises the men of the state's confrontation with what (it turns out) is a constant problem:

> The fundamental problem is…to produce the people. More exactly, it is to make the people produce itself continually as a national community. Or again, it is to produce the effect of unity by virtue of which the people will appear, in everyone's eyes, as 'a people', that is as the basis and origin of political power. (ibid: 93-94)

As we have seen, however, the (political) figure of the people, is both politically effective and elusive in the discourse of the men of the state, while its primacy in the determinations of power increasingly appear eclipsed by the (biopolitical) subject of the population (see also *Chapter 2*). If there can be little doubt that government, as the administration over social life and economy, is where the action is, why does power need

a people? (Or we might even say, 'why does government need sovereignty?'[132]). Asking these questions means not taking for granted, the hyphen in nation-state, that is the relationship between administrative practices of government, and the virtually ritualised ways in which a figure of the people is invoked 'as the basis and origin of political power', and in fact appears to many as such.

In the chapter that follows this one I try to mark out something of the contemporary contours of these questions in relation to post-apartheid governmental action targeted at the poor. In the *Dossier on Government and Sovereignty* I return to them again from a theoretical angle in order to propose a way of thinking about the relation and tension between these, the two poles of our conception of the modern nation-state, popular sovereignty and government. In this dossier I begin working my way up along one side of this question, by focusing on Foucault's account of the immanent operation of modern power.

Taking the King's Head

There is, however, a (recurring) question here that we need to (re)address: why Foucault? In this case in fact it would seem that, rather than opening onto the thought of the people as the bearer sovereignty, Foucault's work on power is marked by its insistence on talking about something else.

In an interview conducted just a year after the publication of the first French edition of *The History of Sexuality*, Foucault suggested that, a multi volume book project on the question (of Sexuality), would have been a less attractive undertaking were he not "impelled by the necessity of reworking this problem of power" (Foucault 1980 [1977]: 187). As it turns out, escaping the "problem of sovereignty" was exactly how he understood such "necessity".

This task can be seen as both theoretical and political. On the one hand, Foucault argues that the issue sovereignty, and (what elsewhere he calls) the 'traditional questions'[133] that go with it, give the terms of a general problematic to which a theoretical approach to power is made prisoner, precluding the analysis of a "whole range of areas" in which power operates on "our bodies, our lives, our day to day existences" (ibid). On the other hand, and not unrelated, his critique of the theory of sovereignty also emphasises the way

in which it (sovereignty) works to "mask" the operations of power, "underwriting" the immanent forms of domination that exist in society by referring them back to a transcendent source of legitimacy (Foucault 2004 [1976]: 26). For Foucault then, this model - which he characterises as an imposition of the "juridico-philosophical thinking of the sixteenth and seventeenth centuries" - continues to "haunt" us today (Foucault 1980 [1977]: 187), shaping not only our conception of power, but also our ways of struggling against it.

Foucault therefore talks of 'cutting off' "the king's head in political theory" (Foucault 1980 [1977b]: 121) and will, against 'the transcendent singularity'[134] of the sovereign, articulate a conception of power that is, in "the first instance" (see Foucault 1990a: 92), immanent to society[135].

Foucault, however, doesn't cut off the king's head once and for all, but keeps returning to it in order to hack it off all over again. Instead of disappearing from his theoretical investigations then, the theory of sovereignty in fact remains a constant pole in the later Foucault's work, standing as an archaic counter point to his elaborations of new apparatuses and tactics of power. In fact, from his outline of the emergence of a disciplinary power centred on the individual body in the first half of the 1970s, through the introduction of the thematic of 'a biopolitics of population' in *The History of Sexuality* and the course, *Society Must Be Defended*, to his turn to the problem of government and the 'conduct of conduct' at the end of the decade, the theory of sovereignty is the ever-present 'other' of these new forms of power, whose coordinates are given in their difference from this model.

We should also say, from the outset, that the theory of sovereignty we encounter in Foucault, as well as his account of its (non)relation to the operation of biopower, are neither always consistent nor without limits. Moreover, apart from a few scattered remarks, Foucault doesn't *explicitly* reflect on the important transition from royal sovereignty to popular sovereignty. In fact, a good deal of contemporary criticism of Foucault's work centres on this issue, reproaching him for ignoring the forms that a model of sovereignty assumes on the horizon of the very transformations his work undertakes to investigate (see below).

So, why Foucault then? It seems to me that - in spite of these limits - we find in this work a deeply materialist attempt at grappling with the present that is, at the same time, a crossing over of many longer standing limits in how we think about the mechanisms of power and the constitution of the society in which we live. Moreover, the development of Foucault's approach to power stands as one of the most important philosophical statements within/on modernity, and which continues to serve as a body across which a great many contemporary debates unfold.

I begin with Foucault then (and try to stick very close to him in this dossier), as an induction into contemporary debates on modern power and the state in the context of the emergence of mechanisms of 'control' immanent to the social field. Even more importantly I focus on Foucault, and attempt to reconstruct his conception of power in order to better understand the forms that belong to what, in this thesis, I refer to as *'a double movement between resistance and governmentalisation'*.

In the document that follows this one, I therefore, begin by discussing Foucault's approach to modern power, illustrating as well the sense in which "resistance comes first". In *Document III*, I try to mark out the paradoxical place the theory of sovereignty comes to take in Foucault's work on power, standing as the subject of a disavowal and ever-present, seemingly irreconcilable, point of difference and opposition that every 'new' articulation of power will be referred back to, and, at the same time, operating as a means through which the operations of power are masked. *Documents IV* and *V* focuses on Foucault's account of the emergence of disciplinary power and biopolitics respectively, for the most part, merely presenting an introduction to this thematic. The sixth document looks at Foucault's remarks on state racism and goes on speak about Giorgio Agamben's intervention in these debates.

II

...between resistance and power

On the question of resistance, Foucault's important 1982 essay, 'The Subject and Power', has some ambiguity. On the one hand, he says that there is real analytic value in focusing on resistance, which he proposes could function as a "catalyst" to illuminate power relations (Foucault 2002: 329). On the other, there is also a very real

sense in which resistance to power is the context that induces our questioning in the first place.

In 'The Subject and Power', Foucault provocatively suggests that, rather than "such-or-such institution of power, or group or elite, or class" the target of emerging struggles is increasingly "a form of power" that "applies itself to immediate everyday life", shaping the ways in which subjects become tied to their identity in ways that "submit [them] to others" (ibid: 331). Foucault calls these "struggles against subjection" or struggles against "forms of subjectivity and submission" (ibid). And for Foucault, the reason these struggles against 'forms of subjectivity' have become important "today" is because of the new forms of power that are emerging (albeit already seeded with the massive transformation in technologies of government that began to be set in place from the 16th century (ibid: 332; see also *Dossier on Critique* and *Dossier on Government and Sovereignty*)).

...over resistance

In a historical characterisation of forms of resistance that bears a certain proximity to the kinds of class composition analysis undertaken in Italy in the 1970s, Foucault offers a characterisation of three different types of struggles present in modern society, with one kind of struggle predominating over the others at different historical moments. For feudal societies, according to Foucault, "struggles over ethnic or social domination were prevalent", while in the 19th century, "struggles against exploitation" took centre stage (which Foucault, following Marx, defines in relation to the separation of "individuals from what they produce"). And in the *present*, it is "struggles against subjection" that now move to the centre of political contests (ibid) – taking aim at a form of power that Foucault characterises as both "individualizing and totalizing"[136].

Foucault's insight on the changing character of contemporary struggles stands in a formative relation to many of the threads developed in this thesis. What I want to simply underline here, however, is that at least part of what is staked in the thematic shifts of Foucault's later works is the possibility of grappling with and intervening (effectively) in these struggles over forms of subjectivity (see *Dossier on Critique*)[137].

In a critical essay on Hardt and Negri's *Empire*, Lee Quinby takes aim at Deleuze's suggestion that resistance is prior to power in Foucault (Quinby 2004: 249)[138]. Leaving aside the fact that Quinby makes no attempt to engage the passage where Deleuze makes this claim, she couches her argument in a discussion of a passage from the method section of the *History of Sexuality* where Foucault advances a characterisation of the relationship between resistance and power. Quinby's refusal of the primacy of resistance comes down to her insistence on what Foucault calls the "strictly relational character of power", where resistance acts as "adversary, target, support, or handle in power relations" (Foucault 1990a [1976]: 95) (thus not just "where there is power there is resistance" (ibid), but, by definition, only where there is power can we speak about resistance). Perhaps taking her cue from what I refer to as the ambiguity of Foucault's discussion of resistance in 'The Subject and Power' essay, Quinby goes on to suggest that whatever primacy is given to resistance it is only for the (analytic) possibility of their bringing to light relations of power. She might have also added the claim, made on the very next page of *The History of Sexuality* to the one she quotes from, where Foucault emphatically says that, regardless of the types of resistance, "by definition, they can only exist in a strategic field of power relations" (ibid: 96). And as we have noted, an analytic approach that focuses on "resistance as a chemical catalyst so as to bring to light power relations" (Foucault 2002: 329) is exactly what the essay, 'The Subject and Power', advises.

Let us set aside this reading as I suspect that there is something important that is being missed here. Instead we should begin by clarifying Deleuze's enigmatic suggestion that 'resistance comes first' in Foucault, which, at first glance, appears counter-intuitive.

In the passage where Deleuze makes this claim (quoting from the same section of *The History of Sexuality* that Quinby grounds her argument in), he is discussing the question of resistance in relation to 'the diagram', which is the name Deleuze gives to a "pure function" for "imposing a particular taste or conduct" (Deleuze 1999: 61), regardless of what functional ends are to be pursued (education, punishment, etc.) or what formed substances it acts on (prisoners, students etc.)[139]. Foucault's panopticon is an example of a diagram, "a pure disciplinary function" whose intelligibility depends on it being "detached from any specific use" and from any specific substance[140]. And here it is in so far as the panopticon is a pure function (that is, a 'diagram'), that it is able to be given

over to particular and varying uses (in the factory, in the school, in the barracks, etc.). The statement that 'resistance comes first' is immediately followed by the qualification, "to the extent that power relations operate completely within the diagram, while resistance necessarily operates in direct relation with the outside from which the diagrams emerge" (ibid: 74). From this perspective, it is less a matter of asking, does resistance stand outside of relations of power (which would be a gross misreading of Deleuze's point) but rather, is resistance prior to the diagram?

...a 'moving substrate of force relations'

The History of Sexuality stands the theory of power on its head. In the elegant, and deeply subtle chapter in which Foucault sets out a series of "propositions" to orientate theoretical research on the question of power (simply titled, 'Method'), he tells us that the "sovereignty of the state", the "form of the law", and even the perception of an "over-all unity of a domination", should be seen only as the "terminal forms power takes":

> [P]ower must be understood in the first instance as the multiplicity of force relations immanent in the sphere in which they operate and which constitute their own organisation; as the process which, through ceaseless struggles and confrontations, transforms, strengthens, or reverses them; as the support which these force relations find in one another, thus forming a chain or a system, or on the contrary, the disjunctions and contradictions which isolate them from one another; and lastly, as the strategies in which they take effect, whose general design or institutional crystallisation is embodied in the state apparatus, in the formulation of the law, in the various social hegemonies (Foucault 1990a [1976]: 92-93).

Rather than searching for the source of power in a single 'centre', Foucault's account presents an image of a social body traversed by 'force relations', where the inequality of relations between different points - between teachers and their students, between a worker and her boss, between members of the family, and so on – "engenders states of power" (ibid: 93). Not the imposition of an 'all powerful sovereign's' power over the individual then (Foucault 1980 [1977a]: 187), but instead what is "produced from one

moment to the next, at every point, or rather, in every relation from one point to another" (Foucault 1990a [1976]: 93).

For Foucault this way of thinking about power implies reversing the traditional problem of political philosophy and changing out the questions it labours to answer. Theory will no longer ask, "how is the exercise of power grounded in sovereignty or the State?", but instead, it will now try to understand in what ways the sovereign's power is grounded in the immanent play of these force relations. What Foucault calls the "moving substrate of force relations" (ibid: 93) turns out to be "the concrete, changing soil in which the sovereign's power is grounded, the conditions that make it possible for it to function" (Foucault 1980: 187).

The lasting importance of these propositions to my own research is Foucault's insistence on "the strictly relational character of power" (Foucault 1990a: 95). And if power is always a relation that is established, we should say that this relation does not stand over, behind, apart, outside, next to (that is "in a position of exteriority" (ibid: 94) to), other social relations, but is, according to Foucault, both the "immediate effect of the divisions, inequalities and disequilibriums" (ibid) of social life, as well as their very condition. That is to say, relations of power are wholly immanent to other relationships ("economic processes, knowledge relationships, sexual relationships") (ibid).

In this schema, points of resistance are always present counterpoints in relations of power. Resistance remains immanent to what Foucault calls power and acts, as we have seen, as "adversary, target, support, or handle in power relations". And indeed, the 'strategic coordination' of resistance seemingly follows a similar logical schema[141]:

> [Points of resistance] are the odd term in relations of power; they are inscribed in the latter as irreducible opposite. Hence they too are distributed in irregular fashion: the points, knots, focuses of resistance are spread over time and space at varying densities, at times mobilizing groups or individuals in a definitive way, inflaming certain points of the body, certain moments of life, certain types of behaviour. Are there no great radical ruptures, massive binary divisions, then? Occasionally yes. But more often one is dealing with mobile and transitory points of resistance, producing cleavages in a society that shift about, fracturing

> unities and effecting regroupings, furrowing across individuals themselves, cutting them up and remoulding them, marking off irreducible regions in them, in their bodies and minds. Just as a network of power relations ends by forming a dense web that passes through apparatuses and institutions, without being exactly localized in them, so too the swarm of points of resistance transverses social stratifications and individual unities. And it is doubtless the strategic coordination of these points of resistance that makes revolution possible, somewhat similar to the way the state relies on the institutional integration of power relations. (Foucault 1990a: 97)

Given such an outline of the 'strictly relational character of power', it is not hard to see how one could end up affirming an indifference with respect to the priority of resistance/power in Foucault. In fact, the 'Subject and Power' essay characterises the relationship between power and resistance as an "agonism"[142], a "mutual incitement and struggle", that is "less…face-to-face confrontation", than "permanent provocation" (Foucault 2002: 342). To be sure, however, it is precisely resistance that gives 'the moving substrate of force relations' (Foucault 1990a: 93) its dynamism, that inscribes the principle of movement and change into 'the strategical situation'[143] of any given society (or, we could say, 'gives the form of history to human existence rather than that of an evolution' (see *Chapter 1*)). For, as we have seen, at the most local level what "transforms, strengthens and reverses" these force relations are the very struggles and confrontations that characterise power relations. Moreover, the rationality that characterises the tactics of power, find their immediate imperatives in relation to the resistances they seek to master, overcome, or simply prevent. Is this not, after all, what Foucault means be the "local cynicism of power"? (see Foucault 1990a: 95).

But, if we still needed better proof of Deleuze's suggestion that "the final world on power is resistance comes first", in a 1982 interview Foucault places the opposition in exactly in these terms:

> [I]f there was no resistance, there would be no power relations. Because it would simply be a matter of obedience... **So resistance comes first**, and resistance remains superior to the forces of the process; power relations are obliged to change with the resistance. So I think *resistance* is the main word, *the key word*, in

the dynamic. (Foucault 1997 [1982]: 167; italicised emphasis in printed text; my emphasis in bold).

...a socialisation of force relations

Foucault is emphatic: "power comes from below", arising with the very relationships, divisions and inequalities that characterise social life (as we saw, operating as 'both their effect and condition') (Foucault 1990a: 94). He rejects any theoretical formulation that would reduce the question of power to a "binary and all encompassing opposition between rulers and ruled" (ibid). Instead, within this "multiplicity of force relations", operating within the spheres of production, the family, religion, etc., "general lines of force" are established as these force relations "find support in others, thus forming a chain or a system" (ibid). For Foucault, these lines of force "traverse local oppositions and link them together" on the basis of various affinities or productive relations, and in the process, bringing about "redistributions, realignments, homogeneities, serial arrangements, and convergences of force relations" (ibid). Capitalism, or the perception of something like a State invested with sovereignty, are here characterised as "hegemonic effects" (ibid) that owe their existence to such processes.

The enigmatic formula taken up by Hardt and Negri in Empire, 'power is everywhere and nowhere', can therefore be explained by the fact that power is here neither an institution or a centred structure, but is literally what "comes from everywhere", as that which arises out of the "complex strategical situation in a particular society" (Foucault 1990a: 93). Where something like a State functions, it is, in these terms as a consequence of "relations of domination" that have an "autonomy" and "a configuration" that Foucault insists is irreducible to models of sovereignty (Foucault 1980: 188). The forms of institutionality which arise within a particular society emerge then precisely out of the integration of local relations into the broader strategies. Such a movement however remains immanent to the 'substrate of force relations', and these forms of institutionality are in fact (again) at the same time an effect of this process of integration of force relations and the very integrating agent that enables it.

These processes - by which the local oppositions between force relations, and the tactics (on both sides) that give them their form, "attract and propagate one another", finding their "base of support" in others, and so coming to form "comprehensive systems" and institutions – is what Lazzarato has called the 'socialisation of forces', or even, after Foucault, the 'strategic coordination of forces' (see Lazzarato 2002).

In Deleuze's reading, forms of social institutionality which arise from such strategic coordination of forces, lack "interiority". They[144] are not the "sources or essences" of power, but instead are seen as "practices or operating mechanisms which do not explain power relations, since they are content to 'fix' them as part of a function that is not productive, but reproductive" (Deleuze 1999: 63). Simply put, such institutions come to be produced spontaneously from the interaction of local relations of power only to come to act as the principle for the integration and reproduction of those relations of power. In this reading of Foucault, "[t]here is no State, only state control", a principle extended to all forms of social institutionality, in which the task of 'control' entails the strategic coordination and integration of local relations of power.

As I have already noted, in the years immediately following the publication of the first volume of The History of Sexuality, Foucault's courses turn to the question of government, which he defines now as "the conduct of conduct" (see Lemke 2001). When he returns to the question of the "specificity of power relations" in his 1982 essay 'The Subject and Power' – where the thematic of power is now definitively displaced onto the thematic of the subject – we find something of a new emphasis that I think illustrates the ways his research on government shapes his more general conception of power:

> In effect, what defines a relationship of power is that it is a mode of action that does not act directly and immediately on others. Instead it acts upon their actions: an action upon an action, on possible or actual future or present actions (Foucault 2002: 340).

Summarising and drawing together the threads that give Foucault's concept of power, Deleuze writes:

> What is power? Foucault's definition seems a very simple one: power is relation between forces, or rather every relation between forces is a 'power relation'. In the first place we must understand that power is not a form, such as the State-form; and that the power relation does not lie between two forms…In the second place, force is never singular but essentially exists in relation with other forces, such that any force is already a relation, that is to say power: force has no other object or subject than force. This does not create a return to natural law, because for its part law is a form of expression, whereas Nature is a form of visibility and violence a concomitance or consequence of force, but not a constituent element. Foucault is closer to Nietzsche (and to Marx), for whom the relation between forces greatly exceeds violence and cannot be defined by the latter. Violence acts on specific bodies, objects and beings whose form it destroys or changes, while force has no object other than that of other forces, and no being other than that of relation: it is 'an action upon an action, on existing actions, or on those which may arise in the present of future'; it is 'a set of actions upon other actions'. We can therefore conceive of a necessarily open list of variables expressing a relation between forces or power relation, constituting actions upon actions: to incite, to induce, to seduce, to make easy or difficult, to enlarge or limit, to make more or less probable, and so on (1999: 59).

III

Nietzsche's Hypothesis

Deceptively straightforward, Foucault's re-elaboration of the theory of power in terms of a "multiplicity of force relations" has far reaching implications, potentially recasting our understanding of modern society and what it means to act politically. No small part of the epistemological shift enabled by this work is the explicit renunciation of a conception of power centred on the question of will (Foucault 1980 [1977a]: 188), or its collective articulations as in Rousseau's concept of the 'general will' – the (individual or collective) will of a sovereign as the substance and source of power – that is (as we saw) at the

centre of theorisations of popular sovereignty, as well as the broader problematic of representation that follows from this perspective.

In the course, *Society must be Defended* - delivered at the Collège de France in the mid-1970s, and paralleling the French publication of the first volume *The History of Sexuality* - Foucault focuses on what he calls 'relations of domination' from the standpoint of the analytic model of war. In *The History of Sexuality,* in the same chapter (Method) that lays out a conception of power centred on the 'confrontations, battles and struggles' of force relations, and defined in relation to the complex 'strategical situation' of modern society, Foucault suggests the possibility of reversing Clausewitz's famous expression, 'war is politics pursued by other means'[145]:

> Should we turn the expression around, then, and say that politics is war pursued by other means? If we still wish to maintain a separation between war and politics, perhaps we should postulate rather that this multiplicity of force relations can be coded-in part but never totally-either in the form of "war," or in the form "politics"; this would imply two different strategies (but the one always liable to switch into the other) for integrating these unbalanced, heterogeneous, unstable, and tense force relations (Foucault 1990a [1976]: 93; see also 2004: 15).

Although Foucault seemingly shifts away from the conception of power relations as "a warlike clash between forces" - what in *Society Must Be Defended* is characterised as "Nietzsche's hypothesis" (2004: 16) - the lectures both clarify and extend his critique of the model of sovereignty (as well as marking the public introduction of the question of biopower into his work), and are therefore worth pausing on.

Foucault's 'disavowal' of the model of sovereignty in the course is a critique of this model's theoretical scaffolding, as well as its political deployments. More importantly, we also find in this critique the implicit imperative to invent new ways of doing politics[146].

If it is clear that resistance remains the key term for relations of power, the principle that breathes life into history and relates social movement to subjectivity, it nevertheless appears caught in a stubborn paradox, seemingly consigning every 'uprising' to a fate set within the recuperating logic of power. This issue, which we confronted in *Chapter 1*,

covers an essential theoretico-political problem that, as we saw, gives one trajectory of Foucault's later research (see *Dossier on Critique*).

...masking domination

In the course *Society Must Be Defended* the question of politics is reposed in terms of the question of war (or more precisely, 'a war-like clash of force relations'). No small part of what this line of questioning works to highlight is 'the concreteness' of relations of "domination and subjugation". But what I find most interesting is the way the course works to establish 'tactical pointers' for political action that moves from a critique of the model of sovereignty. For where 'the political' appears to us as coded and circumscribed through a theory of sovereignty, the shift to the question of war is underscored by a critique of how this (former) frame, and how it affects political action, works to "underwrite" and "reinforce" "relations of domination". In fact, to the extent that *Society Must Be Defended* can be read as a contribution to an ontology the present, this is already becoming a grappling and an experiment with the possibility of escaping the model of sovereignty as an imposed limit to *who we are today*.

Taking up the familiar theme of royal sovereignty, the course sets this figure within a triangulation whose co-ordinates are power, right and truth (2004: 24)[147]. Foucault argues that the 'traditional question' of philosophy – as the "discourse of truth par excellence" – has tended towards establishing the "limits of power's right" (ibid). That is, philosophy comes to think about what constitutes the legitimacy of the sovereign act, and the limitations power must respect if it is to retain legitimacy. In the context of what Foucault describes as a "reactivation of Roman law" in the Middle Ages, and the establishment of a "juridical edifice" centred on the king, the theory of right comes to act as an important "instrument" in constituting the "monarchical, authoritarian, administrative, and ultimately, absolute power" (ibid: 25) of feudal societies.

In this account, the essential concern of the theory of right – and both with respect to the supporters of the royal power and its antagonists - is with the legitimacy of exercised power. From this perspective, juridical production unfolds across two poles; either it works to show that "royal power was invested in a juridical armature, that the monarch was indeed the living body of sovereignty, and that his power, even when absolute, was

perfectly in keeping with a basic right", or else it attempted to show that "the power of the sovereign had to be limited" (ibid: 26), or made to function according to various rules in order to retain legitimacy (i.e.it was either reinforcing or limiting).

In this seemingly dialectical articulation, where resistance assumes the very categories that give power its legitimacy, the conditions that have come to underpin the reproduction of power and relations of domination are reinforced. The system of right works to "dissolve the element of domination in power", replacing it, or as Foucault says, 'masking it', with "the legitimate rights of the sovereign", and "the duty of subjects to obey the law" (ibid: 26).

Getting at the problem of domination - understood in relation to the immanent "forms of domination that can be exercised in society" (ibid: 27) - therefore involves "inverting" the trajectory of the traditional analysis of power with its relationship to the theory of right (ibid). That is, the question of right is now not posed in relation to the problem of legitimacy, but is 'unmasked' as a vehicle for relations of domination:

> The system of right and the judiciary field are permanent vehicles for relations of domination, and for polymorphous techniques of subjugation. Right must…be viewed not in terms of a legitimacy that has to be established, but in terms of the procedures of subjugation it implements. As I see it, we need to bypass or get around the problem of sovereignty – which is central to the theory of right – and to reveal the problem of domination and subjugation instead of sovereignty and subjugation (Foucault 2004: 27).

We should necessarily be careful in 'using' Foucault's critique of royal sovereignty and the theory of right in thinking about contemporary political problems. And this is not simply a matter of historical or cultural difference, but has to do with the very limits of the account of sovereign power we find in this work, which seemingly wants to supress the symbolic dimensions of this question. What I am interested in in this dossier is what limits Foucault's methodology, his precautions with respect to sovereignty (even where seemingly contradictory), allowed him to cross-over. In this spirit, what I find interesting about this line of argument is the way it captures the structure of a predicament into

which various forms of resistance fall, even beyond the explicitly juridical problem of right.

Recalling the discussion in the previous chapter, can we not find a similar structure in aspects of the predicaments of post-apartheid social movement resistance? If we replace the theory of right with the historical narratives and tropes through which contemporary institutions index the source of their authority via 'the sacred unity of the people in the struggles against apartheid', and replace the monarchy with the post-apartheid hegemon in the form of the ANC, then it seems to me that we have something close to the problem that I confront in the concluding section of the last chapter. As we saw, to the extent that post-apartheid antagonistic political claims and critique tend to fall back on or reference 'an image of the past and idea of the future in whose name the struggle was said to have been fought', along the lines of the very narratives through which governmental authorities motivate their own legitimacy, it runs the risks not only of being appropriated and redeployed by power, but also of reinforcing much deeper forms of domination. Here, resistance potentially becomes subsumed within the very dialectic that operates to ground power's legitimacy, reinscribing all political desire within the domain of the nation state.

Confronted with such paradoxes, there are again two possibilities. The first passes to mortification of the question of resistance and a begrudging resolution to the 'existing state of things'. The second, the question of escape, moves us to a critique of contemporary forms of domination, and towards a practical critique that takes the form of a new constitution.

IV

...nonsovereign power

It is not difficult to see in the trajectory of Foucault's later work on power – from 'power as a multiplicity of force relations', to 'the government of forms of self government' - a tireless attempt at revealing, or better, unmasking "the problem of domination and subjugation" (and with increasing urgency the question of subjection as well). In *Society Must Be Defended*, it is this *necessity* that reappears as the stated basis for the 'displacement of sovereignty' in the theoretical approach to power. And, as if to follow

the path of a power that 'comes from below', Foucault offers a set of "methodological precautions" (ibid: 27) or principles that move away from a theoretical practice centred on juridical-institutional structures, in favour of a bottom up, or 'ascending' analysis of power that begins with actual "techniques and tactics of domination" (ibid: 34).

If one side of this methodological reorientation is cast as a response to the (political) problem presented by the model of sovereignty, operating as the agency that masks the techniques and tactics of domination by referring them back to 'the legitimate rights of the sovereign and the duty of subjects to obey the law' (see above), it is at the same time necessitated by the very transformation of the techniques and tactics of power, which, for Foucault, increasingly exceed the narrow frame of the sovereign-subject bond.

As we have noted, for Foucault, the theory of sovereignty and its related system of right was "an instrument to constitute and justify the great monarchical administrations" (ibid: 35). And it was developed both in relation to those acting to limit monarchical power, and those working to strengthen it. In the 18th century there is an important moment in this development in the form of a new articulation of the theory of sovereignty in the work of "Rousseau and his contemporaries", working now to ground an alternative to a monarchical political system in the form of parliamentary democracy – a role it played, according to Foucault, until the French revolution (ibid).

In Foucault's brief (and by no means sufficient) genealogy here, the "juridico-political theory of sovereignty" that helped found the monarchical administrations (as well as the political form that would replace it), in feudal societies also established the terms and basic relationships of power. That is, the model of sovereignty established relations that were "coextensive with the entire social body", acting as the 'grid' for the "general mechanics of power" (ibid: 35). Beyond the ways that it works to frame the problem of legitimacy, then, the theory of sovereignty indexed "an actual power mechanism: that of the feudal monarchy". More simply put, "the way in which power was exercised could", according to Foucault, "be transcribed… in terms of the sovereign/subject relationship"(ibid)). The historical significance of the development of what Foucault calls nonsovereign power, specifically the emergence of the modality of 'discipline' in the late 17th century, was to *practically* displace the centrality of sovereignty in the exercise of power, introducing new instruments and procedures that, in their novelty, are shown to

be "absolutely incompatible with relations of sovereignty" (ibid), and, according to Foucault, should logically have led to its disappearance.

...from deduction to a power for life

In order to get at the "profound transformation" that occurs with the emergence of 'nonsovereign' forms of power, it is worth thinking about the sense in which, in Foucault's account, sovereignty operated as the actual mechanism of power in feudal societies. For these societies, according to Foucault, what was primary was the law which, in the first instance, was exercised over "territory" (see Foucault 2007), or better, over "land" and what was derived from it (2004: 36). Generally, however, it is a power that takes away.

Here power is not concerned, or rather, was far less concerned with "bodies and what they do" (ibid). Even the "right to decide life and death", which Foucault calls the "characteristic privilege of the sovereign", is shown to be wholly "dissymmetrical", devoid of positive or productive content, and expressed in the sovereign's right to kill (Foucault 1990a: 136). The defining characteristic of the sovereign, whose symbol is after all the sword, is "the right to take life or let live" (ibid). Sovereign power shows itself to be exercised in the main "as a means of deduction"; operating as a mechanism of "subtraction" or "appropriation", "a right of seizure", whether of "wealth", "goods and services", or ultimately, even "life itself" (ibid). Sovereignty, then, relates to a power that "culminated in the privilege to seize hold of life in order to suppress it" (ibid)[148].

The kernel of Foucault's work on power is, in many ways, a grappling with the transformation by which power exercised as a means of deduction - paradigmatically arrested by the sovereign's ancient right to take life or let live - progressively makes way for new mechanisms of power that work instead to "ensure, maintain and develop life" (ibid); "a power to *foster* life, or *disallow* it to the point of death" (ibid: 138; Foucault's emphasis). But, where Foucault does note the potential of this power to withdraw from life, to disallow it, the broad emphasis of his work is to stress the productive registers these nonsovereign powers operate on.

> Deduction has tended to be no longer the major form of power but merely one element among others, working to incite, reinforce, control, monitor, optimize, and organise the forces under it: a power bent on generating forces, making them grow, and ordering them, rather than one dedicated to impeding them, making them submit, or destroying them (ibid: 136).

While mechanisms of sovereignty related the exercise of power to "ritual and spectacular" forms of killing (in a broad sense), Foucault gives the name biopower to the new articulation, emphasising its productive object(ive). And in both *The History of Sexuality*, and *Society Must be Defended*, Foucault frames the development of these new forms of power across two poles; "an anatomopolitics of the human body" (or disciplines) and "a biopolitics of the population".

...docility & utility

Discipline and Punish, which, no doubt, will endure as one of the great classics of modern political theory, sketches the contours of the 'profound transformation' that occurs with the emergence of a disciplinary power centred on the individual body from the late 17th century. Although the focus of the book's genealogical questioning is the European penal system, the form it assumes is shown to be located within a more generalised reorientation of mechanisms of power. In *Discipline and Punish*, "the prison form", whose genealogy is the subject of the book, will in fact "antedate" its deployment and "systematic use in the penal system" (Foucault 1995 [1975]: 231):

> [The prison form] had already been constituted outside the legal apparatus when, throughout the social body, procedures were being elaborated for distributing individuals, fixing them in space, classifying them, extracting from them the maximum in time and forces, training their bodies, coding their continuous behaviour, maintaining them in perfect visibility, forming around them an apparatus of observation, registration and recording, constituting on them a body of knowledge that is accumulated and centralised. The general form of an apparatus intended to render individuals docile and useful, by means of precise work on their bodies, indicated the prison institution, before the law ever defined it as the penalty par excellence (ibid).

These new procedures, focused now explicitly on "bodies and what they do", and operating on the basis of their "separation, their alignment and serialisation" within a broad "system of surveillance", is what Foucault calls discipline.

The new mechanisms take shape, as Foucault says, within a "multiplicity of often minor processes, of different origin and scattered locations", and progressively come to "overlap, repeat, or imitate one another, support another, distinguish themselves from one another according to their domain of application, converge and gradually produce the blueprint of a general method" (ibid: 138) (or what, as we have seen, Deleuze calls a diagram). Taking shape and circulating between schools, the army, the space of the hospital etc., and adopted in response to specific needs (for instance, industrial innovations, outbreaks of disease, new inventions or political changes), these mechanisms are inscribed within what *Discipline and Punish* calls the "general and essential transformation" of mechanisms of power; or the establishment of "a new microphysics of power" (ibid: 139).

Foucault locates this "transformation" and the new needs to which it responds, within the "well known historical conjuncture" apprehended in relation to two processes (that we might add, appear inseparable from the establishment of a '*formally'* capitalist society). On the one side of the genealogy of a disciplinary technology of power is the "demographic thrust of the 18th century", related to the massive "increase in the floating population" that the new mechanisms of power, through what Foucault calls an "anti-nomadic technique", manoeuvre in order to "fix"; and on the other, "the growth in the apparatus of production", which is becoming increasingly "extended and complex" (ibid: 218).

The development of disciplinary forms of power unfolds in relation to these two processes, or, as Foucault qualifies it, "the new need to adjust their correlation" (ibid).

This 'adjustment', opening onto the 18th century's rearticulation of the techniques and tactics of power, are about managing and correlating the forces unleashed within these two processes (and to which previous mechanisms of power - which are bound to the grid of sovereignty - were said to be wholly ill-suited).

It is also along these lines, that Foucault describes the "triple objective" that disciplinary mechanisms assume, in "assuring the ordering of human multiplicities" (ibid). If, as Foucault points out, this task is nothing but the premise of every system of power, in the scheme of discipline it is conditioned by the requirements of a power that will need to be exercised at the lowest cost. In fact disciplines must limit both economic costs (that is the economic expenditure required to implement various procedures) and political costs (underscoring the requisite of power exercised in relation to a specific mode of "discretion" - that is to say, a form of power whose tactics limit its "exteriorisation" and visibility, and thus its potential for 'arousing resistance' (ibid)). Secondly, this new disciplinary power works to bring its effects to a "maximum intensity", and to extend these effects as widely as possible, as Foucault says, "without either failure or interval" (ibid). Finally disciplines attempt to align this "economic" arrangement and the growth of the new mechanisms of power with the "productive outputs" of the forms of institutionality within which they operate (be they "educational, military, industrial, medical", etc.). That is, the arrangement of disciplinary mechanism must articulate with a set of productive outputs, whether with respect to the production of commodities, or the efficiency of movement of a military platoon. These three objectives, which interpenetrate each other, function to render the elements they order "docile and useful" (ibid; see also Foucault 2004: 36).

In no small part, then, the adjustment with which disciplinary power develops was provoked by what is here called "mass phenomena", and the practical tasks of reducing its "inefficiencies": "reducing what in a multiplicity makes it less manageable than unity; reducing what is opposed to the use of each of its elements and of their sum; reduce everything that might counter the advantage of number" (Foucault 1995: 219). It is in these terms that Foucault outlines the functional form of disciplines:

> That is why discipline fixes; it arrests or regulates movements; it clears up confusion; it dissipates compact groupings of individuals wandering about the country in unpredictable ways; it establishes calculated distributions. It must also master all the forces that are formed from the very constitution of an organised multiplicity; it must neutralise the effects of counter-power that spring from them and which form a resistance to the power that wishes to dominate it:

> agitations, revolts, spontaneous organisations, coalitions – anything that may establish horizontal conjunctions (ibid).

While it is clear is that Foucault's discussion extends beyond the establishment of (formally) capitalist relations, correlating this process with the broader reorientation of mechanisms of power taking shape across the social body, it is worth noting that, when read from a Marxist perspective, what is highlighted at the intersection between the two processes out of which disciplines arise, is the problem of 'so called primitive accumulation'. Thus, the process of enclosures, by which wo/men newly separated from their social means of production are transformed into "free labour" that will need to be directed to the factories, and inserted into a regime of what E.P. Thompson has called 'wage discipline', appears here as the prelude and context of the establishment of disciplinary forms across the social body. It should therefore not come as any surprise that rather than neglecting the citations to the master's work, throughout *Discipline and Punish* are dispersed explicit and referenced usages of Marx.

On the development of capitalism, Foucault suggests that, where "the economic take-off of the west" began with the establishment of systems "that made possible the accumulation of capital", the "methods for administering the accumulation of men", stood as the launching point for "a political take-off" in which a more "subtle, calculated technology of subjection" progressively 'supersedes' the "traditional, ritual, costly, violent" forms of power that preceded it (ibid: 220-221). "In fact", writes Foucault, these two processes, "the accumulation of capital and the accumulation of men" (which are at the base of the take-off of the modern world) "cannot be separated" (ibid):

> It would not have been possible to solve the problem of the accumulation of men without the growth of an apparatus of production capable of both sustaining them and using them; conversely, the techniques that made the cumulative multiplicity of men useful accelerated the accumulation of capital (ibid).

In *Society Must Be Defended*, Foucault will call this power, "one of bourgeois society's great inventions", and a "basic tool" in the establishment of industrial capitalism, and "the corresponding type of society" (Foucault 2004: 36). To be sure, this invention is itself

underpinned by an important 'discovery', that is, the "[discovery of] the body as object and target of power" (Foucault 1995: 136). What the disciplines enabled then was the "meticulous control of the operation of the body", and the subjection of its forces along the axes of "docility and utility"[149] (ibid: 137).

Summarising the thrust of Foucault's discussion, we can say that, disciplines operate through distributing bodies in *space*, and by setting each (individual) body in its *place*. It 'codes these spaces' in order to 'optimise visibilities', 'foster vertical lines of communication', and establish 'functional ranks' amongst them. It also implies 'a negative coding of space', and a set tactics to bar particular forms of conduct within specific spaces. Disciplines endeavour to control the activity of bodies, inserting them into 'regimes' and 'timetables', meticulously elaborating 'functional operations of bodies' to the minutest 'detail'. Indeed, for the new disciplinary power what are important are precisely the details. It thus works to make the operations of bodies more efficient, establishing precise regimes, training their movements and gestures in order to enhance the overall effects of their operations. It works on the rhythms of individual bodies, correlating and aligning these with those of other bodies in order for them to collectively work better, faster and/or cheaper. It works to organise the forces of the (individual) body in ways that correlate these forces with those of other bodies and thus with those of the larger multiplicity, in order to enhance their respective and collective productive output.

Of the forms of individuality inscribed by disciplinary procedures on the body, Foucault writes:

> It might be said that discipline creates out of the bodies it controls four types of individuality, or rather an individuality that is endowed with four characteristics: it is cellular (by the play of spatial distributions), it is organic (by the coding of activities), it is genetic (by the accumulation of time), it is combinatory (by the composition of forces). And, in doing so, it operates four great techniques: it draws tables; it prescribes movements; it imposes exercises; lastly, in order to obtain a combination of forces, it arranges 'tactics' (Foucault 1995 [1975]: 167).

Bentham's Panopticon, as the diagram a disciplinary power established across society, can therefore be seen as geared towards the spatial distribution of individuals within a calculated and optimised field of visibility that opens up the possibility for the functional co-ordination of the bodies power takes hold of.

...the disciplinary link

In the first volume of *The History of Sexuality* the significance of the transformation that begins with the emergence of a disciplinary power centred on the individual body is to give the first pole of what Foucault calls biopower:

> One of the poles [of biopower] – the first to be formed, it seems – centred on the body as machine: its disciplining, the optimisation of its capabilities, the extortion of its forces, the parallel increase of its usefulness and its docility, its integration into systems of efficient and economic controls, all this ensured by the procedures of power that characterised the disciplines: an anatomopolitics of the human body (Foucault 1990a: 139).

In both *Discipline and Punish* and *Society Must be Defended*, Foucault makes much of the "point for point" opposition between discipline and sovereign power[150]. At the base of this opposition, is the difference between the link established by these modalities. For the model of sovereignty this link is conceived as a 'contractual relation', along the lines of a 'sovereign-subject bond'. By contrast, the link established by disciplinary power is a "private link" between individuals. Foucault says that "discipline should be regarded as a sort of counter law" (Foucault 1995: 222) in part because what is brought into play is not the law that indexes a "contractual obligation", but instead the norm, as the substance of disciplinary procedures (see also Foucault 2004: 38).

This opposition notwithstanding, it will in fact be the model of sovereignty that underwrites the exercise of disciplinary power as an effect of an almost perverse historical paradox. In *Society Must Be Defended*, it is in so far as this model (of sovereignty) is appropriated by the opponents of monarchical power in a struggle that eventually gives form to the re-elaboration and 'democratisation of sovereignty', that the framework of right comes to stand as a strategic ally of the new disciplinary power taking shape.

According to Foucault the organisation of juridical forms centred on disciplines makes it possible to "superimpose on mechanisms of discipline a system of right" (Foucault 2004: 37), thereby lending legitimacy to them (or even concealing the forms of domination in which these mechanisms are enmeshed).

The problem here is that, where collective or popular sovereignty implies a contractual relation between subjects based on the principle of equality (at least in the dominant liberal traditions), through the legal coding of aspects of disciplinary power it now operates to 'underwrite' a 'disciplinary link' (or relation) between individuals, and thereby the "insuperable asymmetries and excluding reciprocities" (Foucault 1995: 222) of these mechanisms of power.

> [T]he way in which it is imposed, the mechanism it brings into play, the non-reversible subordination of one group of people by another, the 'surplus' power that is always fixed on the same side, the inequality of position of the different 'partners' in relation to the common regulation, all these distinguish the disciplinary link from the contractual link and make it possible to distort the contractual link systematically from the moment it has as its content mechanism of disciplines (ibid: 222-223).

V

...from body to mass

Recalling *Discipline and Punish's* discussion of the emergence of a 'new microphysics of power', of the emergence of biopower *Society Must Be Defended* says; "it is as though power, which used to have sovereignty as its modality or organising schema, found itself unable to govern the economic and political body of a society that was undergoing both a demographic explosion and industrialisation" (Foucault 2004: 249). And "both at the bottom and at the top", both with respect to individual bodies and in terms of 'mass phenomena', the model of sovereignty proves itself incapable in mastering the forces unleashed at this conjuncture (ibid). As we have seen, disciplinary power, or rather a new anatomopolitics of the human body - which *Discipline and Punish* characterised as a "political anatomy of detail" (Foucault 1995: 139) - reframed the management of multiplicities by focusing the exercise of power on the individualised details of 'bodies and what they do'. It is,

however, the task of a new 'biopolitics of population' to exercise power over a multiplicity as a mass. And while disciplines take as their object and target "man-as-body", biopolitics is applied to "man-as living being" in so far as the latter forms part of a larger mass determined by "overall processes characteristic of birth, death, production, illness, and so on" (Foucault 2004: 242-3). However, the opposition between the two poles of 'biopower', between an individualising anatomopolitics and a massifying biopolitics, does not exclude the simultaneous and complementary operation (even if, as we see, one pole takes priority over the other).

In the broadest terms, then, where sovereign power concerned itself with law and the establishing of obedience to the law, and discipline operated on bodies and what they do (through techniques of 'normation'), biopolitics takes as its target what Foucault calls the "species body" (Foucault 1990a [1976]: 139) by means of a set of techniques focused on normalisation.

And it is in relation to what Foucault calls the 'phenomenon of population', that the "species body" - with its own internal regularities[151] – is identified and comes to stand as an object of knowledge and intervention, and in this way, the identification of the forces that the new biopolitics sets out to affect.

...apparatus of security

In his outline of biopolitical procedures in *Society Must Be Defended*, Foucault emphasises three features. The first is the target of power, which is as we have seen "the political body of the population", distinguished here both from the individual body of disciplinary power, and the body of the people (as the collective subject of popular sovereignty) (Foucault 2004 [17/03/1976]; see also Foucault 2007). Secondly, Foucault underlines that biopolitics is essentially concerned with the 'aleatory' and "events that occur within the population that exist over a period of time" (events that display their own long run rhythms). And, finally, biopolitics involves the establishment of "security mechanisms" around the random, aleatory elements that characterises the life of the population (Foucault 2004 [17/03/1976]: 245-246).

Although this series of lectures only offers a brief discussion of these features, as if, in one sense, taking up where the previous course left off, the first three lectures of *Security Territory Population* are devoted precisely to these themes, beginning with a discussion of the first term of its title, security (here given far greater prominence than in the previous course).

In bringing to light the diagram for 'apparatuses[152] of security', Foucault takes up the by now familiar strategy of contrasting it with sovereignty and discipline. One of the important examples Foucault offers centres on each of these modalities' respective approaches to the problem of theft.

In the first instance then, that of the 'juridical-legal model' of sovereign power, the approach to the problem of theft involves the expression of a law (such as "you must not steal") and the prescription of punishment for its transgression, such as "hanging, banishment, or a fine" (which we might note are essentially deductive forms of punishment). In the second instance, that of discipline, there is again an elaboration of a penal law and a specific punishment for the crime. However, these are now framed by "a whole series of supervisions, checks, inspections, and varied controls that even before the thief has stolen, will make it possible to identify whether or not he is going to steal" (Foucault 2007 [11/1/1978]: 4). And, where in the instance of the model of sovereign power, punishment often takes on spectacular forms like banishment or public hangings, within the modality of discipline, punishment instead involves practices such as imprisonment, accompanied by a "series of exercises" aimed at transforming or rehabilitating the guilty individual (ibid).

In the case of security there is again a prescriptive penal law and accompanying punishment inserted within a disciplinary system of surveillance and correction; however, now the modulation of each of these elements is determined in relation to a set of questions centred on the aleatory aspects internal to this phenomenon (theft) and the broad costs of administering to the problem. In this case, the establishment, or rather installation, of a mechanism of security involves asking about the "average rate of criminality", the statistical probabilities of particular kinds of theft, the determination of their variation at different levels of scale (district, town, city, province, nation…), their temporal rhythms (such as the part of the year they are more likely to occur), and so on.

It will mean establishing costs; the costs of procedures that might be set in place (both in terms of the preventative and corrective techniques employed), as well as the broader cost of this sort of criminality to society as a whole. In this example, the selection of measures will then turn on the comparative costs of intervention, figured as a balancing act between tolerance and repressions[153] (ibid: 5).

Apparatuses of security are in fact less about attempting to completely eradicate theft, than about optimising its management in relation to the (social and economic) costs of administering to this problem.

> [Firstly, T]he apparatus of security inserts the phenomenon in question, namely theft, within a series of probable events. Second, the reaction of power to this phenomenon are inserted in a calculation of cost. Finally… instead of the binary division between the permitted and the prohibited, one established an average considered as optimal on the one hand, and, on the other, a bandwidth of acceptable that must not be exceeded (ibid: 6).

As with biopolitics more generally, rather than standing in strict opposition, the apparatus of security "infiltrate" previous mechanisms, establishing itself within, or better still, between, them. In *Security Territory Population*, Foucault notes that mechanisms of security "consist to a great extent in the reactivation and transformation of the juridical-legal techniques and the disciplinary techniques" (ibid: 9) of previous systems. And, it seems somewhat certain that, just as the juridical-legal model of sovereignty operated to underwrite disciplinary mechanisms, in establishing itself within juridical-legal techniques, apparatuses of security draw support and legitimacy from the model of sovereignty.

...mastering the aleatory

In broad strokes then, and moving beyond the somewhat limited example of the problem of theft, we can highlight various aspects of this apparatus, which, in *Security Territory Population,* draw together the key themes of Foucault's discussion of biopolitics introduced in the previous year's course.

Beginning with the question of space (which the apparatus of security will evince a distinct approach to), Foucault's discussion again establishes an opposition between how this theme is figured within each of the modalities of power. For sovereignty, then, the essential problem will be one of 'centering'. In the case of the organisation of urban space, it will be a matter of ensuring "a well "capitalized" state", or rather, "a state well organised around a capital as the seat of sovereignty and the central point of political and commercial circulation" (ibid: 15).

Discipline, as we have already noted, is characterised by the enclosure, segmentation, individualisation and functional coordination of space within a broad system of surveillance. In relation to the problem of the town (or urban space), discipline therefore involves the strict demarcation of the boundaries of the town, internally segmenting space in terms of its functional forms (residential, commercial, high income, low income, and so on), and establishing appropriate fields of visibility for each of these. It involve "the constitution of an empty, closed space" within which multiplicities are constructed and hierarchically and functionally organised according to forms that enhance specific "effects" (ibid: 17).

Security (again) does not so much replace previous mechanisms, but rather ensures their integration and optimisation within a wider framework. Nevertheless, where discipline had presupposed an empty space and its ideal organisation with respect to a particular (artificial) multiplicity (that is to say, multiplicities trained on an individualised basis to act within a framework of established norms articulating with the disciplinary organisation of space), security is more concerned with the already existing reality of the contexts it attempts to master. For instance, mechanisms of security will have to take account of natural givens such as water supply or topography, and organise urban space in relation to these givens in order to ensure the best possible articulation - maximising the advantage of different (productive) elements and attempting to minimise "what is risky or inconvenient" (ibid: 19). As we saw in the case of theft, it implies determining the probabilities of these risks, and weighing these against the costs of different forms of intervention. What security sets out to master is therefore not only the "material givens", but also the probabilities of different phenomena "that can be relatively, but not wholly reduced" (ibid), in order to establish a kind of "homeostasis", or rather an optimal arrangement of 'things'.

Moreover, where the disciplinary organisation of space works towards the individualisation and homogenisation of space, mechanisms of security focus rather on their "poly functionality" (ibid). In urban planning what is therefore important is taking into account both the possible positive uses (commerce, circulation, etc.) as well as the potential negative uses of a space (political agitation, rioting …) - working to enhance the former while reducing the probabilities or effects of the latter. Finally, securitised frameworks make adjustments based on calculations on how the situation might change, organising space in terms of these (for instance, future growth of the population, or economic growth, and so on). Rather than structuring an 'artificial' space in which disciplined bodies are formed, security involves intervention in the milieu, as the "natural space" in which living beings exist.

When Foucault summarises this discussion on space, it is now the concept of the milieu that turns out to be decisive in marking the specific difference of mechanisms of security:

> Sovereignty capitalises a territory, raising the major problem of the seat of government, whereas discipline structures a space and addresses the essential problem of a hierarchical and functional distribution of elements, and security will try to plan a milieu in terms of events or a series of events or possible elements, of series that will have to be regulated within a multivalent and transformable framework. The specific space of security refers then to a series of possible events; it refers to the temporal and the uncertain, which have to be inserted within a given space. The space in which a series of uncertain elements unfold is, I think, roughly what one can call the milieu (ibid: 20).

It is worth pointing out that the course *Security Territory Population*, also introduces a new term in distinguishing disciplines from biopolitics along the lines of an opposition between what Foucault calls normation and normalisation. Although I return to and discuss this opposition later in this thesis (see *Chapter 5*), here I simply want to highlight how this distinction clarifies something of the difference that is at stake between the two poles of a biopower. According to Foucault, disciplines operate by establishing a norm on the basis of which a determination and division between normal and abnormal is made. In this sense, the norm is given primacy in relation to the normal[154]. By contrast,

for biopolitics, Foucault argues that the norm emerges through "an interplay between … different distributions of normality" (ibid: 63), implying that the determination of the normal will be made with respect to actual processes internal to the population and whatever interventions might be made with respect to these.

…the milieu and the population

The milieu is an important concept in Foucault's genealogy, since it is by way of the latter that he both outlines mechanisms of security's treatment of the aleatory, as well as what he calls the "correlation between techniques of security and population" (as both its object and its subject (ibid: 11)). Perhaps to hint at the epistemological roots of the concept of the milieu that is stake here, Foucault draws our attention to the Newtonian definition, as that which is "needed to account for the action at a distance of one body on another" (ibid: 20). The milieu is therefore the "medium" through which power sets out to affect human life (and conduct) at a distance. In these terms, the milieu appears to mechanisms of security as "a field of intervention" (ibid: 21), characterised by broad processes and regularities with respect to the forms of life that belong to it. The milieu is in fact composed of 'natural elements' (such as rivers, animals, mountains), and artificial or man-made ones (such as the built environment of houses, buildings and infrastructure), as well as the processes articulated within and between these. Moreover, the milieu is characterised by specific effects that might be elaborated and quantified. For instance, the problem of overcrowding is shown to increase the probabilities of illness, disease and death, or scarcity of food is shown to encourage revolt. The milieu is, then, exactly 'the field of causes and effects' that is targeted by mechanisms of security. What is at stake in the question of the milieu is the whole problem of population, defined now as "a multiplicity of individuals who… fundamentally and essentially only exist biologically bound to the materiality within which they live" (ibid: 21).

This relationship, between the population and the milieu, also opens up one strategy for accounting for the 'bio' in biopolitics. In the closing sections of the course's third lecture, Foucault underlines the debate in nascent biology whose resolution with Darwin, for him, marks the completion of a transition from natural history to biology, a transition that here turns on the causal relationship between the milieu and the individual, and the problem of population in this (causal) relationship[155]. Shifting away from a perspective in

which the individual organism is "acted on directly and shaped by the milieu" (ascribed to Lamarck), or that set along line of causality that leads back to the divine (ascribed to Cuvier), Darwin is said to have succeeded in showing that "the element through which the milieu produced its effects on an organism is the population" (ibid). And in this respect Foucault claims that, "in the analysis of living beings it is the problematisation of population that makes possible the transition from natural history to biology" (Foucault 2007: 78).

It is also worth noting that these three positions running out of nascent biology, in their logical form correspond to the modalities that animate Foucault's discussions on power; that is, sovereignty (corresponding to Cuvier's position), discipline (corresponding with Lamarck's position) and biopolitics (corresponding with Darwin's position), as if to highlight a more general epistemological reorientation arising out of the problematisation of population[156].

Economic Man

While the sense in which security (and biopolitics more generally), are concerned with aleatory phenomena should be clear, Foucault's discussion of this question in relation to the problem of scarcity is deeply illuminating for establishing the coordinates of the liberal mode of government's imagined subject. In the course the problem of scarcity is presented in relation to 18th century physiocrats' definition, "the present insufficiency of the amount of grain necessary for a nation's subsistence" (ibid: 30) (which notably in Foucault's discussion, is underscored by the threat of revolt). Not unexpectedly Foucault proceeds by contrasting the juridical-legal and disciplinary paradigms' (respectively) treatment of this problem with that of security. And here, where the former modalities had articulated a protectionist framework of price controls and export, storing and cultivation quotas and restrictions (in essence attempting to limit fluctuation in price and guard against shortages), security works instead with the fluctuations between "abundance/scarcity, dearness/cheapness" (ibid: 37) - not in order to prevent the problem from taking hold (for instance, by applying disciplinary prohibitions) but instead - by installing mechanisms around all aspects of the circuit that determine the rise and fall of the price of grain - it attempts to minimize or even cancel out the effects of scarcity. In this discussion, the securitisation of grain involves a relationship to the aleatory where minimising the effects of the event (scarcity), will not only mean allowing it to some

extent to happen, but to make intervention based on what Foucault calls "the concrete element of the behaviour of *homo oeconomicus*" (ibid: 41).

From within this perspective, installing mechanisms of security implies the creation of conditions for the "free circulation of grain" within a political-economic framework "that integrates the moment of production, the world market, and finally, the economic behaviour of the population, of producers and consumers" into its calculus (ibid). In a passage that clarifies something of the ideological substrate of this paradigm (as well as the "caesura" between population and the individual life), mastering the problem of scarcity means applying "laisser-faire", or allowing 'things' to run their course or to look after themselves:

> It means that we succeed in curbing scarcity by a sort of "laisser-faire," a certain freedom of movement (laisser-passer)," a sort of "[laisser]-aller," in the sense of "letting things take their course." It means allowing prices to rise where their tendency is to rise. We allow the phenomenon of dearness-scarcity to produce and develop on such and such a market, on a whole series of markets, and this phenomenon, this reality which we have allowed to develop, will itself entail precisely its own self-curbing and self-regulation. So there will no longer be any scarcity in general, on the condition that for a whole series of people, in a whole series of markets, there was some scarcity, some dearness, some difficulty buying wheat, and consequently some hunger, and it may well be that some people die of hunger after all. But by letting these people die of hunger one will be able to make scarcity a chimera and prevent it occurring in this massive form of the scourge typical of previous systems. Thus, the scarcity-event is split. The scarcity-scourge disappears, but scarcity that causes death of individuals not only does not disappear, but must not disappear (ibid 41-42).

In this articulation, what is important is not the individual who dies, in fact in some cases must die, but the population. Foucault notes that what we have here is "an absolutely fundamental caesura", between the level that "is pertinent to governments' economic-political action" (ibid) and that which no longer is, between the level of population and the level of the series of individuals within a particular society. And whatever place is

given to the latter (i.e. the individual) in the exercise of a biopolitics, it is only for the potential and extent to which "a properly managed, maintained, and encouraged" (ibid: 42) multiplicity of individuals create broader effects at the level of population[157]. The individual thus becomes an "instrument, a relay, or condition" (ibid) for creating effects at the level of population. It is therefore population that is the crucial element in the calculus of power, and where what is important is the optimisation of its overall processes and the whole set of variables that affect these (some of the examples given by Foucault include, climate, material surroundings, intensity of production and commerce, the circulation of wealth and means of subsistence, the law the population is subjected to (such as tax laws and those governing marriage), its density in different locations, its customs, and so on).

Rather than a collection of juridically defined and coded subjects, the population is that element that, with the development of statistics is now shown to have its own constants and regularities - of births, accidents, productivity etc. - that political economy will quantify and endeavour to shape.

While this orientation to the milieu conceives of a population characterised by overall processes whose core dynamic appears as the "concrete element of the behavior of *homo economicus*" (ibid: 41), it is crucial to note that this is not simply the population of Darwin, but rather the population of liberal political economy. In fact what is presupposed in this calculus (a fact that will come to underscore much of the illiberal effects of security mechanisms) is a milieu characterised properly by capitalist relations. In fact, as I show in this thesis, much of the violence of capitalist societies and their destruction of alternative forms of life, can often be traced to the processes through which mechanisms of power work to (re)produce such a milieu[158].

...a society of control

Foucault's discussion of biopower doesn't pass immediately to a critique of capitalism. Yet one is there, not just at the edges, but in outline, already visible after we take a few steps back and look again at the whole. It will take Deleuze to put all of this down for us in an

extremely rich essay called 'Postscript on the Societies of Control'. In fact, the preface to Deleuze's text on *libcom* (a website circulating radical literature) reads it as a point at which post structuralism links up with a branch of contemporary Marxism:

> In this short essay Deleuze looks to move beyond Michel Foucault's historical understanding of 'disciplinary societies' where power is exercised within discrete institutions, towards the concept of 'societies of control'. In many ways it parallels the ideas of the Italian radical left around the concept of the 'social factory' providing an intersection between post-structuralist philosophy and autonomist Marxism (Libcom n.d.)

While this estimation misses something important about Deleuze's usage of Foucault, it picks up on an important affinity between Deleuze's thesis here, and ideas developed within autonomist Marxist writings emphasising the ways in which capitalist command and accumulation increasingly shift beyond the Fordist factory in order to invest social life more generally. To be sure, however, Deleuze's schema still echoes Foucault's own statements, even as its generalizes and radicalizes them.

At the centre of Deleuze's essay is an 'epochal passage'[159] from what he describes as "societies of discipline" to "societies of control" (Deleuze n.d. [1990]; see also Hardt and Negri 2000). By my reading, however, all this turns on the series: sovereignty, discipline, security (although Deleuze does not use the latter term). For, if the society of control comes to replace the society of discipline, in this account, the latter only emerges at the threshold of what Deleuze refers to here as "societies of sovereignty".

Mirroring Foucault's characterization of sovereign power, Deleuze speaks about societies of sovereignty in terms of forms of deduction: "to tax rather than organise production, to rule on death rather than to administer to life"[160] (Deleuze n.d.). By contrast, the essential function of disciplinary societies is to establish and organise spaces of enclosure: "to concentrate; to distribute in space; to order in time; to compose a productive force within the dimension of space-time whose effect will be greater than the sum of its component forces" [161]. In introducing this characterization of disciplinary societies, whose Foucaultian roots should by now be clear, Deleuze in fact indexes (not the prison but) the enclosure of the 'factory', as that environment where these relations appear "particularly visible".

I do not think it requires any stretching to find in this model (which we are compelled to recognise as paradigmatic of disciplinary societies) what can be called a Fordist organisation of productive forces. However, just as certain crises of mechanisms of sovereignty displaced their primacy, so too do the disciplines enter into crises with the emergences of new mechanisms of power (or more precisely, the emergences of a new series of articulations with respect to the mechanisms of power):

> We are in a generalised crisis in relation to all the environments of enclosure - prison, hospital, factory, school, family. The family is an "interior," in crisis like all other interiors - scholarly, professional, etc…It's only a matter of administering their last rites and of keeping people employed until the installation of the new forces knocking at the door. [ ]These are the *societies of control*, which are in the process of replacing disciplinary societies. "Control" is the name Burroughs proposes as a term for the new monster, one that Foucault recognises as our immediate future... There is no need to invoke the extraordinary pharmaceutical productions, the molecular engineering, the genetic manipulations, although these are slated to enter the new process. There is no need to ask which is the toughest regime, for it's within each of them that liberating and enslaving forces confront one another. For example, in the crisis of the hospital as environment of enclosure, neighbourhood clinics, hospices, and day care could at first express new freedom, but they could participate as well in mechanisms of control that are equal to the harshest of confinements. There is no need to fear or hope, but only to look for new weapons (ibid).

What is interesting for me, here, is the ways in which this new articulation, Deleuze's 'new monster of control', seems to recall, at the same time as it extends, Foucault's own discussions on the difference between mechanism of discipline and those of security. However, in Deleuze's account, just as the Fordist factory was made the exemplar of the spaces of enclosure that characterise societies of discipline, it is the figure of the modern corporation that now serves as the basis of his illustration of the forms characterising the societies of control:

> [T]he factory was a body that contained its internal forces at the level of equilibrium, the highest possible in terms of production, the lowest possible in terms of wages; but in a society of control, the corporation has replaced the factory, and the corporation is a spirit, a gas. Of course the factory was already familiar with the system of bonuses,

> but the corporation works more deeply to impose a modulation of each salary, in states of perpetual metastability that operate through challenges, contests, and highly comic group sessions. … The factory constituted individuals as a single body to the double advantage of the boss who surveyed each element within the mass and the unions who mobilized a mass resistance; but the corporation constantly presents the brashest rivalry as a healthy form of emulation, an excellent motivational force that opposes individuals against one another and runs through each, dividing each within. The modulating principle of "salary according to merit" has not failed to tempt national education itself. Indeed, just as the corporation replaces the factory, *perpetual training* tends to replace the *school*, and continuous control to replace the examination. Which is the surest way of delivering the school over to the corporation. [ ]In the disciplinary societies one was always starting again (from school to the barracks, from the barracks to the factory), while in the societies of control one is never finished with anything--the corporation, the educational system, the armed services being metastable states coexisting in one and the same modulation, like a universal system of deformation (ibid).

It is important to see that Deleuze's appropriation of Foucault is also a selective extension of Foucault, and one that underlines explicitly the need for a political response. The contemporary heir of this reading is Hardt and Negri's discussion of biopolitics (see Hardt and Negri 2000).

VI

...a matter of life and death

Foucault's concept of biopower belongs to a theory of power that unfolds 'in fits and starts', building on older insights and leading them in multiple new directions, while seemingly leaving others behind. This, however, takes nothing away from this thought - from *The History of Sexuality's* outline of the emergence of the new bipolar technology of power (no longer simply focused on the individual, but inserting the latter into the global phenomenon of population), through the latter course on the question of government, opening onto the question of the subject, that is the focus of the final two volumes of *The History of Sexuality*. But, this movement also leaves behind many themes that seemingly belong to earlier formulations of a conception of biopower.

The lasting importance of the 1976 course, *Society Must be Defended*, is for me the connection it makes between a conception of biopower, and the question of racism (or more precisely, 'state racism'). In many ways the final lecture of the course follows similar a structure to Foucault's introduction to the theme of biopower in *The History of Sexuality Volume 1*, outlining the concept by emphasising the productive relation power establishes with life (with the forces of the individual bodies and forms of life, and that of the collective life of society). And, as in The *History of Sexuality,* the lecture shows how the emergence of a this biopower coincides with a shift in the symbolic place of death, helping him mark a shift away from a modality of power centred on the sovereign's right to take life and let live, to one, as we have seen, focused on making live and letting die.

In *The History of Sexuality* Foucault only hints at a certain paradox or limit with respect to this opposition. However, in the latter part of the final lecture of the course, *Society Must be Defended*, this is becoming a more explicit point of questioning:

> If it is true that the power of sovereignty is increasingly on the retreat and that disciplinary or regulatory power is on the advance, how will the power to kill and the function of murder operate in this technology of power, which takes life as both its object and objective? How can a power such as this kill, if it is true that its basic function is to improve life, to prolong its duration, to improve its chances, to avoid accidents, and to compensate for failings? How under these conditions, is it possible for a political power to kill, to call for deaths, to demand deaths, to give the order to kill, to expose not only its enemies but its own citizens to the risk of death? Given that power's objective is essentially to make live, how can it let die? How can the power of death, the function of death, be exercised in a political system centred upon biopower? (2004: 254).

This line of questioning represents an important axis of development of the theme of biopower, and in different ways has been taken up by various contemporary writers (such as Mbembe and Agamben).

Somewhat simplistically, we could say that Foucault's question here is 'by what reason does the power of life kill, or at least circulate the risks of death?' Foucault's answer here is racism. But he makes clear that he is not suggesting that racism is an invention of biopower, but rather that with the shift in the mechanisms of power, racism comes to be

"inscribed as the basic mechanism of power, as it is exercised in the modern States" (ibid).

According to Foucault, the reinscription or rearticulation of race and racism, allows the state to introduce a 'break' in the population, and as such establishing a set of divisions in "the field of the biological that power controls" (ibid: 255). This break is in fact the basis upon which a biopower comes to exercise a power of killing, making a determination on, and a dividing up between, those it must 'make live', and those it will allow to die, or must make die if 'the collective subject' - as 'our race' - is to live (and live in health and prosperity):

> In the biopower system, in other words, killing or the imperative to kill is acceptable only if it results not in a victory over political adversaries, but in the elimination of the biological threat to and the improvement of the species or race… Once the State functions in the biopower mode, racism alone can justify the murderous function of the State… I think broadly speaking racism justifies the death-function in the economy of biopower by appealing to the principle that the death of others makes one biologically stronger insofar as one is member of a race or a population, insofar as one is an element in a unitary living plurality (ibid: 256-258).

We might say that racism, in this case, implies that the particular productive relation power establishes with life, the 'optimisation' of its processes and their effects, will sometimes includes 'deducting' from the life of the other, 'disallowing it' to the point of death. It is important to clarify that the implication of the concept of death and killing is here broader than how we ordinarily use the term, and indexes both a general biological vulnerability and a social one. In Foucault's words:

> When I say "killing" I obviously do not mean simply murder as such, but also every form of indirect murder: the fact of exposing someone to death, increasing the risk of death for some people, or quite simply, political death, expulsion, rejection, and so on. (ibid: 256).

I do not intend to summarise this extremely rich thread that Foucault concludes the 1977 course with. But it is worth underlining the 'instrumentality' of the ways in which race and racism[162] function within a biopower directed at killing:

> So racism is bound up with the workings of a State that is obliged to use race, the elimination of races and the purification of the race, to exercise its sovereign power. The juxtaposition of – or the way biopower functions through – the old sovereign power of life and death implies the workings, the introduction and activation, of racism. (ibid: 258).

Thinking about the failure of Foucault to reflect on the bond between sovereign power and biopower, Agamben has written that "Foucault…never dwelt on the exemplary places of modern biopolitics: the concentration camp and the structure of the great totalitarian states of the twentieth century" (Agamben 1998: 4). However, part of the importance of the recent publication of Foucault's course, *Society Must be Defended*, is that here *Foucault does reflect on the phenomenon of Nazism*. At any rate, neither Agamben nor Foucault reflect on the colony, and their genealogies of modern forms of power are poorer for it. Still, in a way that brings him very close to Agamben's conclusions in *Homo Sacer*, the theme of state racism is, in fact, what provokes this reflection. For, here, it is the holocaust that stands as the exemplar of the possibility of biopolitical techniques intersecting with the exercise of a power for killing, that is, an instance in which enhancing the health of one section of the population also comes to mean the elimination of an-other section. With the Nazis, Foucault writes "the two mechanisms – the classic, archaic mechanism that gave the State the right of life of death over its citizens, and the new mechanisms organised around discipline and regulation, or in other words, the new mechanism of biopower coincide exactly" (2004: 260).

By one way of looking at it, this relationship, or even mode of 'indistinction' between a (productive) biopower and (deductive) sovereign power is where Agamben's *Homo Sacer* begins. Although I approach this work with some caution (reading the text apart from what seems to me to be its more politically disabling conclusions) one of the points of lasting influence of Agamben's thought on my own, is the ways it extends Foucault's insights on state racism at the same time as it complicates, and 'bends the sense' of Foucault's conceptual starting points. For, the 'biopolitics' we find in Agamben only emerges off a line that leads back, and irreparably binds it to sovereign power. In this

sense the significance of the Nazis in the field of the biopolitical is not simply to have taken to the extreme modern power's far reaching techniques of rationalisation, up to the very point at which it links up with the sovereign's archaic deductive powers of killing, but rather that it testifies to the secret connection that binds modern power to what Agamben characterises as "the most immemorial of *arcana imperii*" (1998: 6).

For Agamben, sovereign power is always implicated in the constitution of 'the biopolitical body', such that in the very processes through which it produces the collective body in the name of whose health the state governs, it also produces what he refers to as 'bare life', that life exposed to the state's boundless powers, wholly without civil protection (in the broad sense).

Agamben's *Homo Sacer* project (of which four books have already been published), is impossible to summarise. However, it is important to say more about the fundamental division this project moves from.

In one of his most poetically suggestive remarks in the *History of Sexuality Volume 1*, Foucault refers to Aristotle's well known characterisation of man as a political animal:

> [W]hat might be called Society's "threshold of modernity" has been reached when the life of the species is wagered on its own political strategies. For millennia, man remained what he was for Aristotle: a living being with the additional capacity for a political existence; modern man is an animal whose politics places his existence as a living being in question (1990a: 143).

In Foucault then, the reference to Aristotle seems mostly to operate as a point of contrast against which the epochal shift marked by the emergence of a biopower can come to light. But the invocation of Aristotle seems to also present a deeper question for the 'western tradition'. For what does it mean for politics when the biological is placed at its centre?

That Foucault was aware of the potentially paradoxical implications of this politicisation of life, this "beastialisation of man" in the face of modern power, becomes clear in a set of very brief remarks he makes in *Society Must be Defended*. Noting that, for the 17th Century jurists like Hobbes and Locke, the sovereign is essentially constituted "in order

to live" (that is, (especially in Hobbes) to give life a measure of protection against the vulnerability of existence in the state of nature (that is existence outside of political community)), Foucault asks:

> To the extent that this is the case, can life actually become one of the rights of the sovereign? Isn't life the foundation of the sovereign's right, and can the sovereign actually demand that his subjects grant him the right to exercise the power of life and death over them, or in other words, simply the power to kill them? Mustn't life remain outside the contract to the extent that it was the first, initial, and foundational reason for the contract itself? (2004: 241).

Foucault, however, sets these questions aside, and characteristically shifts to the actual "mechanisms, techniques and technologies" through which power applies a mode of control to life. If these questions were for Foucault significant for a particular tradition of thought, Foucuault's work on power is in many ways an attempt to break free from this tradition. In a way, Agamben's work stands to remind of the difficulties of doing so without 'finishing' with its legacies. But in Agamben, what is at issue is not simply that the exclusion of life from politics (which Foucault saw implied in the theory of right and its notion of the social contract) is brought to a point of potential contradiction with the emergence of biopower, but rather that 'bare life' always takes on a constitutive place with respect to the political (at least for the western tradition).

The passage Foucault refers to in which Aristotle sets out his judgement of man as a political animal is one point of entry into *Homo Sacer*. Part of the remarkable elegance of Agamben's argument relates to the ways he shows how, 'for the Greeks', the concept of life is split by way of a division, what Agamben calls "the fundamental categorical pair of western politics": zoe and bios.

> The Greeks had no single term to express what we mean by the word "life." They used two terms that, although traceable to a common etymological root, are semantically and morphologically distinct: zoe, which expressed the simple fact of living common to all living beings (animals, men, or gods), and bios, which indicated the form or way of living proper to an individual or a group. When Plato mentions three kinds of life in the *Philebus*, and when Aristotle distinguishes the contemplative life of the philosopher (bios theoretikos) from

> the life of pleasure (bios apolaustikos) and political life (bio politikos) in the *Nichomachean Ethics*, neither philosopher would ever have used the term zoe (which in Greek, significantly enough, lacks a plural). This follows from the simple fact that what was at issue for both thinkers was not at all simple natural life but rather a qualified life, a particular way of life (1998: 1).

The specific sense this pair takes on in the constitution of the political is what is important for Agamben's argument. As I discuss in more detail in the *Dossier on Government and Sovereignty*, this division is at the same time correlative to the division between household and city, economy (household management) and politics. Where zoe implies bare, reproductive, life confined to the household, as what Arendt refers to as the realm of necessity, bios relates to a 'politically qualified form of life', the life of the citizen, the life in the city.

One of the reasons that Agamben insists on the connection between Arendt's *Human Condition* ([1958] 1998) and Foucault's research into biopower is that Arendt's work also underlines this division between zoe and bios, and the consequences of the mixing of the paradigms of the realms to which each respectively belongs: that is, household management or economy, and politics. It is also worth pointing out that for Arendt, that "curiously hybrid realm" that opens up with mixing of these two forms (ibid: 35) – and which accounts for her diagnosis of 'the decadence of the political' – is the social, whose paradigm is now political-economy (that, Foucault, also come to focus on in the analysis of biopolitics (see above, see also *Dossier on Government and Sovereignty*)).

Part of the critical weight of Agamben's project comes off his insistence that the "the entry of zoe in the sphere of the polis" puts into crisis many of the most basic categories that underpin the exercise of state power. To grasp this point, which dovetails with Arendt's remarks in *The Human Condition*, we can pause on Agamben's reflections on the ways in which this division between zoe and bios links to Aristotle's proof that "the state is the highest form of community and aims at the highest good" (2000: 7).

The crucial passage of Aristotle's *Politics* for Agamben's argument in *Homo Sacer* centres on 'the constitution of the state' as 'political community': "[w]hen several villages are united in a single community, perfect and large enough to be nearly or quite self-

sufficing, the state comes into existence, originating in the *bare needs of life*, and continuing in existence for the sake of a *good life"* (2000: 28; my emphasis). In Agamben's translation of the decisive latter part of this sentence: "born with regard to life [as "the simple fact of living" or zoe] but existing essentially with regard to the good life [as "politically qualified life" or bios]" (1998: 7).

Having set out the terms of this opposition, and their non reducible character, *Homo Sacer* proceeds to insist on "an implication of the first in second, of bare life in politically qualified life", along the lines of a specific and recurring relation of an "inclusive exclusion" (ibid). That is to say that 'bare life is included in the polis on the basis of its exclusion':

> The peculiar phrase "born with regard to life, but existing essentially with regard to the good life" can be read not only as an implication of being born in being but also as an inclusive exclusion (an exception) of zoe in the polis, almost as if politics were the place in which life had to transform itself into good life and in which what had to be politicized were always already bare life. In Western politics, bare life has the peculiar privilege of being that whose exclusion founds the city of men (ibid).

The structure of this relation, which a few lines later Agamben also folds onto the division between voice and language (phone and logos), is essential because it is exactly with respect to it that he connects the division between zoe and bios to that between the concept of the exception and the legal order. And it is also along this line that we encounter both the sovereign and the figure of Roman law which gives its name to the book, *Homo Sacer*.

In the same section of *Politics* that Agamben's reflections centre on, and in which Aristotle names man 'a political animal', he also introduces a potentially paradoxical place of a subject 'outside' the state:

> [I]t is evident that the state is a creation of nature and that man is by nature a political animal. And he who by nature and not be mere accident is without a state is either above humanity, or below it, he is the 'Tribeless, lawless, hearthless one,' whom Homer denounces – the outcast who is lover of war; he may be compared to an unprotected piece in the game of draughts (2000: 28).

Although Agamben does not refer to this passage it does seem to me to relate directly to his argument. And what is interesting here is the manner in which that figure below humanity occupies a homologous position to the figure above it; being either 'beast or god; he is no part of a state'. The particular mode of externality of these figures is what becomes decisive in Agamben, and is given far greater complexity. In fact, to the extent that these figures might be correlated, with (respectively) Homo Sacer and (at the other extreme with) the sovereign, they are defined equally by the relation of exception.

It is not without significance as well that the analogy Aristotle uses to define the figure that is the subject of this relation is one that works to underline a form of exposure and vulnerability, and, at the same time, of an individual set apart (from the set of the whole). In the less than simple definition Agamben's book gives, *Homo Sacer* is defined by a form of abandonment that situates him beyond the protection of the law: he "who may be killed and yet not sacrificed". Crucially then, *Homo Sacer* – a life abandoned by the law in the sense of being "included in the juridical order solely" on the basis of "its capacity to be killed" (1998: 8), a life to which 'the law applies by not applying' – is a life reduced to bare life, a life as the simple biological fact of an existence. The principle of the sacred, here, is of a relation that underpins the set of divisions that this thought centres on: zoe/bios, household/city, economy/politics, exception/law, constituent power/constituted power and so on…

Agamben calls this the relation of exception.

> The relation of exception is a relation of ban. He who has been banned is not, in fact, simply set outside the law and made indifferent to it but rather *abandoned* by it, that is, exposed and threatened on the threshold in which life and law, outside and inside, become indistinguishable. It is literally not possible to say whether the one who has been banned is outside or inside the juridical order. (This is why in Romance languages, to be "banned" originally means both to be "at the mercy of" and "at one's own will, freely," to be "excluded" and also "open to all, free" (1998: 28).

Moving from the fact that the Germanic term 'ban' denotes "both exclusion from the community and the command and insignia of the sovereign" (ibid), in Agamben this relation of exception is both the point of entry to the particular status of Homo Sacer and the specific 'logic (and also paradox) of sovereignty'. Of critical importance to the conception of sovereign power is his appropriation of Schmitt's formula: "Sovereign is he who decides on the state of exception" (ibid: 11). The concept of the state of exception is fundamental to Agamben's work, and underlies his theory of biopolitics. In this account, the state of exception is the precondition of every stable juridical system, and the separation between zoe and bios that characterises the constitution of the political community.

> Since "there is no rule that is applicable to chaos," chaos must first be included in the juridical order through the creation of a zone of indistinction between outside and inside, chaos and the normal situation – the state of exception. To refer to something, a rule must both presuppose and yet still establish a relation with what is outside relation (the nonrelational). The relation of exception thus …simply expresses the originary formal structure of the juridical relation. In this sense, the sovereign decision on the exception is the originary juridical-political structure on the basis of which what is included in the juridical order and what is excluded from it acquire there meaning. In its archetypal form, the state of exception is therefore the principle of every juridical localisation, since only the state of exception opens the space in which the determination of a certain juridical order and a particular territory first becomes possible. As such the state of exception itself is thus essentially unrealizable (even if definite spatio temporal limits can be assigned to it from time to time) (ibid: 19).

Agamben's works opens up a great many important theoretical threads, many of which are explored in this thesis. At the same time, I want to insist that we also approach these questions from the other side, from the side of the subject still resisting the sovereign's powers. In fact, from another way of seeing it, politics only begins when the 'excluded', or what Rancière calls "the part with no part", calls into to the question the existing order (2011).

VII

There are many ways in which these discussions on biopower open up new possibilities for thinking about configurations of power - here, now. There are, however, also limits to the extent to which what is found there can be transcribed into our own context. Finally, it is possible to completely recast the genealogies of power found in Foucault and Agamben when read on the basis not of an exclusively European modernity, but of colonialism and the specific encounters that characterise it.

To *theorise from here*, implies a critical movement that is at the same time an appropriation and a crossing over. And, necessarily also a form of provincialisation, the recognition and affirmation of difference at the heart of a global modernity.

I take from both Foucault and Agamben ways of thinking about modern power, but in a way that is already writing difference, reconstituting 'their genealogies'. In the chapter that follows this one, thought on the biopolitical is central albeit displaced with respect to either its Foucauldian or Agambenian conceptual coordinates.

What I try to think about here, is the context of the biopolitics of the poor. This has meant understanding the ways in which the poor come to occupy an extremely paradoxical place in official counts of the parts of post-apartheid South Africa. I grapple with both the ways in which the poor are exposed to the risks of death while at the same time standing as that figure that is the subject of seemingly benevolent state action. In fact, here, the opposition Agamben suggests between zoe and bios, is given a new, almost temporal, sense, especially with respect to socio-economic rights, such that state action is the basis of a progressive movement from one to the other with respect to the poor.

This becomes especially clear when we unhinge the concept of progressive realisation from its jurisprudential, discursive location to re-examine it on the practical, governmental terrain. Here, apartheid is presented as the cause of the specific vulnerability of the poor, the impossibility of them enjoying the full spectrum of socio-economic rights. Taking official statements at their word, post-apartheid governmental action is nothing but a way of realising in some distant future a context in which

everyone will be able to enjoy what was always already promised for all in the constitution. In a way, the paradoxical trick of the constitutional device of progressive realisation is constitutionalising a kind of state of exception, in which the rights of the citizen are suspended and deferred pending appropriate governmental action. In fact, the message of the Constitutional Court when it ruled in favour of JW and the CoJ in the recent prepaid water meter case, was the 'reasonableness' of neoliberal governmental means in taking the poor from (bare) necessity to a qualified right.

My interest in this thesis is not, however, the juridical and constitutional implications of an idea of progressive realisation, but, rather, its inscription within 'a paradigm of government'. And in a way that is far more immediately directed towards a critique of contemporary capitalism and the commodity form, my own thought on the biopolitical draws in Marxist concepts of primitive accumulation and commodification, which find only an echo in Foucault and Agamben.

Chapter 3: Hypnos and Thanatos - The Two Economies Thesis and 'Government's' Shifting Tactical Approach

> Any interpretation of the political meaning of the term people ought to start from the peculiar fact that in modern European languages this term always indicates also the poor, the underprivileged, and the excluded. The same term names the constitutive political subject as well as the class that is excluded – de facto, if not de jure – from politics.
>
> Agamben

Introduction

The rituals of our modern democratic form - the official ceremonies and public imaginings of 'the nation' and 'its people' - offer a unique insight into the contours and fault-lines of the 'utopian ideals of civic nationalism'[163], and perhaps even of modernity itself. In his influential *Imagined Communities*, Benedict Anderson approvingly cites Nairn's observation that the liberal democratic model worked to convert "real class inequality into the abstract egalitarianism of citizens, individual egotism into an impersonal collective will, [and] what would otherwise be chaos into a new state of legitimacy" (Anderson 2006: 35). Crucial for Anderson, however, were the daily habits and "regularities of the imagining life" (ibid) in bringing into being a conception of this 'impersonal collective will', but he would have perhaps also agreed that, to the rituals and ceremonies of our liberal democratic society fell not only the task of engendering the temporal forms for such a 'will', but often that of its spectacular expression as well[164]. In this respect, the annual 'State of the Nation' address, that each year marks the opening of parliament, is a privileged moment for reaffirming the progress of the nation at a specific moment in its history.

In his 2003 address, Thabo Mbeki began by reminding the "people of South Africa" of the long way they have come:

> Ten years ago in 1993, we began the last mile of the long march against the system of white minority domination. In that year, we finalised the interim constitution that set the stage for the first democratic elections and our transition to democratic majority rule (Mbeki 2003a).

Mbeki went on to remind us of the great strides and tremendous sacrifices made along the way before triumphantly announcing that a "tide had turned"; the progress made in the first decade of democracy had opened up a terrain filled with new possibilities for realising the goals that a fledgling nation had set itself - reaffirming the choices officials had made:

> We have no doubt that our policies have been the correct response to the practical reality we inherited. The changes taking place in our country attest to this. The lives of our people are changing for the better. Gradually we are moving from an entrenched racial, gender and spatial rigidities of the past. Our economy is demonstrating resilience and dynamism that is the envy of many across the world. Truly a tide has turned. (ibid).

Doubtless, Mbeki, was in part responding to detractors to the left (albeit in far more muted terms than what he would be forced to assume in the years to come (see *Appendix 1 and Chapter 2*)). As we have seen, with the adoption of GEAR (Growth, Employment, and Redistribution Strategy) in 1996, the presidency (and treasury) became the target of increasing hostile attacks over the 'neoliberal trajectory' of this economic strategy. For many, both within the ANC-led Alliance and the social movements, NGOs and academics to its left, GEAR's prioritisation of export-orientated growth, trade liberalisation, flexible labour policies and other 'market friendly' mechanisms marked a traumatic shift away from the principle of 'growth through redistribution' that had been the rhetorical force of the Congress movement's orientation to the question of development[165]. As Barchiesi summarises, while GEAR "stressed a continuity with the general principles of the RDP…its adoption of a 'trickle down' approach to social equity and employment creation meant that business confidence and international competitiveness gained centre stage while the expansion of public spending was subordinated to stringent budget deficit containment, a

priority on anti-inflationary mechanisms and a support to labour market flexibility to tackle rampant unemployment" (Barchiesi 2004: 17). As the label 'neoliberal' increasingly came to be used in critically characterising the economic policy choices of the new government, with many arguing that GEAR would exacerbate job losses and poverty, the presidency - with growing defensiveness - often found opportunity for insisting that GEAR, and the logic that underpinned it, was the 'correct' response to the tremendous challenges faced by the economy and simply sought to put in place 'the economic fundamentals' that would open the way for a more thoroughgoing transformation of South African society (see *Chapter 2*). In 2003, as Mbeki's speech moves to confront the "accumulated legacy of poverty and underdevelopment" he therefore notes that government had "for some years, implemented GEAR, among other things to generate the resources…to address the social needs of our people" (Mbeki 2003a). And here, it is exactly the success of this policy framework that is given as the motor for the "further expansion of services to the people" that is promised in his address.

While the nationalist imagery and triumphant tone of Mbeki's speech sought to affirm an idea of the nation steadily shifting towards a future free of the "rigidities of the past", dualism works to reconcile this image of national progress with the persistence of poverty and inequality. In what has been called a 'sleight of hand' (that would nonetheless become commonplace in popular discourse on poverty and the challenges of a 'post-apartheid South Africa'), the tension between the progressive ethos of civic nationalism and the growing inequalities[166] between different sections of the population slackens along the hazy contour of a 'structural fault':

> With regard to the accomplishment of the task of ensuring a better life for all, we must make observation that the government is perfectly conscious of the fact that there are many in our society who are unable to benefit from whatever our economy is able to offer. Obviously this includes those on pension and the very young. But it also includes people who are unskilled and those with low levels of education in general. This reflects a structural fault in our economy and society as a result of which we have dual economy and society. The one modern and relatively well

> developed. The other is characterised by underdevelopment and an entrenched crisis of poverty (ibid).

For Mbeki, the implication of this "structural fault" was that the ('correct') interventions made at the level of the first economy have not had the corresponding (poverty alleviating) outcomes at the level of the second economy, necessitating a realignment of governmental priorities in accordance with this dualistic context. According to this logic, government should, on the one hand, 'responsibly' manage the first economy, creating the conditions for growth while nurturing the development of (non-racial) civil society. On the other, it should augment these measures with programmes to alleviate the suffering of those 'trapped' in the second economy (for instance, through the extension of service provision and targeted adjustments to the 'social wage'), while working to ensure that these people 'graduate' from the second economy to the first.

Of the Nation and its Poor

From its first iterations in Mbeki's online 'letter' and state of the nation address, through its reformulation in the government initiated think tank, TIPS, to the ambiguities of its place in the post-Polokwane era, the two economies thesis has had a robust, albeit, contradictory life. Both the object of political critique and a popular idiom for mainstream representations of inequality and poverty, the idea of a division between a first and second economy was, for a time at least, to play an important role in shaping the grammar of post-apartheid discourse on society and the problem of poverty. And while in the present the two economies thesis has lost something of its previous currency, it is by no means certain that we have seen the last of this characterisation[167]. What is certain, at least, is that with the change of guard at Luthuli House has also come a renewed articulation of nationalism in framing the 'development challenges' of government where, significantly enough, the two economies characterisation seems to play a much less 'visible' role.

But before celebrating a shift in policy, it is worth asking what place the two economies thesis occupied within the dynamic field of poverty management during the Mbeki era, while at the same time looking to establish the contemporary status of governmental frameworks

that came to be associated with it. With this line of questioning, I by no means intend to exaggerate the significance of the thesis, which, at least at a governmental level, I argue (below) is not straightforward. This notwithstanding, its articulation at the highest political office of the state, the ensuing debate over it, as well as the wider contestation of the governmental programmes with which it came to be associated, make the two economies thesis an important moment in post-apartheid public discourse on poverty. And it is for this reason, for the light it throws on the public elaboration of the governmental orientation to the question of poverty and the subject of the poor, that I focus in on the two economies debate as an entry point into this chapter's grappling with government's shifting "tactical approach" at the intersection of the delivery of basic services, and poverty alleviation and indigent management strategies. Moreover, approaching the two economies thesis in this way also allows us to think about the relationship between the public discourses of state officials and the specific tactics that characterise practice behind the curtain (see *Chapter 2*).

At the centre of this chapter is the figure of the poor, a figure that is the site of incessant doubling, necessitating that we confront the ambiguities of the place given to it in the 'count' of the parts of a 'post-apartheid' society. For the poor is at once the subject of a governmental calculus and a target of intervention made visible as the abstract subject of statistical representation, and the blight on show at suburban intersections, the distressing faces and outstretched hands that beg society's charity. They are at once the 'dangerous class(es)', who seemingly most often enter the public realm through images of burning tyres and riots being quelled, and they are the primary object of caring government. At the same time an "underclass", whose communities are places of squalor, the breeding ground of criminals and a "culture of entitlement" making 'undeserved' claims on a share of collective resources, and they are the very marker of the historical 'wrong' of the past, whose 'redress' is what is given as the reason for being of the ruling elite. We might even say the poor in post-apartheid South Africa is at the same time the 'people', whose authentic belonging is the testament of hegemonic nationalism, and the part that cannot be integrated into the whole.

But 'we' are not altogether unique on this score. As the Polish sociologist, Zygmunt Bauman observes, "every society known so far had its poor", to which it took a "characteristically

ambivalent attitude, an uneasy mixture of fear and revulsion on the one hand and pity and compassion on the other" (Bauman 1999: 86). For Bauman, however, such an attitude is by no means coincidental, nor are the two ingredients of society's attitude to the poor anything other than an "indispensable" component of the paradoxical form of their inclusion. In his easy-common-sense-style, Bauman explains that while "there are many ways of being human", society tends to make a choice over the ways, or we might say, forms of life, that it "prefers", or is prepared to "tolerate". This choice, upon which the very 'belonging together' of members of society is made to hinge, here comes down to an imposition, or rather the double imposition of "order and a norm" (ibid: 83). However, in this account, that echoes along a line of contemporary political philosophy that runs from Agamben to Rancière, the "imposition of any model of order is a divisive act" that simultaneously excludes certain "parts of social reality as unfitting and dysfunction" in the very processes through which it 'promotes' "a particular mode of being to the status of norm" (ibid: 86). At stake here is nothing less than the normative partitioning of society - where the poor increasingly seem "the very epitome and the prototype of the 'unfitting' and 'abnormal'" (ibid). The peculiarly ambivalent representations of the poor then prepare a context that not only authorises the harsh treatment meted out on them in the defence of the order, but also helps place the latter on firmer ground by underlining the pitiful lot of those living 'below the standard', thus making any "hardships of norm-following by the norm-abiding part of the population pale into insignificance" (ibid). And it is in this "oblique and roundabout way" that Bauman sees society finding a "useful role to play for the poor in the reproduction of the order" (ibid).

Such a perspective, even where it stumbles in accounting for the vicissitudes of post-apartheid nationalist discourse on the poor[168], is undoubtedly an important and useful starting point in understanding the part given to this section of society. However, and in spite of the incisiveness of the critique he establishes, with its gaze firmly fixed from the side of power, on the image of the poor seen through the eyes of those who act in the name of 'order' and the norm, Bauman's account still misses what is perhaps most important, and indeed, from a different perspective, what is decisive for a conception of our present society. For the poor is also a political subject, not merely in the sense of a target of governmental intervention or the figure to be disciplined by training in the norm, but indeed a political

actor that (paradoxically) intervenes and is present in the processes of its subjectification, and, often enough, one that contests its part in the 'order of society'.

This is the deeper virtue of Prishani Naidoo's ongoing work on the government of the poor, that is to allow us to see how, in the struggles of the post-apartheid poor, poverty itself becomes a contested frame of signification where the poor stand present in their making (Naidoo 2007c; Naidoo 2009).

I therefore begin with the two economies debate because it draws together a number of these questions - over the place of the poor in a post-apartheid South Africa and governmental approaches to the problem of poverty, over the form of the norm and the tactical framework for realising it, over the form of life that is 'properly' that of society, and that which might find itself 'banished' for "breaching the order" (see for instance *Dossier on (bio)Power*; Bauman 1999). In the section that follows I outline the political contexts of the two economies debate and some of the lines of argument that have emerged from it. I then try to hone in on the perceived set of problems that underscore Mbeki's postulation of a so called 'second economy' before going on to discuss aspects of their emergence in the relation to the practices of government. Highlighting the development of systems and measures for the management of 'the indigent' within the context of wide scale acts of non payment for services, and what were to become politically contentious cost recovery measures for addressing this, the third section argues that the forms of resistance by the poor to governmental (in)action, has in different (and often paradoxical) ways affected the character of policy frameworks 'targeting' the poor. Returning to the role of the two economies characterisation in official representations of 'society', the following section attempts to locate the thesis within the discursive mutations of the nationalist tradition of the ANC, as a preface to a more speculative discussion of the implications of this chapter's account of the 'part of the poor' to this thesis's task of grappling with the hegemonic forms of post-apartheid politics.

3.1. Lines of Critique and Acclamation

3.1.1. The Two Economies Debate

The importance of GEAR and the political contexts that had grown in its wake cannot be overstated in understanding the two economies debate. As we have already seen, in spite of the state and party's heroic attempts at containing dissatisfaction at the unilateral adoption of GEAR (*see Chapters 1 and 2*), the policy would become the centre of gravity for critical barbs lodged in critique of the ANC's leadership of the South African transition (see for instance Bond 2000b; Saul 2001, 2005; Desai 2002; Hart 2002; McKinley and Veriava 2005; Legassick 2007; Marais 2007). If in 1996 such opposition had been dispersed and necessarily posed in the abstract (that is in relation to the possible effects of GEAR), by 2003, quantifiable failures of GEAR[169] - combined with the increasingly common feature of antagonistic service delivery protests, growing militancy in the labour movement, and the emergence of a new generation of popular movements - worked to ground this critique in the apparent everyday facts of the first decade of 'democratic government'. However, even as it attempted to downplay what was by now undeniable even to many of its fiercest defenders, government's own policy framework had already begun to shift towards the forms of indigent support and modes of intervention around the problem of poverty that would eventually come to operate under the banner of 'second economy interventions' (see below). The significance of the two economies thesis was, therefore, in part, to give popular representation to an evolving political rationality – motioning simultaneously towards macro-economic orthodoxy and targeted interventions for providing 'basic' social support to the poor - for its life in public discourse.

For the internally fractured body of the South African left, whose own critical labour played more than a small part in steering officials towards a renewed focus on poverty, the offence of the two economies thesis was, however, as much a product of its perceived disingenuity as its mystifying force; thus, the real sarcasm of Isobel Frye's ironic questioning of the thesis:

> Is it a conjuror's sleight of hand, an attempt to persuade people both internally and internationally that we have contained and isolated the causes of poverty in society,

> or should the continued use of this phrase be seen as a deliberate and underhand attempt to deny the true roots of the crises at hand, which is that the process that pauperise and impoverish are the same that enrich the formal economy and encourage increased investment; that the process of marginalisation of many millions of people is an integral part of the equation that has and continues to drive formal economic growth. The ubiquitous use by policy makers of the 'two economies' divide we see as reflecting a perceived need by the state to accommodate both the demand of big business for a non-interventionist state with the clear need for state led intervention to address the growing needs of the poor and unemployed. The result is a sleight of hand of the 'first' and 'second' parallel economies theory (Frye 2007: 157).

As is apparent in Barchiesi's characterisation of GEAR (quoted above), the policy's alleged endorsement of a 'trickle down approach' to poverty alleviation was among the principle targets of the plethora of public and scholarly critiques that were launched against the ANC-led governement's macroeconomic framework in the period leading up to Mbeki's first deployments of the notion of a second economy. No doubt, having long argued that GEAR would not only be hard pressed in delivering on its growth targets, but would more likely exacerbate poverty and inequality, for the collection of organisations, scholars and militants operating under the banner of 'the left' - who had so diligently laboured to expose the failures of GEAR - public popularity of the thesis threatened to push them off ground already gained. Instead of affirming the folly of a faith that brings together the idea of capitalist economic growth with that of a natural circulation of 'wealth' and 'progress', the two economies thesis worked merely to reinforce a belief in the 'correctness' of the broad trajectory of their macroeconomic policy framework - the problem said to be, not failure of government strategy, but the structural flaw of separated economies.

In spite of inspiring a series of searching critiques, however, mobilising a level of rigour in demonstrating the interpenetration of South African economic processes to which iterations of the thesis could seldom compare, this dualistic image of South African society quickly found a place in government policy as well as the circuits of civil society and the media. Think tanks used the characterisation defining their research focus[170], commentary invoked

the idiom in giving narrative form to the social question in the post-apartheid era, and governmental policy discourse now reflected an appreciation of this division. But if the two economies thesis had become a new 'shorthand' through which were indexed a set of governmental problems as officials were later to argue, from structural unemployment, to the role and strategy of the state in the care and management of an 'indigent' population, in an important sense, it also operated as a node in the imagining of the nation and its people, giving formal sanction to an idea of two separate levels of reality corresponding to respective temporal forms. What is therefore most surprising is not so much the popularity of the thesis, but that for all the work devoted to understanding and critiquing it, very little of this work sought to understand its place and operation within the narratives of post-apartheid nationalism. And if critical argument has often focused on the ironies and limitations of recent governmental interventions in a so called 'second economy' in debunking present strategies for tackling inequality and poverty, it has had less to say on how this way of conceptualising the governmental challenge of poverty links up with the forms through which officials apprehend and attempt to govern a particular reality. Instead, the major thrust of critical commentary on the thesis moved either from a more formal reading of Mbeki's public statements, or approached it as an opportunity for reaffirming well worked accounts of the development of capitalism in South Africa, in one case even invoking Wolpe's 1972 conception of an articulation between capitalist and non-capitalist modes of production to give account of what is referred to as, the "superexploitative relations" said to exist between "market and non market activities" in post-apartheid South Africa (see Bond 2007).

3.1.2. Critique-Appropriation-(Re)Clarification

In an important edition of the journal *Africanus* published in 2007, said to gather South Africa's "leading political economists" in tackling "President Thabo Mbeki's 'Two Economies' thesis" (Bond 2007: 1), critique of the thesis often turns on distance of this characterisation from the reality of post-apartheid South Africa, as well as the ironies of a governmental framework that reinforces the exclusions it targets. Although, in some respects, the various lines of critique collected in the journal are bound to political contexts

in which this debate unfolds – that is in relation to a broader problematisation and contestation of government's poverty management framework – the journal offers a useful index of kinds of criticism mobilised in opposing the Mbeki's thesis. Using this edition of *Africanus* as a starting point, I therefore pick out and generalise four modes of critically responding to Mbeki's formulation of the two economies thesis, before turning to its reconceptualisation in government.

As we have seen, one line of argumentation draws attention to the thesis' perceived instrumentalism, if not its duplicity. Here it is suggested that the conception is a convenient discursive manoeuvre to deflect criticism in the aftermath of the failures of its (neoliberal) policy choices. It is also sometimes pointed out that rather than a genuine shift in perspective, the two economies characterisation affirmed the trajectory of post-apartheid macroeconomic policies, merely redirecting new flows of resources to poverty alleviation to avoid social catastrophe or deflect criticism[171]. The second line of argument is focused more explicitly on the actual life and working of governmental interventions. Either on the basis of a patient reading and analysis of policy, or work focused on the effects of various programmes, such criticism points to the ironic operation of initiatives which, often under the banner of building a bridge between first and second economy, work to create so called second economy conditions, for instance, through the creation of precarious forms of employment, or in contributing to marginalisation or even destruction of informal livelihoods[172]. Since the two economies thesis has drawn references from the characterisation of an informal economic sector, in responding to Mbeki's assertion of an impassable blockage between the first and second economy, a third line of criticism focuses on the linkages between different forms of economic activity to illustrate the deleterious unity of South African economic processes. Whether in showing the possibility of tracing the paths of profit from the ledgers and profiles of companies like the South African Breweries and Mondi back to the Shebeens and small scale recycling operations that abound through townships across South Africa[173], or in elegant deductive strides showing how the very working of the capitalist economy excludes and impoverishes large sections of the population even as it enriches some, such work attempts to highlight that the kernel of inequality and marginalisation is not the structurally impassable gulf between the first and second economy, but the very operation of the capitalist economy[174].

Iterations of the latter position have also drawn on the theory of 'combined and uneven development', which, for instance, is enthusiastically championed by Patrick Bond's *Africanus* introduction. While I return to this wider set of debates later, it is important to point out, however, that even beyond the essays collected in this edition of *Africanus* under the title 'Transcending the two economies', which arose out of a colloquium drawing its audience and participants largely from a the left intellectual milieu, the most sustained public criticism of Mbeki's thesis emerged from this (the left) side of the political spectrum, where although not always present, or explicitly said, could often be folded back on the debates that began in 1996 over government's macroeconomic policy decisions. Such criticism was, however, not always irreconcilable, nor was government's renewed focus on poverty unwelcomed (albeit with reservations). Indeed Patrick Bond's introduction in *Africanus* will operate less to refute such a dualistic conception of society than to clarify its relationship to the character of capitalist development under the policies sponsored by Mbeki's government. And while Mbeki's statements continued to affirm the correctness of the course embarked on with the adoption of GEAR, as Valodia and Skinner point out, the two economies thesis does "tacitly acknowledge the failure of the trickle down economic growth policies so central to the post –1996 GEAR era and informs much of government's more recent emphasis on poverty alleviation" (Skinner and Valodia 2007: 116).

In the Skinner and Valodia essay, questioning of the "refocusing of economic policy" that the two economies thesis is here said to 'coincide' with, is motivated not by an inclination to its outright rejection, but the fact that it assumes a structural break between the "so called first and second economy" (the latter here associated with the informal sector), thus ignoring their 'articulation' and reality as "very much an integrated feature of the growth pattern in the post-1994 period" (ibid). This flawed perspective allows government not only to affirm the trajectory of its economic growth strategy, but also opens up the "danger that the concept [of the second economy] will relegate issues of poverty and unemployment to the arena of welfare, rather than as central challenges of economic policy and the necessary structural changes in the economy will be over looked" (ibid: 117).

It is therefore possible to read as part of the same set of responses, what is, if not exactly a line of critique, then at least a point of critical development, that seeks (in one way or another) to retain this dualistic conception of society in order to encourage and shape the 'progressive turn' that the thesis is seen as representing. To this, the fourth form of response, we might also include some of the statements of government officials and party members on the two economies following Mbeki's first iterations. Whether explicitly acknowledged, or acting under the auspices of clarification, this response involves nuancing or adding complexity to the conception in the process of interrogating the merits and priorities of governmental initiatives.

These four modes of critically responding to the two economies thesis – figured as tendencies in the commentary on Mbeki's formulation – are not necessarily distinct and separate positions, and indeed have often dovetailed into each other. Curiously, however, they will form part of the wider momentum around the characterisation as it becomes, on the one hand, an aspect of policy conceptualisation and the framing of programmess such as AsgiSA, and, on the other, a common feature in the discourses of public opinion on issues of poverty and the challenges of the present. Yet, where government officials hesitated in (publicly) conceding any point to their opponents, as we will see, they were by no means untouched by criticisms levelled against the thesis, and over the course of a number of years, through a series of rejoinders and clarifications, gave the second economy characterisation new inflections and emphases that have in different ways responded to, or taken on board, some of the objections made to its initial iteration[175]. It is out of this subtle and almost invisible interplay between critique, appropriation and governmental (re)clarification that the two economies thesis came to take its final form. Notably, already by 2006 there was, within this development, the increasing insistence that the two economies thesis be read as a "metaphor", with far less emphasis now given to the impassable singularity of two separate and distinct economic formations:

> [T]he term 'second economy' is… to be understood broadly. It is a form of metaphor rather than a precise term, intended to focus policy attention on the issues of inequality and poverty that characterise the disadvantaged side of the wealth/poverty equation in South Africa, in order to develop solutions (TIPS 2007).

Although the characterisation of the two economies as a 'metaphor' would become part of the official statement of the thesis more broadly, Ben Turok, in an attempting to "delineate the basis for the "structural fault" referred to by Mbeki", captures well where proponents of the thesis believe the emphasis ought to fall:

> The term "second economy" is a metaphor for the peripheral parts of South Africa's economy, located mainly in urban townships and rural areas, in a process of underdevelopment created under apartheid. It has resulted in a population of millions of people who are unable either to find a place in the formal economy, due a lack of assets and opportunities, or to generate self sustaining development, and who therefore survive by means of informal trading, survivalist activities, family remittances and social grants, *in a condition of dependency* (Turok 2008: 184; my emphasis).

TIPS, which came to play an important role in the monitoring and developing of approaches around AsgiSA, thus suggests that the use of the terms first and second economy "describe the conditions at two different ends of this spectrum: with wealth and resources concentrated at one end – and poverty and disadvantage at the other; with strong focus on how certain key legacies of apartheid make this inequality deeply structural" (TIPS 2010). And in his 2007 opening address to the conference "Living on the margins", Joel Netshitenzhe, who until recently was Head of the policy co-ordination and advisory services in the presidency, and among Mbeki's closest allies, confirms such an account.

What is interesting about Netshitenzhe's remarks is both their attempt to (re)place the two economies thesis within a wider philosophical narrative that figures social development in terms of a "continuous contestation" between dualities, and the way it contextualises the emergence of the thesis within the shifting rhythms of post-apartheid government. With respect to the former, dualism now takes a far wider scope: "[i]t expresses itself as centre and margins; vulnerability and comfortable adaptability; exclusion and inclusion; urban and rural; formal and informal or even worker and employer, young and old; male and female" (Netshitenzhe 2007). Dualisms are here "categories, or levels of abstraction" that throw light

on "reality and the dynamic ways of resolving negative contradictions", and are therefore, at least in some senses, given here as inescapable. At the same time Netshitenzhe wants to insist on the social production of certain dualisms in processes such as globalisation, 'begetting' at the same time "a global economy that operates as unit in real time", alongside what, quoting Castells, he (with some caution) characterises as "black holes of exclusion" (ibid). No doubt, it is this form of dualism that his iteration of the two economies thesis attempts to capture – that is, one socially produced, in this case by apartheid. However, in this respect, he immediately separates the two economies conceptualisation from that which belongs to the "more orthodox level of abstraction in Development Economics, which refers to the existence of two socio-economic systems in one country" (ibid). Instead, Netshitenzhe characterises the thesis as a "utilitarian and very specific South African usage which tries to identify specific manifestations of marginalisation in order to elaborate a programme to eliminate them" (ibid).

This account is strikingly similar in language, tone and approach to one found on the web site of the presidency, dubbed a "Brief Synopsis: Clarifying The Second Economy Concept"[176]:

> While the concept of "two economies" does draw from elements of development theory, it is used at a different level of abstraction to describe specific South African conditions. As such, *it does not propose the existence of two socio-economic formations in one country; but describes the conditions of life of communities estimated to constitute about one-third of the South African population*. Although they are part of the South African polity and in many respects subsist through various linkages to the First Economy, these Second Economy communities do not directly benefit from the advanced sectors of the South African economy (Republic of South Africa 2006: 1; my emphasis).

The synopsis describes the concept of the second economy as a "methodological tool to identify and deal with socio-economic marginalisation suffered by many South Africans", a methodology that, with "the ten year review, the medium term strategic framework and the accelerated shared growth initiative for South Africa (AsgiSA)", has, in the words of the document, "assumed the status of policy" (ibid). However, both the 'synopsis' and

Netshitenzhe's description of the reality that this "short hand for economic dualism"[177] attempts to arrest is unremarkable. Again the metaphor is outlined as if it explains itself; the 'first economy' is defined by words like "cutting edge", "globally integrated", "a capacity to export manufactured goods, services and primary commodities", while the second economy is that which is "marginalised", "at the edges", "made up of the unemployed and unemployable", what "does not benefit from progress in the First Economy" (Republic of South Africa 2006; Netshitenzhe 2007). What is far more important in these characterisations, however, is the specific set of governmental questions they reflect on. Netshitenzhe's address, for instance, takes the position that in order "to deal with marginalisation and poverty, economic interventions should constitute the primary form of government action". Such 'economic interventions' are not, however, of the sort that have proved such an anathema for neoliberal reflections on government, and its precise meaning in this context, as well as the opposition that underscores it, is perhaps better illustrated in relation to the presidency's synopsis. In this respect the document recounts the July 2003 cabinet Lekgotla resolution that explains that:

> …the focus on meeting the growth and development challenges of the Second Economy is essentially an economic one, rather than one aimed at addressing these challenges through social protection measures such as social grants. While these social development programmes will continue, AsgiSA deals with issues of economic opportunities and sustainable livelihoods (Republic of South Africa 2006: 3; original emphasis).

Economic intervention is thus of the kind that could stimulate the kinds of growth that could absorb this population into the robust life of the first economy. However, the synopsis makes clear that because "transformation of the conditions of those in the Second Economy will not happen in one fell swoop, comprehensive social security interventions are required" (ibid: 2, original emphasis). Crucially then, in this perspective "interventions in the second economy require direct and active state action and leadership", as precisely that place where "the market cannot provide…solutions" (ibid, original emphasis). The goal will however remain "building one economy", with the document asserting that "it is assumed that the slice of the fiscus allocated to social assistance support would decline over time as the

Second Economy interventions start to make a significant impact" (ibid). In addition to the bag of social security interventions undertaken by government, then, what is needed are said to be "catalytic" programmes to encourage "mobility" between the second economy and the first, imagined as the construction of a "firm "staircase" or "bridge"" from the one to the other (Republic of South Africa 2006; Netshitenzhe 2007). In illustrating the kinds of intervention this would imply, Netshitenzhe emphasised education along with an articulated public works programme and initiatives focused on SMME development. Significantly, in relation to education, among its chief virtues counted is its role in contributing to "entrepreneurship and prospect of survival of an enterprise" (Netshitenzhe 2007).

Broadly, then, the twin challenges that arise from such a perspective are: "building an economy from which all can benefit" and eliminating "economic marginalisation" (ibid). According to Netshitenzhe, the importance of the latter was brought home with the examination of data on employment, inequality and growth as part of government's ten year review process, and a growing sense that "even as the economy grew by 6% and more, there would still be a large sediment of an 'under-class' imprisoned in the poverty trap" (ibid). And it is exactly in this context, that is, in relation "to the need to define the phenomenon of the under-class" (ibid), invulnerable to the configuration of 'economic interventions' (for stimulating growth), that the concept of the two economies is said to have emerged. Moreover, it is partly within the context of this emphasis on the 'underclass' and the question of structural poverty, that Netshitenzhe characterises government's current phase as 'post GEAR', with policies looking beyond 'economic interventions' aimed at stimulating growth, to more direct forms of governmental administration to the poor.

It is worth pointing out something of the rhetorical circularity Netshitenzhe's account gives the metaphor: for there are two economies because there is an underclass and there is an underclass because there are two economies. What then is the second economy a metaphor of? Simply put, this chapter wagers that it is the milieu of this so called 'underclass', a class, we might add, which is here defined by its very inability to benefit from the current shape of growth in the economy.

3.2. The Problem of the "underclass"

3.2.1. On the concept of the underclass

Netshitenzhe's perception of an underclass, conceived as a section of the population facing significant (historically determined) structural obstacles to entry into the labour market, is not without precedent. In an important book published just a year prior to Netshitenzhe's remarks, Seekings and Nattrass make a case for the analytic utility of the concept in the South African context:

> Unemployed people are disadvantaged relative to employed people. So when it comes to providing the unemployed with a class location, they need to be differentiated. There are good reasons for locating many but not all of the unemployed in a class of their own that we label the "underclass"…[T]he underclass should be defined not simply as including people who lack employment but more specifically as including people who are excluded from access to opportunities to find it (or at least are very disadvantaged in terms of such access). By the end of apartheid, South Africa had a clear underclass of unemployed people in that economic and social conditions had created an especially disadvantaged class. The reason for the acute disadvantages experienced by this class were rooted in the apartheid distributional regime…the underclass was thus a legacy, perhaps the most terrible legacy, of apartheid (Seekings and Nattrass 2006: 273).

Seekings and Nattrass' discussion – which is careful to avoid a normative register for the concept of an underclass - focuses its attention on developing the theoretical ground for consideration of a class category defined in terms of disadvantage (as opposed to occupation), and developing an approach for drawing such a group into the analytic calculus of the social sciences[178]. Seekings and Nattrass' approach is set against that of Gelb and Webster, for whom the unemployed are said to figure as "displaced workers", and are therefore seen as part of the "working class as a whole" (ibid: 272). According to the authors, the Gelb-Webster approach overlooks "crucial distinctions" that speak to the "precise graduation in access to the labour market", with real socio-political consequences

(ibid). If fostering an appreciation of these 'crucial distinctions' is the vocation Seeking and Nattrass intend for the concept of the underclass, they insist on an approach that refuses a universalist point of reference for one in which "the study of unorthodox class categories" begins with, and is grounded in, "the specific character of the particular society in question" (ibid: 277).

This approach to "class theory" is represented as being able to grapple with and strike a balance between developing the necessary theoretical grounding for class categories, and an appreciation of the practical "consequentiality" of specific (class) positions within a particular social structure. The intellectual precedents given for their approach are therefore precisely of this sort, that is, which bring together a certain theoretical orientation to issues of class with the consequential dimension of (unorthodox) class positions:

> The most influential studies of the underclass are those that have combined some theoretical foundation with an analysis of consequence. William Julius Wilson used the concept of the underclass to describe a distinctive group who suffer systematic and cumulative disadvantage in the labour and other markets. "What distinguishes members of the underclass from those of other economically disadvantaged groups is that their marginal economic or weak attachment to the labour force is uniquely reinforced by the neighbourhood or social milieu". Wilson is saying that some people on the edge of or outside the orthodox class structure are especially disadvantaged, such that disadvantage and marginality are reproduced over time. He emphasises the root of disadvantage in changing labour markets, but other scholars emphasise the importance also of racial segregation. Whatever the precise mix of racial and other factors, it is clear that growing up in a ghetto neighbourhood in many American cities raises considerably the chances of dropping out of school, failing to find work, having children while still a teenager, and thereafter being a single parent (ibid: 276).

In the context of South Africa, the primary point of definition for Seekings and Nattrass' notion of an underclass is disadvantage conceived in relation to a group's deficiency in relation to, firstly, human capital (essentially education and skills required by the labour

market), secondly, social capital (broadly, access to the kinds of social networks that would facilitate finding or being recruited into a job), and finally, financial capital (both in facilitating the process of searching for work or in opening possibilities for embarking on a small business venture). However, consequent to the lack of appropriate data on the population at the end of apartheid, the single variable that is used to quantify and explicate the phenomenon of an underclass is belonging to "a household in which no one is working", as a "proxy" indicator for a deficiency with respect to social capital. Based on this variable, Seekings and Nattrass illustrate the presence of a group not only poorer (relative to income) but which was barred access to a range of privileges enjoyed by working people (from levels of access to basic services and education, through participation in networks of redistribution, to, most crucially, employment opportunities).

Focusing on more recent contexts, but without the expositional depth of Seekings and Nattrass'[179] discussion of the underclass, Vusi Gumede (then the Chief Policy Analyst in the Presidency's Policy Co-ordination and Advisory Services) makes level of education the key measure for quantifying the "magnitude of the 'second economy'", specifically 'persons aged 15 years and above whose level of completed education is primary (grade 7/ Std 5) or below'. Although acknowledging possible distortions arising from this approach, Gumede's tentative conclusion on the size of the second economy, and thus of the underclass, is 9.5 million people, 31% of which are women. It is worth noting that here, sections of the employed (3.1 million) are included in the second economy (of these, 70% were found in jobs of an "elementary nature", and 50% in the informal sector (Gumede 2008: 20)).

It is important to see, however, that a concern over the statistical identification of an underclass, or the quantification of the size of the second economy, is situated at one end of society's ambivalent representations of the poor, an ambivalence reflected in the concept of the underclass itself. On the one hand, as Seekings and Nattrass emphasise, an important aspect of the history of this concept is an attempt to ground it in "class theory" and develop its utility by honing in on the kinds of variables that would allow for the statistical representation and definition of a particular form of disadvantage. On the other hand, as Bauman points out, the notion of an underclass has often drawn together a wide range of categories of subjects (from "welfare mothers, to drug addicts and pimps") – "all the names

of decent people's overt fears and all the covert burdens of decent people's conscience". A group "intractable", "alien", "hostile", and thus "unreachable" (Bauman 1999: 68). Nattrass and Seekings themselves point out that the notion owes much of its popular currency to its usage in the 1980s in reference to sections of the unemployed, often carrying strong normative connotations:

> The popular usage of the term was driven primarily by the writings of conservatives, especially Murray. Murray attributed the existence of an underclass to a distinctive subculture and the provision of public welfare. The approach defined a class primarily in terms of a mix of attitudinal and behavioural characteristics that supposedly places welfare dependents, the ghetto poor, and criminals together in some sense, outside of the social, economic or political institutions of "civilised" society (Seekings and Nattrass 2006: 275).

In fact, Bauman points out that the term underclass was first used by Gunnar Myrdal in 1963, to throw light on the dangers of deindustrialization. Here the notion carried no normative connotation but rather denoted a form of exclusion defined by "growing chunks of the population [becoming] permanently unemployed or unemployable" (Bauman 1999: 68). In 1977 the notion found popular representation in a cover story in Time magazine. However, now it denoted "a large group of people who are more intractable, more socially alien and more hostile than anyone had imagined. They are the unreachables, the American underclass" (Time in ibid). The list of subjects drawn into this "class" was extremely wide, and included juvenile delinquents, school dropouts, welfare mothers, looters, panhandlers, dealers… (ibid).

To the extent (and only to the extent) that categories such as the 'underclass' are abstractions that throw light on the phenomenon of society, it is worth pointing out the remarkably similar place given to this section of the population in both definitions, Myrdal and Time, Seekings and Nattrass and Murray. In Bauman, whose work touches on the 'common sense rationality' of modern liberal democracy, the notion of an underclass is differentiated from both the notion of the 'working class' and the 'lowerclass' by its distinctive relation to the whole. In this account the working class "evokes an image of a class of people who have a

role to play in the life of society", a class that makes a useful contribution to the whole and expects to be rewarded, albeit within a symbolic scene in which tasks are distributed between the "better-off" and "worst-off", "different", even unequal, but ultimately "complementary" (ibid: 66). The 'lower class', on the other hand, "belongs to an imagery of social mobility", of a society of constantly changing positions. They are a class at the bottom of the ladder, but none the less at base of one they might still climb. By contrast:

> The term 'underclass' belongs to the imagery of a society which is not all-embracing and comprehensive, which is smaller than the sum of its parts. 'Underclass' evokes an image of a class of people who are beyond class and outside hierarchy, with neither chance nor need for readmission; people without role, making no useful contribution to the lives of the rest, and in principle beyond redemption. (ibid)

A class whose only basis for definition is self-reproducing disadvantage? While usages like that of Seekings and Nattrass attempt to remove all traces of the normative connotation of the underclass, here too the 'underclass' assume the status of the 'part with no part'[180], to paraphrase them, "not a class temporally absent from other classes", but "locked into a class trajectory that leads away rather than back to other classes" (Seekings and Nattrass 2006: 276).

The deeper (political) significance to Seekings and Nattrass' insistence on the presence of a distinct class whose interests (vis a vis the labour market) depart from those of "working class", is however the support it gives to one of the causes championed by their book: reshaping the post-apartheid distributional regime by unbinding the labour market. Working from the implicit assumption that entry into the labour market ought to form the basis of social inclusion, the broader political orientation of this study is to make a case for further flexibility in the labour market to stimulate low wage labour intensive activity, thus making more room for this underclass in the post-apartheid distributional regime. To be sure, such a view is not that far from one taking form in various quarters of government. Even a character as politically indecisive as Jacob Zuma ventured in this direction in an interview with the Financial Mail in early 2008, just months after unseating Mbeki as president of the ANC at Polokwane. Placing the question of the labour market regulation in terms of the

challenges of "the second economy", Zuma seemed to argue in favour of an accord between organised labour, government and business in order to facilitate greater flexibility in labour markets (Financial Mail 22 February 2008), terms strongly resonant with the perspective outlined in Seeking and Nattrass' book. While Zuma quickly backtracked in the wake of criticism from COSATU[181], and its insistence that 'Polokwane' represented a defeat of this position, there are firm indications that many in the post-Polokwane leadership perceive real virtue in courting such a course. Not unrelated are the contestations currently underway over the implementation of a youth subsidy.

This approach to the problem of the poor ignores a nagging growth in evidence that the spread of low wage, causalised jobs is an important determinant in the reproduction of poverty and inequality (Barchiesi 2006a, 2006b; Samson 2007; Leibbrandt, Woolard et al. 2010), a fact that, as Barchiesi suggests, works to highlight the ways in which working class poverty is linked to other forms of deprivation, like the "inability to access increasingly commodified services" (Barchiesi 2006b: 95) . While we return to these questions below, it is worth pointing out that the anxiety over getting the poor into the first economy, or more precisely into some form wage-labour/entrepreneurial activity, has also often articulated with the second register of the concept of the underclass, a fact that is not without a certain irony. As Nattrass and Seekings point out, there are echoes of the conservative usage of the concept in the South African context, with the country exhibiting many of the features emphasised in conservative accounts: "crime, unemployment, teenage pregnancies and the disintegration of families and communities" (Seekings and Nattrass 2006: 274). They are, however, clear that there is "little evidence" to suggest that the unemployed engage in criminal or deviant behaviour (more than other sections of the population), lending little weight to conservative usages of the term. Even more empathically, however, and far less than could be said of the North American and European contexts in which the concept emerges, South Africa lacks a plausible case for a crucial ingredient in conservative accounts: "welfare dependency" (since more "generous benefits" tend to be reserved for groups unable to work such as the elderly and disabled (Seekings and Nattrass 2006: 274))[182].

The paradox, however, is that the very prejudices so common to conservative accounts of an "underclass" form an important and enduring aspect of official discourse on the poor, and

characterise what is, if not a response to welfare dependency in any plausible sense, then to the poor's perceived demands for welfare.

3.2.2. "New Poor Laws"

While much of the critical responses to the two economies characterisation have indeed been valuable in their own right, carrying crucial insights about the post-apartheid economy and policy environment, it has often glossed over the specific representations of the governmental problem the two economies thesis frames, and equally left off the task of opening our understanding to political stakes embedded in its circulation in public discourse. No small part of this failing is its reluctance to look beyond the (in)correctness of the thesis, and ask how this way of naming a particular problem articulates with the shape of a governmental 'tactical approach' to poverty. Among the notable exceptions in this respect is the work of Gillian Hart[183]. In a pair of essays (one of which was in fact published in the edition of *Africanus* focused on the two economies), Hart, with a Gramscian eye for the political, departs from the script:

> First/Second Economy discourses can be seen as part of an effort to contain the challenges from opposition movements that reached their zenith as the time of the WSSD [(World Summit on Sustainable Development)], and render them subject to government intervention. What is significant about this discourse is the way it defines a segment of society that is superfluous to the "modern" economy, and in need of paternal guidance – those falling with the category are citizens, but second class. As such they are deserving of a modicum of social security, but on tightly disciplined and conditional terms. (Hart 2007a: 54)

The earlier publication from which this argument is traced, elaborates the governmental challenge in this respect:

> To qualify for a range of targeted programmes, they must not only be identified and registered, but also defined as indigent. The role of a newly defined cadre of community development workers in tracking down 'the indigent' and tying them

> into structures of social security is of great significance here, as is the growing emphasis on public works. (Hart 2006: 38).

What is so remarkable about this formulation is that it simultaneously unearths a governmental problem that is said to underscore iterations of the thesis while drawing it back not only to the political contexts in which this problem is said to appear, but also to its effects on the plane of civic nationalism and citizenship. With these questions here still tightly meshed, it might be better to begin by narrowing our gaze.

At the centre of the problem that Hart outlines is a subject that must be 'identified and registered', '(re)defined' as 'indigent', and drawn into the state's 'structures of social security' on 'tightly disciplined and conditional terms'. As we have seen, there is good reason to suspect that this is correct, and what is at stake in the two economies thesis is not that 'level of abstraction' that Marxist political economists treat under the sign of 'the economy'[184], but a particular subject and the milieu[185] to which it belongs. It is therefore no coincidence that, while the public deployments of the thesis have drawn reference from the characterisation of an informal sector, more often than not, what are indexed in reference to a second economy are less forms of economic activity, than the conditions of life of those said to be "trapped" in a second economy.

A strong source of support for our reading of the Two Economies thesis, and the debate surrounding it, comes from the ANC's hotly debated policy discussion document, Economic Transformation for a National Democratic Society, circulated in the run up the now somewhat historic 2007 policy conference[186]. Significantly, the document's 2005 counterpart had given a far more bold account of the division between a first and second economy than the one that would emerge in the years to come[187]. In 2007, however, no doubt with an eye to the new fronts being opened against 'the Mbeki camp', now within the ANC, the desire to cast off the weight of critique that had been piled on the two economies thesis would see the document offer something of a 'clarification':

> The concept of two economies does not propose the existence of two socio-economic formations in one country, but *describes different circumstance in the lives of*

> *South Africans*. Two economies do not occupy two distinct geographic spaces, in many ways they interconnect in both urban and rural areas. Many poor citizens, especially the working poor straddle the two economies on a daily basis (African National Congress 2007: 20; my emphasis).

The location of the discussion on the second economy within the structure of the policy conference document is not without significance either. Through the first eighteen of the twenty-two page rhetoric laden document - written with a peculiar defensiveness, perhaps in anticipation of the forces mobilising against the authors and their bosses – the second economy is almost never mentioned[188], and the economy is treated as a unitary whole. Broadly affirming the 'comprehensiveness' and 'correctness' of government's policy framework since coming to power, the shifts and modifications in state policy are then said to be part of its evolving "tactical approach" shaped in responding to "changing and dynamic economic conditions" (ibid: 2). The document then goes on to present the 'new' challenges posed to this 'tactical approach' and government's policy and political preparedness to rise to these. And it is only after presenting these, and the measures said to be needed in order to stimulate the economy as a vehicle for "accelerated and shared growth", that the document turns to those for whom the growth of the economy does not necessarily imply "sharing the benefits of growth" (ibid: 20). And what are emphasised are programmes geared towards the integration of these subjects into 'normal participation in the economy'; for the drafters of the document, programmes "to empower people to take themselves out of poverty" (ibid: 20; my emphasis).

In his 2003 State of the Nation address, Mbeki established an opposition between, on the one hand "normal participation in the economy" and, on the other, dependence on "social welfare":

> [T]he government must act to ensure that we reduce the number of people dependant on social welfare, increasing the numbers that rely for their livelihood on normal participation in the economy. This is also especially relevant to the accomplishment of the goal of enhancing the dignity of every South African (Mbeki 2003a).

This opposition was in fact to become an important component of the two economies discourse. In his 2004 budget speech, for instance, Trevor Manuel invokes it in characterising the challenges facing government with respect to the second economy[189], and it will again be reiterated in the conclusion of the 2005 NGC discussion document[190]. However, this division and normative opposition between a form of life dependent on 'social welfare' and one earning a livelihood from 'participation in the [growing] economy' is not specific to the iterations of the two economies thesis, and is located within the emergence of governmental approach that is, for some at least, strongly resonant with the 19th English century poor laws (see Hart 2007b; Naidoo 2007c, 2009; Everatt 2008).

The perception of such a connection is underscored by what is seen as the deeply normative language and assumptions that have come to characterise government's approach to the post-apartheid poor, in which the forms of identification and representation of different sections of this population, and their administration, will echo the poor law's division and opposition between the deserving and undeserving poor. Thus in a 2008 article, focused on explaining "how, in 14 years, the poor moved from central to post-apartheid reconstruction and development to being depicted by political leaders as the undeserving poor" (Everatt 2008: 293), David Everatt, points to the emergence of a discourse in which government's "anti poverty crusade" has increasing come to commingle "with highly ambivalent attitudes towards the poor" (ibid: 310).

> Anti-poverty strategies and wars on poverty cannot succeed while those for whom one takes up arms are regarded as morally deficient, that they are poor through some inherent failing and thus less than deserving. Some may imagine that the 'undeserving poor' in South Africa today may be the 'poor whites' or foreigners', but ANC leaders seem to reserve their strongest opprobrium for 'our people'. Hence the linguistic differentiation between working and middle class people on the one hand, who rely on the state for certain services, and the poor on the other, who are dependent upon the state, lacking the moral fibre to wean themselves off their fix. That this is a strongly evident strand of thinking in the ANC, government and parastatals is quite clear (ibid).

The poor's "fix" is here the modest, albeit widening system of grants, basic service life-line allocations, and indigent relief initiatives. But if the construction of this 'system of social security' marked an acknowledgment of the limits of the 'trickle down' virtues of capitalist economic growth, such a course was nevertheless embarked upon with what often seemed an unshaken fidelity to the underlining assumptions that inspire this faith[191]. At the rhetorical level then, government means getting the poor to the (first) economy while providing basic social support on the way – working to 'empower people to empower themselves'. However, the other side of this perspective is resentment for a poor that is not industrious or entrepreneurial enough, a poor desirous of 'handouts', in Everatt's reading, a poor that lacks the 'moral fibre', or we could say, 'correct comportment' to enjoy all the (first) economy has to offer. Such an attitude is what is often at stake in government's "irritation" (ibid: 302) at what Mbeki characterised as "the already prevalent notion that our people are entitled to hold out their hands to receive all manner of benefits, while government is obliged to deliver such benefits" (Mbeki in Everatt 2008: 302). And it has often been from just this sort of position that the perception of the poor's deeply rooted "culture of entitlement", or even, the discernment of a disposition to the 'lawlessness' of a "culture of non-payment", has come to be figured and tackled (see also *Chapter 4*).

3.2.3. The title of the poor

The contemporary meanings given to the notion of "culture of entitlement" is a useful index to the complex rhetorical economy of post-apartheid South Africa's "highly ambivalent attitudes towards the poor". To be sure however, conceptions of a deficient disposition in the form of a "culture of entitlement" are not specific to South Africa, nor are they limited to the language of the government officials. The idea of a "culture of entitlement" has wider ranging history, often featuring in critiques of the welfare state and its dulling effects on the population, and is associated with a political language ushered in under Reagan and Thatcher which included notions like the underclass, racial stereotypes like the North American "welfare queen" characterisation, or the more restrained British observation of "dole culture". And, as with the 'culture of non-payment' conception, the representation of the

specific problem identified as a 'cultural one' is by no means insignificant, and works to signify a problem endemic to (and reproduced at the level of) the population (see also Chapter 4) - in the case of neoliberal critiques of the welfare state, a population lacking the enterprising disposition that would trade entitlement for merit, and dependence for entrepreneurship. But while there is certainly a strong resonance between the wider usage of this notion and that of contemporary South Africa, whether in its circulation in mainstream media or it place in the discourse of post-apartheid government, what is figured in relation to a culture of entitlement takes on a somewhat deeper meaning that is, at least in one sense, inseparable from the political contests that have emerged over the orientation of a post-apartheid government.

While the particular sense it would take would only become fully apparent under a Mbeki government, as Everatt points out, the 1994 RDP, "in oddly Thatcherite language" (Everatt 2008: 301) already casts a suspicious glance in the direction of welfare (in a way, me might also add, that foreshadows the two economies thesis):

> Although a much stronger welfare system is needed to support all the vulnerable, the old, disabled and the sick who currently live in poverty, a system of 'handouts' for the unemployed should be avoided. All South Africans should have the opportunity to participate in the economic life of the country (African National Congress 1994).

While there was certainly a growing reference in government to the deactivating effect of "welfare" and "handouts", whether springing from honest conviction or emerging to justify an increasingly rigid fiscal stance, the strongest pole of development of 'a discourse of false entitlement' has however been the responses to myriad forms of resistance to government (in)action post-1994. As I argue in Chapter 1, political contestation over post-apartheid government has often gone beyond opposition to this or that policy, to put into question government's fidelity to what, under the ANC, is claimed as the source of the institution's legitimacy – 'its continuity with the people's struggle against apartheid'. The fact that opposition to government (in)action has often been framed in the political idioms of 'the struggle', or sought symbolic cover for its demands in mythologised aspirations of the

liberation movement, in government, such opposition has in many cases been treated as the nuisance of the people's overblown sense of entitlement. It is important, however, to see that in such cases the notion of 'a false entitlement' goes beyond the immediate contexts of 'this or that' governmental approach, and fixes on an argument over the proper form of 'redressing' the historical 'wrong of apartheid', a set of questions that almost inevitably gets loaded with the weight of an imaginary of the will of the people in the 'sacred unity of the struggle' against apartheid (see also below). The 'title' in question then, whether supposedly assumed by the poor or denied by government, often takes in this historical content.

Setting the stage for a tightening of government's fiscal stance, and against the backdrop of growing frustration over its failure to ensure the resumption of payment for basic services in many townships, Nelson Mandela's 1995 address to the opening of parliament warns against the exaggerated expectations amongst people, and the folly of its consequences. What is most interesting about Mandela's comments, however, is their illustration of the centrality of political contexts around basic services and housing in shaping an official prejudice against the poor:

> We must all absorb this reality into our thinking in a cold and dispassionate manner and not allow ourselves to be seduced into a world of false hopes leading to unrealistic actions based on the wrong assumption that the government can be coerced to meet demands that it cannot meet, however justified and legitimate these demands might be. It is important that we rid ourselves of the culture of entitlement which leads to the expectation that the government must promptly deliver whatever it is that we demand and results in some people refusing to meet their obligations such as rent and service payments or engaging in other unacceptable actions such as the forcible occupation of houses (Mandela 1995a).

The perception of a culture of entitlement was not, however, limited to what was part of the township poor's struggle for housing and services, and often accompanied wider claims for decommodified access to social goods from disadvantaged groups. Thus, the student movement - whose struggles both over the meaning of the ubiquitous phrase 'the transformation of higher education', and for decommodified access to education, was an

important pole of early (albeit somewhat ambivalent) contestations over the frame of the ANC's leadership over the process of 'social transformation' – was often met with similar complaints.

In his speech at the ANCYL's 20th National congress in 1998, Thabo Mbeki passed a seemingly dull call to arms to the assembled delegates: raising "the level of ideological and political debates within the youth movement" – a task, it is said, of intensifying "political education among the cadres of the ANCYL and all the other democratic youth formations in the country" (Mbeki 1998a). In spite of casting his call in the broadest terms, however, Mbeki, it turned out, had a far more immediate target. For it was amongst the "student youth in tertiary institutions" that Mbeki saw this need most "dramatically" expressed, and no more so than in the wave of protests "linked to financial exclusions in a number of tertiary institutions" (ibid). Leaving little doubt to the assembled delegates that his attack was aimed at (the Congress aligned) South African Students Congress (SASCO), and its on-going campaigns in the higher education sector, Mbeki's speech focuses on what is made to appear as the 'dangerous' demands and critique of student formations:

> What is significant about these protests is that it was the government that was seen as the final culprit for failing to provide adequate financial support to the needy students. In some instances the point was made loud enough that the government should write off all the outstanding arrears associated with students from the disadvantaged communities…Indeed, many a times we were informed that the government is unable or unwilling to salvage the situation of needy students because the ANC has shifted to the right by adopting GEAR and has decided to neglect the poor in order to meet the interests of big capital (Mbeki 1998a).

But for Mbeki, whose polemics so often moved seamlessly from demand to conspiracy, from politics to plot, from the poor to a third force, the danger of such demands and the accompanying critique, was of nurturing a culture of entitlement, which (in however roundabout a fashion) was shown to have sinister consequences:

> A point needs to be made that a culture of entitlement on the part of progressive forces can signify an ideological deviation to ultra left positions. In essence these ultra left positions can actually feed into the agenda of right-wing forces (Mbeki 1998a).

As student politics skates the spectrum - from demand through a culture of entitlement to the ultra-left (ending up somewhere on the right) – the enemy is unmasked: 'an ultra-left ideological position', made all the "more dangerous" for sounding as if it is "expressing the position of many in the progressive movement", for its claims to the "radical and hence progressive", for sounding as if its "concern is primarily the needy and the poor" (ibid). In this case the danger of the ultra-left (and we might add the poor's claims to 'title') is that it draws its authority from the same well the ANC drinks from (see also *Chapter 2*).

However, even if an official aversion to "the poor's sense of entitlement" was not limited to the governmental contexts for the delivery of housing and services, it is still perhaps the case that it was here that the deepest pool of resentment for a so called culture of entitlement, and the poor's appetite for "handouts", formed; a resentment that often figured prominently in official responses to the highly controversial phenomenon of so called service delivery protests. Thus, following a spate of local insurrections in 2007, Novula Mokanyane, who was then MEC for housing in Gauteng, cast the issue of the welfare demands of the poor in distinctly moral terms:

> People should stop being dependants of government because it will destroy them. Going through free schooling, then under performing to a point where they don't qualify for bursaries and loans or even pass matric, then falling pregnant and depending on social grants to raise these children and waiting for RDP houses similar to those they grew up in is not right…That's why, during housing protests, you see young people who can study and work – instead of old people. We need to instil morals in our children because solutions for the housing backlog relate to education, poverty and moral regeneration (Mooki 18 November 2007).

Such attitudes were by no means limited to government officials however, and echoed the sentiment of a wider social conservativism and desire to 'bring to order' the world of the poor, and no more urgently than when they were out on the street. As I show in Chapter 4, elite public opinion and governmental attitudes to what have been called service delivery protest, denoting the almost seasonal phenomenon of local uprisings of poor communities, is almost as complex as these protests themselves. But while there will be an official softening to these protests over the years, and even a move, albeit somewhat hollow, to integrate them into a calculus for the monitoring of (local) government[192], responses to service delivery uprisings have often continued to reflect deeply set prejudices against the poor. In 2007, reflecting on a series of 'service delivery protests', editor and journalist, Jovial Rantao, offers a revealing glimpse at society's Janus faced attitude to the poor. Significantly the centre of Rantao's irritation at a perceived culture of entitlement driving service delivery protests, is the demand for decommodified access to social goods. His editorial thus begins as a statement of 'tough love': "government must be sensitive to the demands of the poor, but it should not be coerced into giving way to their continual cries of 'Free this, free that'" (Rantao 27 July 2007).

Rantao's essay constantly shifts between two registers, between being "sensitive to the plight of the poorest of the poor", and warning against "a culture of dependence and entitlement that is creeping into these communities", between government acting to alleviate "the situation of our indigent fellow citizens", and resisting being "blackmailed" by their "service delivery protests". The protests themselves appear here as altogether opportunistic, designed to embarrass government and coerce it into acceding to dishonest and unreasonable demands:

> Here is what seems to be the formula. Erect an illegal shack or live in one. Then take to the streets, in an act designed to embarrass the government - at all levels - portraying them as failures. In the process you barricade a street or two, disrupt traffic and other economic activity and make a claim that you were promised free houses. This act will force the government on the back foot. It will then be forced to move the protesters into RDP houses as quickly as possible, to avoid the negative

> publicity. And voila, the protesters will get keys to their own house - brick and mortar. (ibid).

The centre of Rantao's thesis on service delivery protests is what he sees as the double-edged effects of government's approach to poverty alleviation. For while Rantao is apparently an admirer of government's "multi-pronged approach to deal with poverty and those trapped in it", intervention is shown to carry its own dangers:

> One of the government's answers has been to provide all kinds of social grants for those with no income. The government has also provided housing, temporary jobs, etc. to people. While the interventions by the government have served the purpose for which they were designed, there is a huge risk that the interventions have created a "dole culture", some kind of a dangerous dependency and entitlement culture which the state or South Africa, for that matter, cannot sustain. (ibid).

It is this entitlement culture then that is seen as breeding service delivery protests through nurturing the perception that government should provide a wide range of social goods to the poor:

> The message that is circulating in the low-income communities is that if you want anything, the government will provide. If you want a house, the government will provide. Once you have a roof over your head, the government must provide free electricity and water. Then the government must make available a grant so that the families can live. The constant refrain is: "The government must provide." The only thing that people have not asked for or demanded from the government is the right to have children. (ibid)

Even beyond the prejudices of Rantao's piece, it illustrates well a particular post-apartheid response to decommodification themes in the socius, as well as to what, after Chatterjee, we might call the "politics of the governed" (see below). But perhaps more importantly, the title of Rantao's piece, and its qualification of the poor's blackmail of society as 'emotional', draws us to what is peculiarly local to the South African usage of the "culture of

entitlement" characterisation. For what is put at stake here, between a representation of demands of the poor and the perception of a culture of entitlement, is the form of the symbolic bond between the nation and its poor.

3.3. Commodification and the Government of the Poor

3.3.1. Primitive Accumulation, Commodification, and the Poor

What no doubt has made the 19th century English Poor laws such a potent analogy for our present, and what writers such as Hart and Everatt have tended to focus on, is the ways in which, underscoring our evolving system of social security targeting the poor, there is increasingly a normative division between a deserving and undeserving subject, where the anxiety of officials will be exactly one of fostering and administering to the 'correct' comportment, or conducts, for the poor. Yet even beyond the 19th century's mobilisation of the normative figure of "a deserving poor", the English poor laws, and the broader processes of 'the making of the English working class', is an important event, not only in understanding the development of modern capitalist societies, but also the forms of liberal government that have grown up in it. Neither of these questions is immediately apparent in Hart or Everatt's discussion, however, which do little more than offer up the analogy, leaving us with only a vague sense of resemblance[193].

In Everatt, for instance, the invocation of the poor laws seems more like an anecdotal aside for counter posing the Mbeki government's normative division between a deserving and undeserving poor against the inspired ethos that propelled the social explorations of writers like Charles Booth and Seebohn Rowntree in their pioneering of approaches to the study and measurement of poverty (Everatt 2008). Everatt's critique, focusing on what is seen as a poorly targeted and too widely spread social security framework (what he characterises as government's "spray-and-pray" (ibid: 308) approach), ostensibly works to preface his motivation for better methodologies for identifying "the truly deserving poor", redefined now empirically as the "ultra poor" whose (statistically defined) attributes should facilitate their identification and recruitment into government programmes). "Proper targeting", that

moves beyond "moral exhortation" to ways of properly "disaggregate the poor", is therefore the counsel of Everatt's piece (Everatt 2008).

Ironically, the line of critique developed in Hart's invocation of the poor laws seemingly moves in the opposite direction. In this popular piece, published in the left magazine Amandla, government's approach will be represented as one suspicious of universal forms of social security, like the Basic Income Grant (BIG), preferring instead more targeted approaches to a deserving poor. The reason for choosing the latter is here given as the fact that universalist approaches like BIG lack the "points of leverage for instilling 'correct' behaviour" (Hart 2007b: 5). Significantly it is on the terrain of municipal basic service delivery that Hart sees the strongest pole of development for 'the new poor laws', and in relation to the very processes that, in *Chapter 4*, I attempt to link to the imposition of market imperatives over the delivery of basic services, and the consequent deepening of the commodification of water and electricity (see also *Chapter 5*).

In Hart's account, then, characterised by a context of ever tightening controls over municipal finances by the treasury, and a deepening emphasis on credit control and cost recovery, the success of the new poor laws will hinge on municipal officials being able to enforce water and electricity restrictions, and the government's capacity to identify and label the smallest number of 'deserving poor'. Implied as well is that whatever benefits are given to the latter should be as 'bare' as possible. An approach then to "cordon off the deserving poor", their subjection to the lowest standards of life, while at the same time consigning the rest of the population to "the whip of market discipline" (ibid).

Also implicit in Hart's argument, then, is that the resonance between this framework and that of the 19th century poor laws is in the ways in which government's interventions operate to make a life lived under the sign of indigence as unattractive as possible in order to ensure that the poor should rather look to the market for any lasting escape from the condition of poverty…should rather look to themselves to empower themselves. Doubtless, what gives the analogy something of the sense of the "uncanny" is that for both the crafters of the 19th century's 'new poor laws', and contemporary officials, wage labour is the idealised form of life for a redeemed poor[194]. If the 19th century's working poor quickly learned the farce of

this faith, there is something tragic in recognising an analogy with it today where social inclusion through 'jobs for the poor' remains the limit of the political vision of much of the left.

As is well known, the poor laws were an English system of poor relief that dates back to the 1500s, although undergoing a number of changes before being abolished in the 20th century. In Polanyi, the story of the poor laws is caught up in a set of events that are fundamental for our sense of modernity: the birth of capitalist labour market and 'the discovery of society'. In fact Polanyi records no lesser role for the poor law amendment of 1834 (the implied referent of Hart's analogy) than the "starting point of modern capitalism" (Polanyi 1946: 85).

In this account, the 1834 reform represented a significant departure from the Speenhamland system (ostensibly a system of relief given as "aid-of-wages" to the poor, determined in relation to the price of bread and administered at the level of "the parish"), towards a more centralised system, a rationalisation of existing institutional frameworks and tactics, and a shift away from outdoor forms of relief towards a system in which the only way for the poor to receive aid would be to enter a workhouse. The consequences of such shifts, which moved the emerging mode of production from the distortions of the Speenhamland system to an unbound labour market forming in the shadow of the workhouses, profoundly shaped 'our modern way of life'. As Polanyi notes, changing the organisation of labour means nothing less than transforming "the forms of life of the common people" (ibid: 81), and with it the very organisation of society. In this case, however, the great danger that Polanyi perceived in the "utopian" aspiration of the self-regulating market that underpinned this shift was the reversal it affected. For it will mean that, rather than "the economy being embedded in social relations" (ibid: 63), social relations will increasingly come to be embedded in the economic system (that is in the market economy).

In passages that cannot but inspire an ironic glance in the direction of contemporary South African debates, the question of poverty (that with political economy pushed inexorably towards 'the discovery of society'), is shown to turn on the seemingly irreconcilable paradox that the early witnesses of the emerging capitalist system struggled to confront; that progress and pauperism, prosperity and poverty, were inseparably bound to each other. And for the

liberal men of the age, who often imagined themselves "the secular spokespersons of *the divine providence which governed the economic world as a separate entity*" (ibid: 115; my emphasis), "hunger" represented a higher "authority" to which appeals over what to do about the poor could be deferred:

> Hunger will tame the fiercest animals, it will teach decency and civility, obedience and subjection, to the most perverse. In general it is only hunger which can spur and goad them [the poor] on to labour; yet our laws have said they shall never hunger. The laws it must be confessed have likewise said, they shall be compelled to work. But then legal constraint is attended with much trouble, violence and noise; creates ill will, and never can be productive of good acceptable service: whereas hunger in not only peaceable, silent, unremitting pressure, but, as the most natural motive to industry and labour, it calls forth the most powerful exertations; and, when satisfied by the free bounty of another, lays lasting and sure foundations for goodwill and gratitude. The slave must be compelled to work but the free man should be left to his own judgement, and discretion; should be protected in the full enjoyment of his own, be it much or little, and punished when he invades his neighbour's property (Townsend in ibid: 117).

In this account, hunger, it would seem, was to serve as a principle to give to economic life the self-correcting harmony of the laws of nature, and which takes its model an idea of providence. What Polanyi allows us to see is the ways in which, the 'cost benefit rationality' of Laissez-Faire (see also Dossier on Government and Sovereignty) - focused on ensuring law and order at a minimum cost - meant giving the market "charge of the poor", or rather, allowing "things" to "look after themselves" (ibid: 120). If these were the foundations men such as Townsend marked out for the new 'political science' taking shape, as Polanyi notes, they also closely 'fitted' the society that was emerging out of the late 18th century. But while Polanyi's The Great Transformation does much to throw light on the commodifying logic of an unregulated market (here working to construct the 'fiction' of the commodity of labour, with violent consequences for peoples forms of life), its real protagonist is society. Part of the lasting weight of Polanyi's study is its perception of a 'double movement' of the market and society. At one side the drive towards a self-regulating market, a drive threatening to

destroy society itself, and at the other, society, which will act to defend itself against this drive. Of the 19th century Polanyi thus remarked:

> The extension of the market organisation in respect to genuine commodities was accompanied by its restriction in respect to fictitious ones [specifically land, labour and money]. While on the one hand markets spread all over the face of the world and the amount of goods involved grew to unbelievable dimensions, on the other hand a network of measures and policies was integrated into the powerful institutions designed to check the action of the market relative to labour, land and, money. While the organisation of world commodity markets, world capital markets, and world currency markets under the aegis of the gold standard gave an unparalleled momentum to the mechanism of markets, a deep seated movement sprang into being to resist the pernicious effects of a market controlled economy. Society protected itself against the perils inherent in a self-regulating market (ibid: 82)

It should not, however, be forgotten that the wider backdrop for this story was the enclosures and the longer process through which the poor were progressively dispossessed of "their share in the common", and steered to the factories in the newly emerging manufacturing towns (ibid: 43) – that is the process that Marx discussed under the, perhaps imprecise, heading of 'primitive accumulation'. The crucial point, however, is that the poor transformed into free labour (through their separation from their social means of production) did not naturally move towards the capitalist labour market taking shape - they needed to be pushed, just as such a market needed to be created (in fact both are part of the same process). In a Foucauldian study that owes much to Polanyi's classic, Mitchell Dean summarises something of the deeper significance of the poor laws (especially the 1834 amendments) and the 19th century's 'liberal mode of government', for understanding 'the origins of our time':

> The proletariat was not a product of the process of expropriation so vividly described by Marx, although that process is a necessary precondition of its formation. Rather it must now be said that the formation of a class which relies

> solely or largely on the sale of labour-power for its subsistence and reproduction was and large part due to a mode of government of poverty which instituted such conditions as would promote a form of life organised around the wage-labourer/breadwinner (Dean 1991: 213).

Marx was by no means unaware of the challenges capitalism faced in pushing free labour towards the factories. The significance of Dean's argument, and what makes it an important preface to my own intervention in the debate over recent returns to Marx's concept of primitive accumulation, is in its widening of the set of concerns taken up in any such return. The specific terminological questions over the usage of the term primitive accumulation, caught up as they are in the debates over the orthodoxies of the 'Church of Marxism', are less of a concern of the present study than the structure of an event that a wide section of writers have recognised not just as a once-off phase from capitalism's pre-history, but as a recurring feature of the capitalist mode of production (see for instance, De Angelis 2001; Hardt and Negri 2000; Deleuze and Guattari 2004; Harvey 2005; see also Veriava 2007a for an account of some of these positions). Thus, not whether it is right or wrong to call something in the present primitive accumulation, but instead how can Marx help us to understand today's mobilisations of state power and forms of extra economic coercion in imposing market imperatives as a necessary and recurring aspect of "the reproduction of capitalist relations of production and social classes"[195]?

A strong and indeed deeply useful line of development with respect to Marx's thesis on primitive accumulation has come from writers focusing on processes of enclosure, wherein the latter becomes a broader metaphor for the extension of market into ever wider areas of social life and the deepening commodification of social goods (for instance through the privatisation of social services and forms of social security). Significantly writers, such as Massimo De Angelis, have placed the question of recurring forms of primitive accumulation in conversation with the Polanyian thesis of a double movement, in order to give account of the contemporary neoliberal drive to extend market relations into new areas of life (De Angelis 2001; Veriava 2007a). For instance, De Angelis reads neoliberalism as the movement of the market in response to the protections won by a previous cycle of struggles of the working class to protect society from the perils of an earlier wave of commodification. In

this account, precisely what is at stake is the 'new enclosures' of areas of the common (such as water for instance), understood as the commodification of social goods whose circulation is not mediated or co-opted by market relations. This emphasis on *enclosure* is an important one and is a *useful metaphor* in helping us think through the ways in which people's access to a wide array of social goods increasingly comes to be mediated by market forces in the wake of forms of neoliberal restructuring. At the same time it is just as important to recognise, as part of the same processes*, the foreclosure* of individual and collective life strategies, and as a consequence, of specific forms of life that resist integration into marketised social relations.

This is why any analysis of the process of commodification must seek to understand how such processes are caught up in a wider transformation of the relations that structure social life[196]. Barchiesi captures this nuance well when he remarks that "the concept of commodification is not resolved in its actual object, but it highlights the imposition of market discipline with respect to the spheres of production and reproduction, and it refers to the ways specific subjectivities see their own integration in the social order" (Barchiesi 2006b: 94).

This I would argue is the deeper basis for an analogical reference to the poor laws with respect to contemporary neoliberal modes of governing the poor, that is, the ways in which it allows us to recognise that *if one side of the processes of commodification are forms of enclosure, its other side is the foreclosure of strategies and forms of life resistant to the self-disciplining regimes of the market.* A perspective we should add that implies rethinking the notion of the common beyond natural and material commons (such as land or water – what might be enclosed for instance), to include a consideration of their relation to the socially productive networks and forms of community that, whether institutionally sanctioned or not, function to produce the conditions of life.

Ultimately, however, the invocation of the poor laws in contemporary South Africa can only be an analogy. For while we should not underestimate the genealogical significance of the poor laws to the 'liberal mode of government', and focus due attention to uncovering it, this should in no way blind us to the difference of today with respect to one or other past. Chief in this respect is the changed fortunes of 'wage labour', which in the 19th Century was on the

rise. The paradoxical place of wage labour in post-apartheid South Africa is perhaps nowhere better expressed than in the work of Franco Barchiesi. In a remarkable PhD dissertation (2006a) that complements a growing number of publications, Barchiesi makes a strong case that the significance of the post-apartheid employment crisis is the "decline" of wage labour's ability to act as any kind of meaningful conduit for social inclusion.

> South African society is facing – and this is a reality remarkably impervious to shifts in the economic cycle and in the economic policy discourse – a widespread decline of waged employment as a condition of stable social insertion, citizenship, and the enjoyment of social rights. The most visible impacts of wage labor's decline are deepening labor market inequalities and the expansion of working class poverty, which, encompassing growing number of workers with formal occupations as well as casual ones, is engulfing urban as well as rural areas. (Barchiesi 2008a: 54)

Drawing on the well known data of 'South Africa's employment crisis', Barchiesi's shows that even given government's most optimistic projections for growth in the economy, it would still be far off from creating enough jobs to absorb the unemployed (ibid). Indeed, as we saw this was one of the stated bases for Netshitenze's suggestion of the concept of an underclass, and no doubt is what has motivated some to see in the unemployed a "superfluous population" (see for instance, Hart 2007b). Moreover, in the context of casualisation, informalisation, and a high degree of commodification, the kinds of work on offer provide slim refuge from the precariousness of the existence of the unemployed, and falls far short of the emancipatory promise of wage labour. This fact no doubt is one of the deeper reasons for the somewhat hollow shift in emphasis on the left from job campaigns to a 'decent job' campaigns. However, the paradox is precisely the reassertion of the centrality of wage labour in the policy discourse of government (and the rhetoric of the left) in such a context; a paradox that, as Barchiesi points out, runs through Mbeki's two economies thesis:

> Mbeki's metaphor of the "two economies" alerts us to the importance of the policy discourse, of the state's episteme, over and above the structural determinants of the condition of the South African working class. Looking at this aspect of South Africa's "social question", one can realize the limitations of approaches that see

> South Africa's poor as mere passive victims of global market forces, and their condition as mainly determined by the hegemonic narrative of neoliberalism. The state's knowledge of the country's "social question", as recently re-elaborated in Mbeki's "two economies" image, reveal therefore a peculiar paradox: the less actual, material wage labor contributes to decent livelihoods and social rights for the majority, the less it functions as the foundation of a universal, inclusive social citizenship regime, and the more central it is in the government's policy discourse and governmentality (ibid: 59)

Reading across Barchiesi's wider work it is not difficult to get a real sense of urgency for shifting the emphasis of post-apartheid social contestation from the question of jobs to forms of decommodification, which along with "decent waged employment", was a second pillar of the discourse of citizenship that emerged out of the "social movement unionism" of the apartheid era (Barchiesi 2006a).

In Polanyi there is a strong suggestion that one of the unintended consequences of the creation of the market economy was the birth of the modern working class as a political subject, "whose immediate self interest destined them to become protectors of society against the intrinsic dangers of the machine civilisation" (Polanyi 1946: 105) (or rather the market economy). As EP Thompson reminds us, however, the English working class did not simply arise at the apportioned moment but were "present at their own making" (Thompson 1965: 9). If the struggles of the poor today seemingly take the vanguard in the protection of society against the neoliberal extension of market discipline into ever greater areas of our life, often resisting attempts to recast them in the image of responsible entrepreneurial subjects of what Arendt called "a society of jobholders" (Arendt 1998: 31), the poor's struggles for decommodified access to social goods often reflect 'struggles over forms of subjectivity' as well (see also *Dossier on (bio)Power*), traces of which, as we saw, can be found in the official representations of the poor and their struggles.

3.3.2. 'The Numbers of the Poor'

Among the photographic records published in Wilson and Ramphele's 1989 book, Uprooting Poverty: The South African Challenge, is a picture by Paul Weinberg (Wilson and Ramphele 1989). Chosen as the situational representation that prefaces the book's introduction under the heading "The Challenge", the photograph illustrates well the dual registers within which the problem of black poverty was often cast during the late apartheid era. At the centre of the picture, but with her back to us, is the black girl child. Bare foot and 'poorly kept', she is standing next to a precarious thatched hut, devised from mud, branches, and corrugated zinc. Holding the child's gaze in the otherwise empty clearing is a white uniformed officer on a horse, seemingly policing the scene.

These two figures, of destitution and repression, were what often characterised representations of black life like under apartheid, and in Wilson and Ramphele's book comes to represent something of the specificity of 'the South African challenge' of poverty. Adding a new appendix to the thesis on South African exceptionalism, Wilson and Ramphele give three reasons for treating the South African problem of poverty as a special case: the 'width of the gulf' between the rich and the poor, South Africa's enduring place in the top ranks of country gini coefficient tables, and, most important of all, the extent to which black poverty was a direct consequence of the racial structuring of society and the ways in which such material poverty found itself being "reinforced" by the racist policies of apartheid. Wilson and Ramphele's 1989 intervention thus underlines the inseparability of the (social) question of poverty, from the (political) question of apartheid, and insists that "underlying all strategies against poverty must be a clear recognition of the necessity for a fundamental redistribution of power" (ibid: 5)

While the implication of white rule and apartheid in the production of black poverty would in the post-apartheid era obtain official sanction, standing among the key legacies that governmental agencies endeavour to 'transcend', this causal connection now also works to underline something of a reversal of Wilson and Ramphele's emphasis. For it will no longer be a matter of insisting on the necessity of resolving the question of power in order to get at the question of poverty, but instead, the question of a "redistribution of [political] power" will increasingly appear hollowed without substantially shifting back the frontier of poverty. In fact, the extent to which post-apartheid governmental interventions are able to register

gains in eradicating poverty is often assumed as a measure of its effectiveness in transcending "the legacy of apartheid". And here the 'numbers of the poor' have become increasingly important[197].

At either pole, whether in giving proof of government's faithfulness to the vision set out in The Freedom Charter or its selling-out of 'the people's struggle', argument has often sought support in the numbers: the number of connections, the number of cut-offs (see Chapter 4), the number of employed, the number of (decent) jobs created or lost, and perhaps even more importantly 'the number of the poor'. Not surprisingly such questions have often been the proxy terms for the playing out of a wide range of debates over the record of ANC-led government since the fall of apartheid.

With respect to the problem of poverty and the poor, 'getting the numbers right', or rather the quantification and statistical definition of the phenomenon of poverty, has been a major focus of both governmental and academic institutions, and brings with it a specific set of debates. But, while the numbers have often come to colour the political contests that characterise the post-apartheid public realm, it is important to see that their place there, and the deepening emphasis on the statistical representation of political questions, underlines the ways in which a conception of politics founded on a speaking and acting subject has increasingly been eclipsed by the technical rationality of modern governmentalities. Thus, over and above any utility given to numbers as they find their way into the public realm, the importance of these questions, and the statistical definition of the phenomena at the level of the nation population, relate precisely to its place in the constitution of poverty as a field of knowledge and intervention (see also Dean 1991).

As I discuss in more detail in *Chapter 4*, the alleviation of black poverty was not a major focus of the apartheid government which attempted to 'banish' extreme poverty to the Bantustans by instituting a system wherein any long term, legally sanctioned residence in white areas was made contingent upon participation in forms of wage labour. Although the system of influx control would eventually give way under a wide range of political and economic forces, giving new visibility to the problem of black poverty (see Wilson and Ramphele 1989), the institutional frameworks for governing the black population had grown

centred on a form of governmental administration overdetermined by the imperatives of apartheid and tasks of managing the political threats seen to reside in the black population. This is not to say that the political suppression of the black population was the only concern of the apartheid government, and it will, particularly after the 1976 uprising, consider and experiment with alternative forms of administration to the black population, where significantly, the market will increasingly be made to appear as a solution to the 'underdevelopment' challenges of black communities (see *Chapter 4*). Notwithstanding, an important governmental legacy of apartheid was scant, uneven, and in certain respects absent information on the black population. In the 1990s, as society prepared for a transition to 'democratic government', there still remained substantial gaps in official data on the population, its levels of need, and 'well being'. In this respect, alongside the imperative of assessing housing and basic service delivery backlogs in black communities (see *Chapter 4*), there would also appear the challenge of understanding the extent and depths of poverty. Indeed, the success of growing numbers of governmental strategies and interventions will already in the mid-1990s hinge on the ability of officials to identify and target the poor.

Even before the 1994 election the ANC thus collaborated with the World Bank in undertaking a country wide income and expenditure survey. After taking office it also went on to "invest heavily" in the collection of data on poverty, making it one of the key priorities of a transformed and renamed statistics parastatal, Statistics SA (Seekings 2007). The first major poverty related survey undertaken by the institution was the October Household survey, conducted from 1999 and later replaced by the general household survey (and a dedicated labour market survey (LFS)). In addition to these national data sets, and a number of provincial and regional studies on poverty, there has also been a strong push towards the development of municipal indigent management strategies which have developed their own ways for identifying and disaggregating the poor at more local levels of scale.

It is important to emphasise the role that the forms of identification and measurement of poverty have come to play in the government of the poor. In this respect the numbers have worked not only as key measures of the effectiveness of governmental interventions around the problem of poverty, but have also helped to shape assumed priorities of different strategies and inform ways of targeting the poor. Even more generally the numbers are

functional to establishing a field of visibility with respect to a national population, to the statistical definition of the population's health and well being, in ways that render it (the population) subject to governmental intervention. The story told by the numbers, and which has dominated much of the post-apartheid literature on poverty, is however by no means a straightforward or an uncontentious one. And what many of the debates over the 'numbers of the poor' have pointed to are the real gaps and blind-spots in the statistical definition of post-apartheid poverty, whether in relation to the absence of an 'official' poverty line, or the problems inherent to the data sets on income and poverty.

Nonetheless, Seekings could in 2007 still write that "there is…broad academic consensus that income poverty worsened in the late 1990s", a fact that, he points out, puts "academic consensus"[198] on the first era of democratic government in line with many of the critical accounts of the transition (Seekings 2007: 5). Even the presidency, which under Mbeki had been marked by its defensiveness towards any suggestion of governmental failure, conceded as much in its ten-year review process. Drawing on data from Stats SA, the Towards a Ten Year Review document points out that the proportion of the household living below "the estimated poverty line" grew from 28% to 33% (Republic of South Africa 2003). While it will attribute part of this rise in the percentage of households living in poverty to changes in household composition and what it calls "unbundling", the document also insists that "poverty trends since 1994" ought to be examined in relation to the "intersection between access to services, income and assets" (ibid). Taken within this broader matrix, the document suggests that government made significant strides in alleviating poverty in its first ten years. With respect to basic services it points to the widening of access during the first decade of democracy, with the proportion of households with access to clean water growing from 60% to 85%, sanitation from 49% to 63%, and electricity from 32% to 70%. Moreover, it estimates a transfer of R48 billion in housing assets to citizens since 1994 (both through subsidised housing programmes and the transfer of title deeds of apartheid era state housing stock to its occupants). These measures, along with interventions around health care and education to alleviate "human capital poverty", are complemented by strategies for tackling income poverty. In this respect the two central pillars of its income poverty alleviation interventions are public works programmess and social grants. The most important of these has doubtless been social grants with government boasting an increase in expenditure from

R10 billion in 1994 to R34.8 billion in 2003, and an increase in uptake from 2.6 million beneficiaries to 6.8 million. Moreover the document argues that these grants (the two most important of which being the child support grant and the old age pension) have been "exceptionally well targeted" with the poorest 20% of households receiving the largest share of benefits, and with no less than two thirds of the income of the poorest quintile derived from government transfers (ibid).

While the numbers on incomes poverty have given support to criticism of the first 10 years of democratic government, academic analysis of data focused on more recent periods seemingly moves (albeit more cautiously) towards the picture outlined in the Towards the Ten Year Review document. In a study published in 2006, Van der Berg et al. argue that while (income) poverty grew slightly between 1993 and 2000 (attributed to "sluggish economic growth and poor labour market prospects"), between 2000 and 2004 poverty "declined substantially" (Van der Berg, Burger et al. 2006). And significantly it is social grants that are seen as the driver of such a decline. While figures presented by Van der Berg et al. were challenged by Meth, who charged that the study underestimates the increase in poverty in the 1990s, and overestimates its decline in period after 2000 (Meth 2006), there is at least some agreement that the expansion of social grants, especially in the latter period, has effected levels of income poverty (Seekings 2007). Indeed as Leibbrandt et al. point out, one of the outcomes of the exchange between Van de Berg et al. and Meth was to highlight the growing "importance of the social grant system as social security net" (Leibbrandt, Woolard et al. 2010: 18).

However, in one of the most recent contributions to the debate over 'the numbers of the poor', Leibbrandt et al., only register a 'slight' improvement in poverty levels since the end of apartheid. Drawing on a number of data sets, the study shows a poverty headcount of 72%, 71% and 70% over the years 1993, 2000, and 2008 respectively, and 56%, 54%, 54% on the lower bound poverty line (over the same period) (ibid: 35). Like previous studies, Leibbrandt et al. do also emphasise the contribution of social grants in alleviating (if not substantially diminishing) poverty. However, given the centrality given to labour market integration in government discourse on the poor's self-propelled escape from poverty, aspects of the results of the Leibbrandt et al. study can't help but strike an ironic cord. For while social

grants, characterised by government as essentially a stop gap measure for the poor on the way to the first economy, have arguably positively affected levels of income poverty, there is little evidence to suggest that governmental initiatives have had the kinds of 'catalytic' effects with respect to entry into the labour market that officials have staked their approach to poverty on. In fact, in this respect, the labour market, both in terms of absorbing the poor, and alleviating poverty, is shown to have performed extremely badly:

> [I]n the initial post-apartheid, participation rates increased faster than absorption rates with a consequent increase in unemployment rates across all deciles. Since 2000 the aggregate unemployment rate declined marginally driven by increased absorption of those individuals in the top six deciles. In the lower deciles the early post-apartheid trend continued to 2008. Indeed, the lack of successful integration into the labour market is the reason that many of those households find themselves at the bottom of the income distribution. However, the unemployment rates plus the evidence… on employed households per decile also show that having a job on its own is not a guarantee that a household will move to the top deciles. This appears to have something to do with the quality of employment too. (ibid: 32).

Beyond its suggestion that rates of labour market absorption were lowest for the bottom income deciles, and thus for the poor, the study also points out that other research indicates growth in informal forms of employment. Interesting too is the fact that the group identified by Seekings and Nattrass as the underclass – statistically defined as a household in which no one is working – expanded in size, from 28% in 1993 to 31% in 2008 (and shows a poverty incidence of 80% at least) (ibid: 39).

Government's EPWP, an important component of what have been proposed as catalytic initiatives for getting the poor into the labour market, is also shown to have been less effective in meeting its poverty alleviation and employment creation objectives. In this respect it should be born in mind that the scale of transfers through public works programmes has been relatively modest, especially when compared with other forms of post-apartheid social security. The wage bill, for instance, of the EPWP was R1billion in 2006/7. This figure should be compared with the R2.8 billion paid out of the Unemployment

Insurance Fund over the same period, and the R57 billion paid out in social grants (ibid: 49). However, even at this scale, Leibbrant et al. conclude that public works do "not seem to be fulfilling the stated objectives and meeting its targets of employment creation and poverty alleviation" (ibid: 13). Not only does the study show that the majority of South Africans are unaware of these programs, but those targeted have not necessarily been the most disadvantaged in terms of access to the labour market (for instance 33% of participants – the same as in the non-participant population – finished high school). And while it created R1 million "work opportunities" in 2008, such opportunities have tended to be short term temporary jobs (Samson 2007; Leibbrandt, Woolard et al. 2010). The Towards a Ten Year Review document also acknowledges the limitations of the EPWP, arguing that while successful in developing and transferring assets to communities (in the form of infrastructure), it has had less of an effect on income poverty (Republic of South Africa 2003).

In sharp contrast, the system of social grants is characterised by marked increases in expenditure and uptake, with over 50% of households reporting receiving some form of social grant income in 2006 (up from 32.9% in 1997) (Leibbrandt, Woolard et al. 2010: 61), with no less than two thirds of the total income of the bottom quintile deriving from grants (ibid: 62). While Liebbrandt et al. do not focus in any detail on the question of access to services, as we saw in relation to the Towards a Ten Year Review document, increased access is often assumed as one of the measures of governmental effectiveness in alleviating and eradicating poverty. In this respect a number of studies emphasised the progress made in the post-apartheid period in widening access to basic services, especially water and electricity (see for instance, Republic of South Africa 2003; Seekings 2007).

At this point, however, another important debate over the numbers intersects with the question of poverty, that is the debate over the number of cut-offs. As Seekings highlights, while there have been unquestionable strides made by government in extending access to basic services to the poor, these have often been overshadowed by criticism over cut-offs for non-payment, with Seekings giving the example of Macdonald's 2002 study published by HSRC (McDonald 2002a; Seekings 2007). While I return to the question of cut-offs and the debate sparked by MacDonald's study in *Chapter 4*, showing that there is enough evidence to

support the fact that cut-offs, although unevenly occurring, were remarkably high in the period after 2000, it is safe to say the question of the extent of cut-offs in poor communities remains an extremely sensitive issue. Seekings, for instance, cites Hemson and Owus Ampinah's essay, 'The Vexed Question' (Hemson and Owusu-Amponah 2006), to suggest that the number of disconnections for non-payment have been "very much lower than critics claimed" (Seekings 2007: 22).

To be sure, however, these debates take on somewhat different dimensions in the present, and a context increasingly characterised by the roll-out of prepaid metering and flow restrictor technologies. Moreover, even beyond households' actual experience of cut-offs, what the studies on poverty and access to services fail to confront is the impact of widening access to services in the context of their deepening commodification. As has been widely argued, the post-apartheid period has been characterised by a high degree of commodification of basic services, and have included strategies to foreclose the possibility of households engaging in acts of non-payment that have been specifically designed for and targeted at poor communities (strategies in which cut-offs, whether on a credit system or prepaid is only one component). What the story told by income poverty levels, growing social grant contributions, and statistics on access to basic services leaves out, are the ways in which poverty and forms of deprivation are reinforced in a context in which the realm of necessity (that Arendt associated with the reproductive unit of the household) increasingly strains under the pressure of commodification.

Even when looking beyond the contexts of basic services, and the renewed emphasis given to cost recovery for basic service delivery in the post-apartheid period, there is good reason to focus on the ways people's forms of social reproduction have been dramatically touched by what, from a Polanyiesque perspective, could be called the new wave of commodification. For instance, a number of social histories collected in the Free State town of Rammolutsi, also told stories of the increasing commodification of the necessities of life for farm labourers, where after 1994, farmers stopped augmenting wages with food parcels and subsidised access to water and electricity (Interviews, Mohoko 2008, 2007; Mokgadi 2007; Nzungu 2007). While it is possible to read in these changes a certain bitterness amongst conservative white farmers at the prospects of a black government, especially in a context

where the only explanation many people received for such changes was that 'they should go ask Mandela', these shifts have also paralleled workers being shifted into more temporary flexible labour arrangements (Interviews, Mohoko 2008, 2007), at odds with the racist paternalism that seemed to have characterised the relationship between farmers and the workers and their families living on farms, a relationship that often included non-wage contributions. Such experiences are not however limited farm labour and as Barchiesi shows, were also common in industrial contexts, where non-wage employer contributions in the form of food parcels and other forms of benefits and security, saw a progressive decline (Barchiesi 2006a).

While studies on income poverty, which have dominated the debates over the numbers of the poor, are broadly able to show changes in the patterns of income for the national population, it speaks less easily to the ways income itself becomes increasingly necessary and stretched in a context characterised by a deepening commodification of the necessities of life, nor how such rebounds on the well being of the poor. While other ongoing studies like the provincial panel (KwaZulu Natal Income Dynamics Survey) KIDS might still go some way to filling such a gaps, paralleling this blind spot in the analytic concerns of much of the quantitative research around poverty, is the dearth of engagement with the political acts and demands of the poor.

3.3.3. Servicing the Poor

As we have seen earlier, it is precisely the invocation of a particular 'subject' – represented as an occupant of a temporally disjoined second economy that is said to be immune to the state's operations on the social body - that is the condition of Mbeki's assertion of the correctness of government policy in the face of growing inequality. Even if there is little doubt that this must also be read as a response within a wider political debate, the work of critique might be aided in tracing the encounter between this subject and the state's 'evolving tactical approach'. Reading policy through the lens of politics, Hart's keen eye for counter-hegemonic articulations traces the encounter between the state and this subject to the 'spectacular' appearance of the "opposition movements that reached their zenith at the time of the WSSD" (see above). There is thus a strong suggestion in Hart's account that the

moment at which this subject appears politically mobilised is the same moment s/he enters the state's gaze as needing to be rendered "subject to government intervention".

As it is argued above, the public denouncements of state policy that would begin to cohere around the 'opposition movements' of Hart's account, are certainly an important component in understanding the public deployments of the notion of two economies, and most certainly would have underscored something of the consequences of inaction. An affinity with an approach that reads policy politically notwithstanding, this account tends to run together the question of the set of political forces the two economies discourse confronts, with that of the governmental strategy it frames for circulation in public discourse, and therefore, uncharacteristically, just misses the mark on both. The deeper question that is raised by Hart's account, however, and something of her argument's undeclared strength, is to force us to ask in what sense (and therefore how) these problems should increasingly come to coincide.

While it is beyond the scope of the present work to give a comprehensive account of the emergence of the post-apartheid governmental problem framed by the two economies thesis, i.e. the governmental problem of the poor, an important node of such is to be found in the history of the restructuring of basic services. In fact, it is arguably precisely in relation to questions of basic services that a critical component of governmental frameworks targeting the poor develop. Indeed there are two broad aspects to this question. The first relates specifically to the ways in which governmental strategies have targeted the poor for specific levels of services and delivery options. With respect to the levels of service, the 1996 MIIF, with an eye to cost recovery, already marked out the poor for lower levels of service (see for instance, Bond 2000a; Tomlinson 2002; see also Chapter 4). A similar rationality was also apparent when the officials of a newly formed JW began pitching differential service delivery options for the poor in the early 2000s (see Smith 2006). More recently, a whole range of technologies have come to be used in mitigating the risks of non-payment in the delivery of services to the poor, from flow restrictors to prepaid meters. In *Chapters 4, 5 and 6*, I return to these issues. The second relates to the development of municipal indigent management strategies in supporting a programme of cost recovery for basic services.

As discussed in more detail in *Chapter 4*, although policies such as the Municipal Infrastructure Investment Framework (MIIF) had committed government to the principle of 'user pays' and the (neoliberal) "best practice" management of the delivery of basic services (see Tomlinson 2002; see also McDonald and Pape 2002; Bond 2000a), beyond the many institutional constraints it faced, there was still the politically perilous problem of non-payment. Ascribed to legacies of the apartheid era, specifically the 1980s rent boycott, at the root of the problem was said to be a 'culture of non-payment'. Whether engaged in veiled racialised tones or given over to the portrayal of a seemingly pathological disposition of the poor (see *Chapter 4*), such a characterisation comes to centre on forms of subjectivity, forms whose reconfiguration I try to show was to become an increasingly important imperative in the wider restructuring of the delivery of basic service.

However, in the shadow of the problem of non-payment stood another, no less menacing in the eyes of state officials – that of "managing the expectations of the masses". As is well documented, the state's initial response to these challenges was what Macdonald and Pape characterised as the 'gentle arm twisting' of Masakhane's pedagogy of good citizenship, which stressed civic responsibility through payment for basic services. As I expand on in *Chapter 4*, already under Masakhane there begins to emerge a state rationality threaded through with neoliberal themes of empowerment through responsibilisation and shared risks with respect to social reproduction (see *Chapter 4*).

Masakhane's failure to realise virtually any of its objectives within the context of a broader reorientation of governmental practice, however, would see government outgrow the initiative and begin to pursue more severe, indeed violent, cost recovery strategies like cut-offs (Fill-Flynn 2001; McDonald 2002a; McDonald and Pape 2002; Naidoo and Veriava 2004). And it is in this context that we find the deepening outlines of one pole of the governmental problem given such spectacular proportions in the two economies thesis.

Having only recently come to power, and with scant mastery of the apparatus they would need to work within, the ANC nevertheless understood how much was politically staked on the terrain of basic services where, it was said, 'expectations needed to be managed'. If the latter was what much of Masakhane was given over to, as government came to focus on

punitive forms action this burden would shift to include the management of dissent as well (McKinley and Veriava 2005). However, under a newly assumed constitutional obligation, and a far more tangible political mandate to provide basic services, cut-offs always promised to be contentious. And it is here that we find one pole at which the need for a strategy to manage an indigent population comes to be highlighted; that is, in relation to a perceived imperative of separating those who "truly" can't pay for services – so defined as 'indigent - from "those who can pay but are refusing to" (see for instance Moosa 1997; see also *Chapter 4*).

It is in fact along this axis, and in terms of the development of short hand distinction between the poor who can't pay and the poor who wont pay, that in the 1990s municipal indigent management came to be suggested as a necessary support for cost recovery measures. While in principle this implied (a bare minimum of) social support for indigent households (the can't pays) and punitive measures for 'the wont pays', in practice municipalites still often lacked the administrative capacity to manage their rate base let alone to make the kinds of distinctions necessary to establish and administer an indigent register (see *Chapter 4*).

This did not however prevent the national government from exerting pressure on municipalities to get tough on those who had not embraced the spirit of Masakhane. And get tough they did (Fill-Flynn 2001; McDonald 2002a; McKinley and Veriava 2005). The resistance they encountered along the way would, from individual acts of complaint, avoidance and of refusal, to organised civic action, not only reinforce the need for an 'indigent management strategy' (see *Chapter 4*), but also feed into the political contexts out of which those oppositional movements that enter the national imagination with their appearance at the WSSD, emerge (see *Chapter 2*; Desai 2002; Naidoo and Veriava 2005; Ballard, Habib et al. 2006).

In fact, in *Chapter Four* I show how - out of an interplay between governmental adjustment and forms of resistance - the finer details strategies for managing the poor (in the context of the deepening commodification of services) come to be worked out. And here, the specific configurations that emerge to this end, and which draw together 'free basic services models',

new technologies (like prepaid meters), and forms of indigent support, are precisely of the sort that work to separate cant pays from wont pays - a deserving poor from the underserving poor. These configurations of governmental measures work not only to economically rationalize the consumption of the poor, but apportion benefits in ways that attempt to foster new forms of conduct to support a programme of commodification. All the same, if at one end of the development of apparatus for governing the poor is the imperative of ensuring the installation of market relations, at the other, it is constantly being put into crisis with the dynamic development of forms of resistance to marketization. It is along these lines that I suggest we approach the struggles of social movements and their impact on the governmental terrain.

But, in this respect, it is important to see how tightly interwoven the narrative of the governmental problem that the two economies indexes is with that of the emergence of a new generation of post-apartheid social movements; but rather than a simple relation between cause and its effect, my research seems rather to point at a complex interplay, a double movement even, between neoliberal governmentalisation and resistance (but resistance that always exceeds its public elaboration, or even, its 'strategic co-ordination').

At one level the two economies thesis sets out to recode a governmental approach to the poor in the discursive forms of hegemonic nationalism, and thereby reassert the ruling party's power to prescribe the terms of public debate on poverty. However, in the practice of government, many programmes, initiatives, and tactics standing under the banner of second economy interventions, went beyond the task of disciplining public discourse, taking seriously the task of disciplining the population (see also *Chapter 4*).

3.3.4. Neoliberal Governmentality and War on Poverty

While at a discursive level the two economies thesis worked to provide the frame for the public elaboration of a set of governmental problems (from structural unemployment to the management of an indigent population), an elaboration whose effect will be to mystify the messy business of administering to the life forms of a so called second economy, Mbeki's characterisation of this activity as economic, however, carries its own irony and underscores

a relationship between the 'neoliberal' grounding of 'second economy interventions' and their representation in the discursive strategies of post-apartheid nationalism.

As I show in the dossier following this chapter, a thick thread running out of Foucault's later work on power converges with his proposition of the term governmentality in characterising the strategic coordination of the forces undertaken in the 'government of the state'. If as Mitchell Dean has noted, of all of Foucault's work on power, his work under the heading governmentality has produced the "most substantial body of empirical, political, and social analysis", it is no doubt in part for the fact that a substantial portion of Foucault's courses on the theme are devoted to the question of neoliberalism. Among the many advances offered by this line of Foucault's research, made all the more remarkable for having been conducted more than two decades ago, is to draw us to the forms in which "the social becomes recoded as the economic", enabling the extension of economic principles – cost benefit calculations and market criteria - to the full scope of human activity (Lemke 2001, 2002; Foucault 2008). As I show in *Chapter 4*, this is in fact precisely the trajectory of governmental practice at the intersection of basic service delivery and indigent management, which, increasingly, will orientate to the market or market principles as the organising basis of government.

The characterisation of a second economy is not new to South African theoretical debates, having long ago been one pole of 'the radical's polemic against liberal historiography (see *Chapter 4,* see also Alexander 2002, Masondo 2007). What, however, separates out Mbeki's characterisation is not the broader problem of 'integration'[199], or even the manner in which it comes to be grounded in the mythologies of national oppression[200], but the second economy as singular temporal sphere of governmental intervention, spatially corresponding to the sites of mass poverty[201]. If our remarks about the character of government policy at the intersection of indigent management and basic service delivery are correct, then it seems clear that what is at stake in second economy interventions, or at least in part, is a movement towards the extension of neoliberal economic rationality to the government of the social (see below, see also *Chapters 4 & 5*), in which the 'household' will appear as an important target of power. The great emphasis placed on the establishing of an indigent register, developing the analytic and statistical models to gather information on the 'second economy' (or, more

precisely, on the poor) and the establishment of institutional frameworks to administer to this section of the population (Hart's structure of social security) is here less about finding ways of penetrating a second economy, but of creating the conditions for 'the extension of the economic grid to the social'[202]. It is represents the constitution of a particular field of knowledge and governmental intervention with respect to poverty, and the designation of specific tactical approach to it.

To extend a 'metaphor' then, the second economy is the workhouse of the present, the place for the application of governmental technologies tasked with insuring a new wave of commodification in the face of the wide-spread demands and resistance from the poor: a device to ensure the establishment of market relations on the fabric of the social. What is crucial, however, at least rhetorically, is the separation of the first economy from the second, and, the establishment of a line of integration from the second to the first. For while it is absolutely clear that 'the two economies thesis' idealises an approach centred on the integration of subjects of the so called second economy (that is the poor) into the life forms that characterise existence in the first (represented variously in terms of intersecting themes of entrepreneurial self-activation or integration into wage labour), these interventions included forms of support such as direct financial transfers (in the form of targeted grants) and basic services life line allocations. Such interventions, which Mbeki characterised as the provision of 'a social wage', are in fact what are held up as proof that post-apartheid governmental practice assumed a pro poor approach irreducible to neoliberalism (see *Chapter 2*). However, rather than contradicting the neoliberal thrust of policy and practice, the trajectory of approaches to social grants and decommodified service allocations, in fact, confirmed it.

Fredrick Hayek's *The Consititution of Liberty*, first published in 1960 and something of a classic for neoliberal political theory, in fact speaks in emphatic terms of the 'necessity' for public assistance or 'relief' for the poor. Such, he says, is "in an industrial society unquestioned", adding immediately however, "be it only in the interest of those who require protection against the acts of desperation of the needy" (Hayek 2007: 248). What is constant however, albeit sometimes implicit in Hayek's writings on this question, is that whatever assistance is made available be of an absolute minimum and geared towards combating what neoliberal

managers often call 'welfare dependency'. Thus, in *The Constitution of Liberty*, Hayek argues that, in "comparatively wealthy" societies, where the "amount of relief" is likely to be "more than absolutely necessary to keep alive and in health" (ibid), it is inevitable that this relief will not only be exploited by those not able to provide for themselves – with Hayek explicitly invoking the term "the deserving poor" – but also by some who would have otherwise been induced to provide for themselves. What is thus crucial for Hayek is that the corollary of the concession or duty of 'the public' to provide for the "extreme needs" of vulnerable sections of the society, "irrespective of whether individuals could and ought to have made provision for themselves", is precisely an effort to compel them to "insure" (or otherwise provide) "against those common hazards of life" (ibid).

If the mutual implication of the public provision of social security and modes of compelling individuals to provide for themselves strikes as something of a paradox, interweaving the theme of freedom with that of forms of compulsion, for the 'defenders of liberty' this exception is economically resolved as a cost benefit equation between coercion and liberty:

> Such a programme [of social security] would involve some coercion, but only coercion of the individual to forestall greater coercion of the individual in the interest of others; an argument for it rests as much on the desire of individuals to protect themselves against the consequences of the extreme misery of their fellows as on any wish to force individuals to provide more effectively for their own needs (ibid).

Thus, if such an approach moves towards forms of 'targeting' of intervention at the 'deserving poor', intervention here takes on both the imperative of alleviating "extreme misery", as well as compelling those who are the subject of public assistance to 'insure' for themselves. Critical here is the place of risk, which, significantly, is not simply the risk of the appearance of extreme poverty, but more profoundly the risks presented to society by this phenomenon more generally (poverty)[203]. In this case, an orientation to social security both identifies the twin-edged risks[204] occasioned by the phenomenon of poverty, and addresses them by attempting to shift the impetus to guard against such risk back onto the poor. What, however, is critical is that such a framework of assistance is motivated precisely as a means

of 'insuring' the current 'order', even if it seemingly marks an exception to it. In this respect, whatever aid for the poor is made available is thus necessarily of a temporary nature and geared towards the separation of such intervention from the normal state of affairs, precisely so that the latter might be given greater security.

One might note a similar logical structure in the broad trajectory of second economy interventions as well as in the implied role of government in Mbeki's characterisation of the division between a first and second economy. For here, what assistance or interventions are undertaken in meeting the extreme needs of an indigent population is, at least in its idealised representations, geared towards the integration of this section into "normal" economic activity of the first economy, underlining a dual governmental strategy of targeted social assistance and the rigorous (neoliberal) management of the first economy (in the hope that growth will absorb what Hart characterises as a 'superfluous population'). What resource redistribution is undertaken under the banner of second economy interventions is thus, in the first instance, made functional to the establishment of 'normal', or rather market forms for the distribution and circulation of resources.

It is, however, important to point out that the tactics that are generalised and integrated into a broader strategy for the management of the indigent population take shape at a number of different poles, and over a far wider time frame than is suggested if we were to simply begin our questioning with Mbeki's first postulation of the two economies thesis. This does not however mean that the thesis is, at a governmental level, insignificant. What the appearance of the two economies thesis marks is thus an attempt at a 'strategic coordination' of governmental tactics for the management of poverty. In Johannesburg, for instance, although it is clear that we can trace the evolution of the city's framework before and beyond the first appearance of the thesis, the emphasis placed by the presidency on second economy interventions will see a deepening of the government managers' orientation to the question of 'poverty', and an integration and alignment of existing tactics into the broader national strategy taking shape. Moreover, once established, a common orientation, however unevenly spread, serves as the basis for further strategic alignments and tactical sharpening (see *Chapter 4*, see also *Dossier on (bio)Power* and *Dossier Government and Sovereignty*).

In his 2008 'State of the Nation' address Mbeki thus introduced a new term into the national discourse on poverty: 'the war on poverty' (Mbeki 2008). Outlining some of government's achievements and persistent challenges in its 'war on poverty', Mbeki's speech works to confirm the trajectory of the earlier two economies thesis. What the new discursive figure marked was, therefore, less a new direction, than the consolidation, deepening and extension of existing strategies, paralleling the introduction of new tactics. For instance, in the face of growing food crises, government undertook a limited distribution of agricultural starter packs, as well as evincing a renewed emphasis on cooperatives, albeit still framed within the neoliberal entrepreneurial theme of a poor that pull themselves out of poverty:

> [T]here is a massive campaign to promote self-employment interventions in the second economy through micro-enterprises and co-operatives by organising and training women particularly in rural areas. This is our War Room for War against Poverty (Mlambo-Ngcuka 2008).

The referent of former deputy president's expression, 'War Room on Poverty', is in fact exactly this tendency of aligning, deepening and integrating the field of governmental tactics. In his 2008 address in which Mbeki introduced the term, the 'War Room' figures as a space opened up by establishing lines of communication and common operation between a range of government departments at different levels of scale[205], linking and coordinating their activities in identifying "the interventions required in specific households and implement[ing] them as a matter of urgency" (Mbeki 2008). In the televised SABC interview following his address, Mbeki clarifies the orientation of the War Room on Poverty in terms of a consolidation, outlining a trajectory that marks out a path towards a national indigent register, focused explicitly on the household as a target of governmental intervention:

> The issue of that national war room arises from we're saying that as government, because of the extensive support system in government for poor families, we actually have a very extensive register of poor households. Because they're already receiving assistance, so people come, my name is so and so, this is my address, this is my ID number, and the base of which they get support of one kind or another. So we know which household is under strain, and we're therefore saying that let's

> then get into each household and rather than just have blanket programmes, general programmes which do reach people, let's go from household to household. Because it's there. I'm saying we've got the register because they're already receiving assistance. What then do we do with this household to make sure that we speed up the problem of addressing poverty in that particular household? …It's more than saying you know we are raising the Child Support Grant age to whatever, and then you make money available for that…That's fine as far as it goes, but to go beyond that is as I say to come down to these individual households, and that's why you need a mechanism to be able to do that, that is, the war room on poverty (Mbeki and SABC 10 February 2008).

At a governmental level, what the introduction of two economies thesis, and, we might add, also the war room on poverty, relate to, is thus the tracing of what, after Foucault, we might call 'a line of force', understood as a movement towards a national institutional framework for the management of an indigent population (albeit a movement of clumsy and heuristic steps) through the extension, development and alignment different tactics.

A point that is often underemphasised by the critics of the two economies thesis, who, as we have, tended to focus on the role of the thesis in deflecting criticism from the left, is precisely how it worked, equally, to mute criticism from the right around the over extension of government in combating poverty by underlining the subordination of second economy interventions to the sound management of the first economy, as well and the more diffuse theme of integration. The postulation of a second economy thus stands as grounding for both an exception to the (neoliberal) material constitution[206] (in terms of direct (albeit it targeted) financial transfers and limited access to services on a decommodified basis) and the formal constitution of South Africa (dual state frameworks, and the whole question of citizenship). Ironically, it can nevertheless claim faithfulness to each by postulating a transitional vocation for government in which its poverty interventions will (at least theoretically) work to progressively integrate the subjects of a second economy into the normal economic activity of the first (whose idealised model is waged labour) understood as both the establishment of sound market relations, and, as "*a collateral effect*", the realisation of the promise of citizenship[207] (see Dossier on Government and Sovereignty).

It would be important to ask why government needs the two economies thesis or, for that matter, the idea of a 'war on poverty'. If, as we have seen, these characterisations mark consolidations and extensions of government's tactical approach, the latter could just as easily take on less metaphorical, more practical terms. After all, intergovernmental communication and institutional structuring gain little from the pomp and ceremony with which such figures are passed into the public realm, dressed, we might add, in the imaginings of 'a nation on its path through history' (as in Mbeki's State of the Nation addresses).

A quick answer is that the cold and indifferent 'cost-benefit analysis' of neoliberal governmentality needs a popular form for its circulation on the terrain of modern nationalism. In fact, it is not at all unjustified to treat the thesis as a rhetorical gesture that (re)coded neoliberal rationality for the progressive 'will' of the nationalist imaginary[208]. As Greg Ruiters points out, "[n]eoliberalism as an ideal type has the same basic features everywhere, but in every country it has to fight for it own popularity and credibility, its own local idiom, and evolves unique forms, creating what Jessop calls 'actually existing neoliberalism' (Ruiters 2006). If the coiners of the term "actually existing neoliberalism" sought to emphasise the context specific paths of neoliberal restructuring, what the two economies thesis highlights is the extent to which this takes on not only a politico-institutional dimension, but also came to imply a process of 'indigenisation' within the discursive forms of post-apartheid nationalism. If there is little doubt that the thesis is less meaningful as an account of a socio-economic reality, its articulation is nevertheless a significant moment in clarifying what Ruiters has called 'the local idiom of neoliberalism', attempting to clothe neoliberal governmentality with the discursive forms of post-apartheid nationalism. (See also *Chapter 4*).

What comes into view at this point is the limit at which we pass over from the governmental problem framed by the two economies thesis, to its vocation in the public contestations that characterise post-apartheid politics; and here the question of 'why government needs the two economies thesis?', begins to coincide with the question of 'why government needs (popular) sovereignty', which, in a society like ours, is 'made'[209] with the public acclamation of a people, and the affirmation of national will.

3.4. The Post-apartheid Promise

3.4.1. The Two Economies and the NDR

In connecting the two economies thesis to the vicissitudes of post-apartheid nationalism, it is again Gillian Hart's reading of the thesis that proves instructive. Indeed for Hart, the political coordinates of the thesis are given not in relation to the epistemological foundations of Mbeki's approach to that level of reality we call the 'national economy', or merely in relation to the specific governmental challenges driving the state's evolving tactical approach, but more precisely within the political genealogy of the rearticulation of the NDR by the 'ruling bloc within the ANC' (Hart 2007a). Thus, for Hart, the 'vociferous' and 'aggressive' deployments of the NDR conception to discipline the 'ultraleft' (both within and outside the broad alliance, see also *Chapter 1*), and the "further redefinitions of the of the NDR in terms of a first and Second Economy" (ibid: 96), are two slopes dropping down from the watershed opened with the resurgence of political antagonism on the ground of municipal service delivery and more broadly, post-apartheid government. This insight proves crucial if, with some nuance, it is seen that the political antagonisms caught up on this terrain stretch beyond the counter hegemonic articulations of social movements, to collect the multitude of everyday acts of resistance to forms of state (in)action[210]. In pointing us to the intimate connection between the thesis and the mutating figure of the NDR, Hart allows us to recognise this conception (of two economies thesis) within that overburdened treasury that holds the artefacts of post-apartheid nationalism, and rediscover the sublime kernel of the post-apartheid nationalist politics – that shifting image of the past with its idea of the future.

As I suggest in *Chapter 2*, the modern vocation of the theory that developed under the banners of 'Colonialism of a Special Type' and the attendant concept of a 'National Democratic Revolution', was to give the terms of many of the political contests of the present. If the former (CST) has 'wizened' and knows to 'keep out of sight', and the latter (NDR) re-signified to meet the challenges opened by the present, the enduring legacy of the theory was nevertheless to give the signs and generic frame of the hegemonic contests of

post-apartheid South Africa, narrowing and subsuming the political realm under the cover of a contest whose stakes are precisely 'the image of the past and an idea of the future in whose name the struggle was said to have been waged'. And it is across these signs that we find unfolding, not only the battles that dog the priests of post-apartheid nationalism, but also the discursive strategies through which the exceptions to the 'utopian ideals of civic nationalism' are not only presented, but more importantly, motivated - necessitating that we rethink each accordingly.

In many ways, the two economies thesis confronts the limits of the ideals of civic nationalism, and in some respect even offers an admission of the emptiness of the landscape of post-apartheid citizenship for the poor. However, it does so only by connecting these limits to the unexhausted legacy of apartheid and national oppression, and thus to the persistence of the "structural faults" and barriers it created, while reaffirming the ideal of transcending such limits as the object of a national will. In this context, growth in the economy (as a consequence of 'correct' policy) that could absorb the poor, carries the symbolic weight of the (progressive) realisation of the promise of citizenship, figured here in relation to an imaginary centered on integration into wage labour, and the positive externalities of the entrepreneurial habits of the population. At the same time, however, the ideal of 'progressive realisation' - through a form of *providential* allocation - underwrites as well the deployment of exceptional measures in catalysing integration and fostering the correct conducts for a poor on its way to a first economy. Critically however, it is precisely a particular conception of South Africa's dualistic past, and a representation of the ideals in whose name the struggle against apartheid (here homogenised) was said have been fought, that such a perspective on (progressively realised) citizenship must be recoded within in order to serve as a source of legitimacy for the implied governmental trajectory.

It has been pointed out that there is a striking, and I would add paradoxical, relationship between the two economies thesis and Mbeki's earlier two nations thesis (ibid). Presenting on the questions of 'Reconciliation and Nation Building' during a 1998 session of the general assembly, Mbeki, then the Deputy President, develops a conception bearing many of the marks of his later two economies thesis, but to very different end:

> South Africa is a country of two nations…One of these nations is white, relatively prosperous, regardless of gender or geographic dispersal. It has ready access to a developed economic, physical, educational, communication and other infrastructure …The second and larger nation of South Africa is black and poor, with the worst affected being women in the rural areas, the black rural population in general and the disabled. This nation lives under conditions of a grossly underdeveloped economic, physical, educational, communication and other infrastructure. It has virtually no possibility to exercise what in reality amounts to a theoretical right to equal opportunity, with that right being equal within this black nation only to the extent that it is equally incapable of realisation. This reality of two nations, underwritten by the perpetuation of the racial, gender and spatial disparities born of a very long period of colonial and apartheid white minority domination, constitutes the material base which reinforces the notion that, indeed, we are not one nation, but two nations…And neither are we becoming one nation. Consequently, also, the objective of national reconciliation is not being realised (Mbeki 1998b).

The pessimism of the two nations' thesis, marked a significant shift from the language of 'a new South Africa' in which Mandela had cast his image of reconciliation, and would come to stand in stark contrast to the dualism of Mbeki's 2003 State of the Nation address announcing the 'turning of the tide' that drives national progress. This is no doubt a testament to the, often noted, flexibility of the ANC's invocations of nationalism. But no less jarring is the explicit racialisation in this earlier thesis, which although unavoidable in the latter conception, is careful to remain implicit.

What draws these statements together is their common investment in a dualistic image of the national past, with attendant effects on the present. As Alexander points out, such a dualistic conception has a strong precedent in the nationalist traditions of the SACP and ANC, finding its most explicit formulation in the Theory of Colonialism of a Special Type (Alexander 2002: 37). The post-apartheid articulations of the notion of a NDR must, then, be read also in relation to what are often presented as the remnants of a fractured national past. A fact that helps mark the space between Mbeki's statements in 1998 from his later formulation, is that in this (1998b) iteration it is the "material base" (that is the singular

economic) that both structures the division between the two nations, and acts as the motor that drives and enables the project of national reconciliation. However, in 1998, with the principal challenges to the ANCs hegemonic project coming from the parliamentary right, whose leadership and support were drawn largely from white middle class constituencies, these remnants are represented as going beyond the 'objective' forms through which the legacy of the past is imprinted on the present, to take on a "subjective" dimension as well. If Mbeki is clear that much will be needed (time and resources) in order to create a "material base" - free of the "spatial disparities born of a very long period of colonial and apartheid white minority domination" – to support a project of nation building and reconciliation, he is no less adamant that "the various parties in… parliament and our society at large" are not "behaving in a manner" that promotes these objectives (that is reconciliation and nation building).

The not so thinly veiled critique of white South Africa that runs out of Mbeki's two nations thesis is thus read by Alexander as an attempt to demonstrate to the "powerful strata of society how easy it would be to mobilise the urban and rural poor for racial conflagration"(Alexander 2002: 38). This is perhaps one way of reading the final note that is sounded when Mbeki ends his speech with an apocalyptic invocation of Langston Hughes to warn of the simmering of "a dream deferred" just before it "explodes". However, in the later two economies thesis, (re)presented for an altered political terrain, the division is no longer between two nations, but structures a split in the very body of the people; between those whose can participate in all the nation 'has to offer' (the benefits of national wealth and progress) and those who cannot. It is the image of the first economy (in the language of the two nations thesis, the material base) vibrant and robust, that holds promise of citizenship, democracy and progress, while the image of the second economy belongs to another temporal form, figured as the stubborn imprint of the past on the present. No longer emphasised is a subjective dimension (even if, as we have seen, subjectivity is precisely what turns our to be at stake), but rather a structural fault that separates a national people from itself, and splits the nation along temporal forms (relating back to the nationalist principle of progress). In both, however, the dualistic 'image of the past' persists as remnant in the present, becoming the point and motivation for state action expressed as national will - whether as threat against the 'agents of the old order', or in producing bare life.

3.4.2. Native Intelligence

Fanon's remarkable achievement, 'The Pitfalls of National Consciousness', which is perhaps the most devastating indictment of the postcolonial national bourgeoisie, and a common waypoint in the critique of the post-apartheid ruling class, presents an instructive point of contrast to the narrative strategies of Mbeki's nationalism. In Fanon, for whom the failures of the national bourgeoisie simply underlined their inability to articulate a nationalist pedagogy that might urge "the people to their concrete task", the leader can represent the people only in a fleeting image of the past:

> For Years on end after independence has been won, we see him, incapable of urging the people to the concrete task, unable really to open the future to them or of flinging them into the path of national reconstruction, that is to say, of their own reconstruction; we see him reassessing the history of independence and recalling the sacred unity of the struggle for liberation. The leader, because he refuses to break up the national bourgeoisie, asks the people to fall back into the past and to become drunk on the remembrances of the epoch which led to independence. The leader, seen objectively, brings the people to halt and persists in either expelling them from history or preventing them from taking root in it (Fanon 2001: 135).

Indeed the figure touched by Mbeki's thesis - the subject supposedly immune to ('correct') state operations at the level of society, or rather a figure that resists capture and activation with the present framework of government intervention – (in narrative) belongs to the same temporal form as Fanon's people who the leader 'brings to a halt', either expelling them from history or preventing them from taking root in it. While it would not be hard to read in Mbeki's contribution to the 'government of the state' a failure to 'break up the national bourgeoisie' (thus aiming the passage in critique at his 'legacy' as president, in naming, and attributing the persistence of this figure to a 'structural fault'), the two economies thesis – invoking the specters of colonialism, apartheid and the mythologies of national oppression – is testament to a 'native intelligence' that pushes Mbeki beyond the comprador image of his caste so devastatingly caricatured by Fanon. If Fanon's leader had deployed the 'subjective

antiquity of the nation'[211] – a history of national oppression and a victorious struggle for liberation – in response to the harrowing contradictions of the post-colony's entanglement with modernity, tempting the 'people' to forget themselves in the sacred unity of the struggle (for national liberation), in a desperate attempt to bring the limits of the present under erasure, in Mbeki's presentation of the two economies thesis, both unity and dissymmetry, both progress and limit, are run simultaneously. If the 'sacred unity' of the struggle against apartheid is always present in Mbeki's discourse, it is mobilised here only to be redeployed against that figured as the remnants of the past in the present. And indeed this image of the past, as a remnant, becomes the target of a new nationalist pedagogy that works to reinforce a principle of progress that is in Mbeki now properly bourgeois[212].

The discursive figure, which in many ways seems to fill the space vacated with the decline of the popularity of the two economies thesis, is the ANC's recent proposition of two transitions, later rearticulated by the 2012 policy conference as the two phases of the transition. This characterisation, like the two economies, seeks to give popular discourse an idiom that can be embraced as an expression of popular will with respect to governmental action. And, like the two economies thesis, it too is centrally concerned with the reasons for the elusiveness of social citizenship after the fall of apartheid. Unlike the two economies thesis, however, it is not a 'structural fault' but the very limits of the first transition (focused merely on political rights and inclusion), that gives the limits of post-apartheid citizenship for the poor. In some ways, this should be seen as a concession to, and effect of, critique of the form of liberation and the transition. The proposition of a second transition, or second phase of the transition, focused on economic transformation, also reconnects the idea of a national democratic revolution back to a more 'classical' articulation of two stage theory, that now moves us away from the temporal forms of Mbeki's nationalism and the two economies thesis.

Although it should be clear how the second transition conception is part of the mutating NDR discourse, perhaps the most important difference between the two economies thesis and that of a second transition, is their respective relations to the pole of government. For, where the two economies correlates to a well-defined paradigm of government, the idiom of a second transition, which seeks to give expression to a particular national will (for economic

transformation), still lacks any distinct practical points of reference. The apparatus for the government of the poor remains that evolving set of elements and relations between them whose public emblem was the two economies characterisation. This aside, what the discursive figure of a second transition seeks to do, is to re-inspire the sense of belonging to a collective subject in the form of a nation united by an ethical, common historical mission, in order to ward off the creeping sense of malaise that the World Cup only temporarily abated. The crisis remains poverty and inequality, underlined by the struggles of the poor.

As the stakes clarify it is crucial to see that the two economies thesis was, at its core, a way of imagining the nation and its people, a narrative that models a grammar to reconcile the nationalist principle of progress with the growing material inequities of the national population. Such an approach, treating the thesis as narrative, is in fact invited when we are asked to think of the thesis as a metaphor. What is a metaphor after all, if not a narrative, or way of imagining something? As Bhabha, among the foremost theorists of modern nationalism, remarks, "[n]ations, like narratives, lose their origins in the myths of time and only fully realise their horizons in the mind's eye" (Bhabha 2006: 1), or as Anderson says, they are 'imagined communities'.

3.4.3. A Politics of the Governed

I would like to begin drawing together some of the lines opened by this chapter's discussion of Mbeki's two economies thesis, by returning to one of the secondary aims motivating this study, i.e., attempting to think the relationship between government and popular sovereignty in post-apartheid South Africa. As should be clear, at the level of government, the evolving post-apartheid tactical approach to poverty with which the two economies thesis came to be associated, is, I believe, of far greater significance than anything the thesis says on the character and causes of poverty. At, this level, however, the thesis allows us to glimpse something of the shifting ways in which government officials have come to view a deepening orientation to the problem of poverty within the context of a governmental framework swayed by neoliberal rationality and resistance to it. Far more interesting, however, than the properly governmental significance of the thesis was its vocation in representing this governmental framework in public discourse. And in this respect, what the

thesis attempts to erase is an antinomy at the centre of the modern nation-state, but ironically, in so doing also inadvertently underlines it[213]. Although the real protagonist of Chatterjee's extraordinary study, *The Politics of the Governed*, is what he calls political society, and the modern figure of the 'governed', in many ways (and certainly in the formal presentation of his argument) it arises out of a confrontation of the very antinomy that Mbeki's thesis allows us to see:

> [T]he classical idea of popular sovereignty, expressed in the legal-political facts of equal citizenship, produced the homogenous construct of the nation, whereas the activities of governmentality required multiple, cross-cutting and shifting classifications of the population as the targets of multiple policies, producing a necessary heterogeneous construct of the social. Here, then, we have the antinomy between the lofty political imaginary of popular sovereignty and the mundane administrative reality of governmentality: it is the antinomy between the homogeneous national and the heterogeneous social (Chatterjee 2004: 35).

In a very real way, Chatterjee's reading of the world of the modern nation state from the vantage of post-independence India, is concerned with the same set of processes that in the *Dossier on Government and Sovereignty*, I explore through the political philosophy of Foucault and Agamben. In Chatterjee this is, on the one hand, the process that, with the canonisation of the moment of French revolution, brought together "the promise of enlightened modernity" with the "universal political aspiration of citizenship" [in the nation-state] (ibid: 27). On the other, it is the process of what, following Foucault, he calls "the governmentalisation of the state", according to which state apparatuses become increasingly focused on 'care', conceived in relation to the promotion of the health and well-being of populations (see *Dossier on Government & Sovereignty*).

In spite of the antinomy between government and sovereignty, however, political modernity and popular sovereignty are deeply connected, underscoring "the identity of the people with the nation, and in turn the identity of the nation with the state" (ibid: 27) - a set of equivalences that is the condition of the legitimacy of the modern state. So deep is this connection in fact that it appears here more universal than democracy, for as Chatterjee

points out, even the most autocratic and dictatorial regimes "all rule, or so they must say, on behalf of the people" (ibid). For Chatterjee there is, however, an impassable chasm between "the universal affiliations of civic nationalism", between the homogeneity and equality of a cohort of citizens who participate in the sovereignty of the state, and the particular, heterogeneous identities of the modern governmentality, whose subjects are not the figures of citizen or the people, but integers of the national census. In this context, while it is clear that the legitimacy of the modern state is drawn from the well of popular sovereignty, the work of government nevertheless becomes an ever more specialised and technical practice, "less a matter of politics and more of administrative policy, a business for experts rather than political representatives" (ibid: 35). The immeasurable virtue of Chatterjee's study is to throw light on the forms of politics taking shape on the horizon of modern governmentality, and which exceed the narrow associational grid of civil society. What Chatterjee throws light on is the politics of the governed, that is, the wide set of practices, often skating the boundary of legality, that anticipate and respond to governmental categories for administering to the life of populations - practices that are often structured in order to draw a particular subject into governmental lines of visibility in order to become target of government intervention, or, alternatively, to avoid capture by its disciplinary technologies. Rather than the utopian space of civil society, for Chatterjee these practices, which are deeply entangled with modern governmentality, are the real centre of politics in 'most of the world', the place of politics where the promise of citizenship is only the elusive dream of nationalists.

Reflecting on the tension between this vision of the politics and one emerging from the aspirations of civic nationalism, Chatterjee writes:

> We have …described two sets of conceptual connections. One is the line connecting civil society to the nation-state founded on popular sovereignty and granting equal rights to citizens. The other is the line connecting populations to governmental agencies pursuing multiple policies of security and welfare. The first line points to the domain of politics described in great detail in the last two centuries. Does the second line point to a different domain of politics? I believe it does. To distinguish it from the classical associational forms of civil society, I am calling it political society (ibid: 37).

These two lines, or rather two ways of thinking politics today, and the tension between them in the South African context, is what is part of the focus of this work. The first draws us to the vicissitudes of post-apartheid nationalism and the aspirations that motivate elite civil society. The second line, however, moves us toward the forms taken by modern governmentality in its encounters with resistances of the poor. The first underscores the ambivalent imaginings of the nation and its people in homogenous open time, while the second forces us to stray afield of these political identities, highlighting the "heterogeneous and unevenly dense" time of a politics of everyday. The first line gives us the image of nation, but it is along the second that we grasp the temporality of government, or rather the temporalities founded on the double movement between resistance and governmentalisation.

Such a focus is not however innocent, and what impels us, hopefully, along each of these lines is the desire to discover something else: neither the politics of an elite, nor of a governed, but a politics in which the very 'order' that underscores such division is what is being placed into question.

Dossier on Government & Sovereignty

I

As we have seen, it is important to go beyond declarations of national will to the question of government, and to understand the latter on the basis of the rationality that develops internal to it. At the same time, it seems a grave mistake to jettison the thematic of sovereignty, especially in its popular form. Our analysis of the two economies thesis and the governmental forms that are linked to it, demonstrates the importance of the mode of coordination that moves us from one to the other as the motions of the legitimate exercise of state power. While one might well conclude (and many have), that there is only an expedient and instrumental relation between the ANC's NDR discourse, and the actual practice of it representatives in government, I want to suggest that there is a lot more at stake here than either duplicity or betrayal.

Where in previous chapters (see *Chapters 2 and 3*) I attempt to develop a practical feel for the ways post-apartheid invocations of the people (as the bearer of sovereignty) come to be directed at underwriting governmental action, in this dossier I want to take up some of these themes in a more abstract way.

This dossier is divided into two sections, separated by an intermezzo. Continuing in my research focused on Foucault's conception of power, the first section sets out an account of the turn in his work to the question of government. After reproducing the genealogy Foucault gives for governmental power, and the important place he gives to economy and population, I also suggest that it is necessary to extend Foucault's discussion of Rousseau in order to understand the relationship between government and sovereignty in the modern. The intermezzo, therefore, briefly reflects on Rousseau's *Social Contract* as a preface to my discussion of Agamben's recently published *The Kingdom and the Glory* (2011), which offers an intriguing supplement to Foucault's discussion. Indeed, what Agamben offers is a way for us to understand how an idea of will comes to be the connector for bringing together the seemingly antonymous poles of the state.

II

...stepping outside

The genealogy that Foucault sketches out in his important February 1978 lecture is by now well known[214]. Moving from the thematic of security and population introduced in the first three lectures of the course, Foucault now turns to "an inventory of the problem of government" (Foucault 2007 [11/02/1978]: 88), focused explicitly on the entry of the notion of *'economy'* into political discourse, and, in this sense, on the birth of 'political economy'.

Doubtless the enduring importance of the lecture is to mark the introduction of the concept of 'governmentality' into Foucault's 'reworking' of the theory of power, and with it, his confrontation of the question of the state. And, just as the problem of a disciplinary power focused on the individual body opened onto a questioning of the 'prison form', it is along the path that begins with the problem of a biopolitics of population that Foucault is led to a questioning of the governmental form.

In order to understand Foucault's approach to 'the state' it is worth recalling Deleuze's formulation; (for Foucault) 'there is no state, only state control' (see *Dossier on (bio)Power*). By my reading, part of the importance of the concept of governmentality in Foucault's overhaul of the theory of power, is to allow him to trace 'the strategic coordination of forces' whose '*effect and condition'* is the institutional form we call the modern state. And again, as it had been for his investigation of the prison form, what is important is less the institutional model of the state (taken as the centre and source of governmental power), but rather the technologies that are established, the tactics and strategic alignments that give the exercise of power its coherence and conditions of reproduction, and in this way, establishing the 'hegemonic effects' that enable us to 'see and speak' of something like a state (as a particular institution invested with sovereignty taken as a 'privileged object of knowledge').

At the start of the course, Foucault outlines what he calls the "triple displacement" entailed in the study of governmentality, conceived of as a "stepping outside" of the institutional frame of state analysis:

> The point of view adopted in all these studies involved the attempt to free relations of power from the institution, in order to analyse them from the point of view of the

> technologies; to distinguish them also from the function, so as to take them up with a strategic analysis; and to detach them from the privilege of the object, so as to resituate them within the perspective of the constitution of fields, domains and objects of knowledge (Foucault 2007 [8/02/1978]: 118).

In the following year's course, *The Birth of Biopolitics*, Foucault in fact locates the analysis of governmentality within a 'methodological' approach that begins by "supposing" that "universals", such as the sovereign or state, do not exist (Foucault 2008 [10/01/1979]). Instead, the analysis of governmentality proceeds through an investigation focused on the "concrete" practices of government. Nonetheless, Foucault is absolutely clear that this investigation into the "government of men" is undertaken only in so far as this is the form "the exercise of political sovereignty" 'appears' in (in this context, the study of government only in so far as it is the government of the state[215]) (ibid: 2).

To summarise, where Foucault found in the traditional theory of power (and the state) an approach that makes sovereignty 'the condition of the intelligibility' of government, he now characteristically reverses this position, making government, the concrete practices and rationality of rule, the object of his analysis. And here, this methodological reversal is seen as the passing of "universals through the grid of practices" (ibid: 3), as 'a bottom up' approach to an investigation of the modern state[216]. In this respect (as if to offer the bare outlines of 'the strategic coordination' that is the subject of Deleuze's "state control"), the study of governmentality is defined in terms of a triple articulation:

> First, by "governmentality" I understand the ensemble formed by institutions, procedures, analyses and reflections, calculations, and tactics that allow the exercise of this very specific, albeit very complex, power that has the population as its target, political economy as its major form of knowledge, and apparatuses of security as its essential technical instrument. Second, by "governmentality" I understand the tendency, the line of force, that for a long time, and throughout the West, has constantly led towards the pre-eminence over all types of power – sovereignty, discipline, and so on – of the type of power that we can call "government" and which has led to the development of a series of specific governmental apparatuses (appareils) on the one hand, [and, on the other] to the development of a series of knowledges (savoirs). Finally,

> by "governmentality" I think we should understand the process, or rather, the result of the process by which the state of justice of the Middle Ages become the administrative state in the fifteenth and sixteenth centuries and was gradually "governmentalised" (Foucault 2008 [01/02/1978]: 108-109).

It is important to reiterate that, for Foucault, this methodological shift is itself motivated by the "profound transformation" undergone by the technologies of power, that, in *Security Territory Population*, is located now no longer in the emergence of a disciplinary power centred on the individual body in the late 17th century, but within a wider development of an art of government, traced to the nascent reason of state literature that, in the 16th century begins to think about the question of government[217].

III

...against the prince

Foucault's "inventory" begins by focusing on what he calls an 'explosion' of treatises on the "arts of government" in the 16th century (Foucault 2007 [01/02/1978]: 89). And the significance of this new literature is its attempt to found an "autonomous" art of government. And not surprisingly then, in the discussion that follows, a diagram of government is given through a catalogue of the ways it pushes away from the "juridical paradigm of sovereignty".

It is worth pausing on Foucault's strategy in this respect. For in "picking out" of this literature its approach to the "government of the state", (or what he also calls, "the political form of government"[218]), Foucault undertakes a comparison between this vast literature and a single text, Machiavelli's *The Prince* (a text Foucault says was " a constant point of repulsion" for the new tracts on the art of government). Critically, in this exposition, *The Prince* stands in[219] for the broader 'juridical theory of sovereignty'.

There is then a real, and no doubt intentional, symmetry that forms between Foucault's broader methodological approach to modern power (that is, more or less, constant through the course as well as much of Foucault's late work), and his account of the relationship between the literature

on an art of government and *The Prince*. However, I wonder if this doesn't, from the start, 'rig the deck'.

For instance, reading the lecture off the grid of Foucault's methodological concerns, the displacement of sovereignty in an approach to the state appears reflected off the lecture's hermeneutic approach to the literature on government. In this account, the opposition of the literature on government to the paradigm of *The Prince* figures at the same time as an attempt to found a practice of government that would be able to develop autonomously from the "juridical theory of sovereignty".

The problem is that here, the hermeneutic outcome - as a conception of an 'autonomous art of government' - works to ground and reinforce Foucault's methodological approach with respect to sovereignty. And it is precisely this symmetry, which becomes a circularity, that is at the centre of the lecture, if not the entire course; that is, of an approach in which the displacement of the figure of the sovereign becomes not only the principle of the intelligibility of modern power, but seen from this perspective, also the inner telos of governmental power itself. This does not necessarily mean that such an account is incorrect, since the decisive issue is a historical rather than a logical one. But what does seem to me a concern is how such an approach might itself skew Foucault's reading of the opposition of this new literature to Machiavelli's *The Prince*.

... The question of government

Figured around a set of problems described as "typical of the 16th century" - of "how to govern oneself, how to be governed, how to be the best possible governor" – the literature on a new 'art of government' is shown to emerge at the "intersection" of the two processes that have made the 16th century such an important theatre for understanding a European 'modernity'. On the one side, the establishing of "the great territorial, administrative, and colonial states"; on the other, the radical transformations set off by the Reformation and the Counter Reformation (ibid: 88). And in-between (reinforcing what we have said about the place of resistance in Foucault's approach to power), 'provoking' these processes, there are a whole series of "insurrections of conduct" tied to the "pastoral revolts" of the 15th and 16th century (ibid: 228).

It is at this moment - in which the transformations of the profane and sacred paradigms converge in the reorientation of the theological-political landscape of the 16th century - that the problem of government comes to be posed with an original urgency:

> On the one hand there is the movement of state centralisation and, on the other, one of religious dispersion and dissidence…[I]t is at the meeting point of these two movements that the problem arises, with particular intensity in the 16th century of 'how to be governed by whom to what extent, to what end, and by what methods' (ibid: 88).

It should be remembered that this question is itself the composite of 'a double movement'; between a questioning of 'how to govern' and 'how not to be governed' (see *Dossier on Critique*).

...the prince

What then is the reading of *The Prince* found in this literature? According to Foucault, read from the perspective of the new art of government, the prince is characterised by a single, general principle, that of existing "in a relationship of singularity and externality, of transcendence, to his principality" (ibid: 91). So conceived, the prince has no "fundamental essential, natural and juridical connection" to his principality. Instead what binds the two is a "synthetic link", whose only basis is in fact the transcendence of the prince[220]. As such, this link, between the prince and his principality, is necessarily understood as "fragile" and "under threat", whether externally, from outside enemies who might seek to conquer the principality, or internally, from subjects who have no "a priori" reason to accede to the prince's rule (ibid: 91 - 92). From this, then, is deduced the "imperative" that "the objective of the exercise of power is…to maintain strength, and protect the principality" (ibid: 92). In this account, what the prince protects is therefore not so much the "territory and it inhabitants", as this "relationship of the prince to his subjects and his territory" (ibid: 92).

IV

...an art of government

Schematically then, and skipping over the rich historical and literary detail of Foucault's discussion, we might consider several points that, in this account, distinguish the new art of government from the paradigm of *The Prince* outlined above.

First, in contrast to the "singularity" of the prince, there emerges in this literature a "multiplicity" of forms and practices of government (Foucault speaks of the government of the father over the household, the government of the superior over the convent, the government of the teacher over students, and so on). The government of the state by the prince appears only as a "particular mode" of government amongst others. Secondly, where the prince's relation to the principality, (understood here as "the territory and it inhabitants"), is essentially one of "transcendence", for the literature on the art of government, the different modes of government are "internal" or "immanent" to the state. The father, for instance, governs through mechanisms and relations that are internal to the household (ibid: 93), but, as such, also through mechanisms and relations that remain internal to the state.

What will become important for this literature is therefore ensuring the continuity between different forms of government; that is establishing a continuum going from 'the prince's government of the state', to 'the individual's government of self'. In the example of 17th century writer, Francois de La Mothe Le Vayer, what Foucault emphasises is the ways in which the art of government "refer to and postulate an essential continuity" from one form of government to another (ibid: 94). For instance, in a series of "pedagogical texts" prepared for the French Dauphin, Le Vayer outlines a basic hierarchy of forms government, where each level corresponds to a particular "science": "the government of oneself, which falls under morality; the art of properly governing a family, which is part of economy; and finally, the "science of governing well" the state, which belongs to politics" (ibid: 93-94). In this schema, "the education of the prince" will enable "upward continuity", following from which, "when the state is governed well", then there will be downward continuity, such that a father will know how to govern over his household, and individuals will know how to "conduct themselves properly" (ibid:94).

Where, for the paradigm of *The Prince*, it was essential to constantly reinforce the transcendence of the prince and the irreducible "discontinuity between the prince's power and other forms of power" (ibid: 94), for the art of government the opposite is the case, and state practice involves identifying and lubricating "both an upward and downward continuity" (ibid). According to Foucault this descending line is what now begins being called police, understood as the governmental mode for affecting the conduct of the individual and the family. Foucault gives the formula: "the education of the prince assures the upward continuity of forms of government, and police assures their downward continuity" (ibid).

For a practice of government that takes the form of "a conduct of conduct", the articulation between these two lines, pedagogy and police, becomes the principle that ensures the alignment and strategic coordination of the myriad forms of government with the government of the state - that is to say a continuity underpinned by a movement that is (now) simultaneously ascending and descending.

It is, however, economy as the central term that plays the decisive role. Deriving from the Greek term "oikonomia", relating to "oikos", or household, *in the genealogy outlined by Foucault,* economy enters political thought designating the government of the household and family[221]. In the literature on the art of government, the essential question will thus be, how to introduce the "meticulous attention" of a father towards his family and property into practice and "the management of the state" (that is, how to introduce economy into political practice) (ibid: 95). According to Foucault, this was still the way Rousseau, in his 18th century essay 'Political Economy' poses the problem (ibid). Importantly the Rousseau we find in this account is shown to have already moved away from the notion of economy conceived along the model of the family.

What marks out this period for Foucault is that the "essence of this government, as the art of exercising power along the lines of a model of economy, will have what we now call economy as its principle object" (ibid) [222].

...disposition

The shift to government, conceived along the model of 'economy', underscores a deeper reorientation of the target and strategies of power. Where territory was the object of power for the theory of sovereignty,

the emphasis now shifts to "things". For instance, in the writings of 16th century author, Guillaume de La Perrière, government is defined as "the right disposition of things arranged so as to lead to a suitable end" (ibid: 96). But here, the word 'things' do not simply mean a set of objects, but rather, denote "men in their relationships, bonds, and complex involvements with things like wealth, resources, means of subsistence, and, of course, the territory with its borders, qualities, climate, dryness, fertility and so on" (ibid).

Foucault gives the example of what he calls the "inevitable metaphor of the ship", in which government means taking responsibility for a range of "things"; looking after and managing the crew, as well as the ship itself with its freight; it means steering the vessel with an attentiveness to the weather, the tides, reefs, etc. The government of the ship is characterised by "the practice of establishing relations between the sailors, the vessel, which must be safeguarded, the cargo, which must be brought to port and so on" (ibid: 97). In the same way, the father's management of his family is not merely aimed at protecting his family and possessions, but involves a wider set of objectives and tactics, and that take as their target the different elements of the household - the ensemble of individuals and goods and the complex set of relations in which they exist – and arranges them in order to realize specific ends. Thus, where for *The Prince* and the juridical theory of sovereignty, territory was the privileged target of power, for the art of government, territory becomes just one element in a broader complex of "things" that government concerns itself with.

What this notion of a government of things is said to move away from, is the apparent "circularity" of the theory of sovereignty. For Foucault, in so far as the end of sovereignty is seen as "obedience to the law", it relates "the end of sovereignty" back to its exercise. For the new art of government, however, concerned as it was with the "correct disposition of things", an order that leads to a "suitable end", governmental practice is determined in relation to the nature of the 'things' it seeks to direct. What becomes important now is precisely *the order of and relations between things* such that they lead to specific ends[223].

Foucault takes care in underlining the importance of the word 'disposer', noting that with this idea of a "disposition of things", the question is no longer one of the imposition of laws as the principle means through which the state seeks to secure specific ends. Instead what is important now are a set of tactics, derived from the *knowledge* of the things government focuses on and attempts to arrange. In this account, then, where the "end of sovereignty is internal to itself and

gets its instruments from itself, in the form of law, the end of government is internal to the things it directs" (ibid: 99). Rather than law, what is important is the diverse range of tactics (which might include law as a means amongst others) through which government 'perfects', 'maximises' and 'intensifies' the process under its management (ibid).

...providence?

The final aspect of Foucault's discussion on the art of government that I want to highlight, is the assertion that governing well involves "patience, wisdom and diligence". With respect to diligence, again the example of the father is used. The father, we are told, wakes earlier than all, and goes to bed after all are already asleep – his is a service to the household. Wisdom relates to knowledge of the things government directs or the "objectives that can and must be realised" (ibid: 100). Again the word "disposition" reappears as that which must be employed in order for these to be obtained. Quoting again from La Perrière, patience is outlined in relation to the "mystical" forms through which God gives us a principle of good government through nature:

> [W]hen [La Perrière] wants to explain …patience he takes the example of what he calls "the king of the honey bees," the bumblebee, and says: The bumblebee reigns over the hive…without the need of a sting. Through this, God wished to show, in a "mystical" way, he says, that the true governor should not need a sting, that is a weapon for killing, a sword, in order to exercise his government. He must have patience rather than anger, and it is not the right to kill, to assert his strength, that should be the essential in the figure of the governor (ibid: 99-100).

Although Foucault does not explicitly touch on it in this lecture, the sovereign has often appeared in his work under the sign of the right to kill, and thus, when he challenges us to "see straightaway" how different this principle of patience is from the account of Machiavelli's Prince, La Perrière's governor's foregoing of a "weapon" for killing is no small part of what he is pointing to.

This passage detailing La Perrière's principle of patience is intriguing for the ways it potentially highlights the limits of the opposition Foucault establishes between the new art of government, characterised by a principle of immanence, and the model of sovereignty with its necessarily transcendent significations (a fact, that we might add relates back precisely to what we have

called the symmetry between Foucault's hermeneutic approach to the new art of government and his broader methodological precaution(/prejudice) with respect to sovereignty).

Throughout Foucault's account of this literature, the relation between sovereignty and government are reduced to a set of oppositions: transcendence/immanence, territory/things, law/disposer, violence/patience, and so on. As we have seen, Foucault's methodological approach to modern power sought to displace sovereignty in order to make government intelligible. However, in so doing, rather than merely displacing a conception of sovereignty, Foucault's discussion tends to empty the conception of any and all symbolic content. Indeed Machiavelli's *The Prince*, even, lends itself to such a gesture. The problem with such a move, however, is that it obscures and even erases the relationship between, these terms, government and sovereignty; which, from Rousseau to the *Freedom Charter*, comes to index the broader problem of legitimacy.

What is, for me, so interesting about this passage in which Foucault relates La Perrière's principle of patience, however, is that, if read from a different approach to the concept sovereignty, an outline of such appears, which, although set apart from the paradigm of Machiavelli's *The Prince*, is nevertheless irreducible to a purely immanent economy. Thus, where Foucault draws from La Perrière's remarks on patience a set of principles for an art of government, he seemingly passes over the transcendent referent here.

Tracing out a model of providence, in the passage quoted above, god's government of the world might be said to mark out, in a "mystical way", not only the general principle of good government for the earthly sovereign, but perhaps is itself suggestive of a broader model of government for the ways god chooses to elaborate the divine law. If this is correct, and what stands at the base of La Perrière's outline of a practice of government is a theological-political perspective expressing an idea of providence, then the question of government, and indeed that of sovereignty, appear in a different light.

...the mirror of the prince

In a recent pair of essays, focused explicitly on the question of sovereignty within Foucault's genealogy on government, Singer and Weir also cast doubt on the lectures' account of *The Prince*. Foucault is careful to specify that the account he is presenting is that of the literature on the art of government (and not necessarily his own). Nonetheless, Singer and Weir suggest that, for the 16th century, the scandal of *The Prince* was less the suggestion of the prince's irreducible externality or transcendence, but that such - in breaking with a long tradition in which the prince rules within 'the continuum of god's government of the world' - could now "no longer be folded into a divine order":

> It was not just that the prince was no longer himself governed (by god's plan), but that the governed no longer appeared, symbolically speaking, to depend for their sense of self, moral substance or purpose on the incorporation into the hierarchical, governing principle. Instead the two terms, 'governed' and 'governing', appeared separate, held together, if at all, by violence and ruse (Singer and Weir 2008: 52).

In posing the question of rule in explicitly (and exclusively) political 'terms' (set apart from the seemingly theological-political model of, for instance, La Perrière), Machiavelli's text marked a radical break with previous discourses on sovereign conduct. The anti-Machiavellian impulse of the emerging reason of state literature, according to Singer and Weir, sought to counter the problem announced with *The Prince* by "placing the finality of rule, and thus its 'object and principle of rationality', on the side of the governed, thereby lessening the division between governor and governed" (Singer and Weir 2008: 52).

What, however, is crucial according to Singer and Weir is that once the "mirror of the prince" was shattered, that is, once the Prince's rule no longer appears as an extension and reflection of god's government of the world - a new basis of rule needed to be set up as well as the redefinition of its object and rationality.

This is in fact an important node in Foucault's genealogy of a new art of government. However, Singer and Weir insist that the implications of such a transformation weigh as heavily on the question of sovereignty as they do on government (Singer and Weir 2008: 52). Foucault would not necessarily have disagreed with this suggestion and explicitly talks about the 'need' for a

rearticulation of the theory of sovereignty, but again, as I show below, only in relation to the challenges facing the development of an autonomous art of government.

V

...unblocking government

In the genealogy we find in the lecture, the theory of sovereignty turns out to be among the broad obstacles Foucault identifies to the new art of government acquiring its "full scope and consistency" (Foucault 2007: 101).

According to Foucault the art of government - whose expansion and development he shows is linked to the "administrative apparatus of the territorial monarchies", the development of statistics, and "mercantilism's efforts to rationalise the exercise of power" - remained "blocked" by the frameworks that characterised royal sovereignty, as well as the narrowness of an initial concept of economy[224]. Foucault also underlines a second source of 'blockage', what he characterises as historical reasons, related to "economic and political emergencies" of the 16th and 17th centuries.

The 'unblocking' of the art of government (like the blockage itself), is grasped only within the context of a set of historical processes. Here Foucault returns to the themes introduced in the earlier lectures and works: "The demographic expansion of the 18th century, which was linked to the abundance of money, which was itself linked in turn to the expansion of agricultural production through a set of circular processes" (ibid: 103). And again, it is the emergence of the problem of population that proves decisive in unblocking the art of government, allowing the model of the family to be displaced as the model for a conception of economy. Foucault argues that it is out of "the perception of the specific problems of the population" and the identification of that "level of reality we call [today] the economy", that it becomes possible to pose the problem of government independently of the juridical framework of sovereign power (ibid: 104). The importance of statistics, then, was to allow for the regularities and phenomena internal to the population to be identified and elaborated on (for instance, "birth rates" and "deaths rates", "incidence of disease", 'productivity', and so on), as well as what Foucault calls the "specific

aggregate effects" of various processes (such as "epidemics", or the "spiral of labour and wealth") (ibid).

Population is now the object, target and even end of government, in the sense that it comes to be about "improving the condition of the population," increasing its wealth, health and wellbeing (ibid: 105). In this sense, it is as if the unblocking of government required power to extend and develop its 'biopolitical referent'. Government now comes to be organised through means and techniques that are, so to speak, "immanent to the field of population" itself, acting both "directly", through "campaigns" directed at the population, and "indirectly", according to arrangements that affect what Foucault often calls the 'regularities' and 'aggregate effects' of population (ibid: 104-105). As we have seen, this means intervention at the level of the milieu as 'the materiality to which the population belongs'. Population is now also "the point around which… the "sovereign's patience" is organized", that is, "it will be the object that government will need to take into account in its observations and knowledge, in order to govern effectively in a rationally reflected manner" (ibid: 106).

For Foucault it is the "constitution of knowledge" of the population that now comes to be called 'economy', understood as "a level of reality and field of intervention". And this is fact how it "appears"[225] to Marx writing in the 19th century:

> It seems to be correct to begin with the real and the concrete, with the real precondition, thus to begin, in *economics*, with e.g. *the population, which is the foundation and the subject of the entire social act of production* (Marx 2005: 100).

Seen in this light, the emergence of a 'science' of 'political economy' is only possible at that moment at which population emerges as "a new subject from the different elements of wealth", and with it a "new form of governmental intervention" conceived as the "intervention in the field of economy and population", and in relation to the "continuous and multiple networks of relationships between the population, the territory, and wealth" (Foucault 2007: 106).

It is perhaps interesting to note, here, that in so far as the 'two economies thesis' (that we discussed in the last chapter) ultimately correlates with a division and break in the population,

'the metaphor' acquires a new meaning when read alongside Foucault's genealogy of the entry of the term 'economy' into political discourse (thus reinforcing the perspective I set out there).

It is, however, important to emphasise that while the emergence of new techniques of government is viewed as a transition away from a "regime dominated by structures of sovereignty", Foucault is absolutely clear that the question of sovereignty does not evaporate, but is, as he says, "never more sharply posed" (ibid: 106). The importance of Rousseau, then, is said to be precisely the manner in which he reposes the question of sovereignty in relation to the problem of government. Speaking about his article *'Political Economy'*, Foucault shows that Rousseau has already shifted from a notion of economy conceived along the model of the family. Thus, when he turns to the question of sovereignty in *The Social Contract*, the question is now how, "with notions like those of "nature," "contract," and "general will," one can give a general principle of government that will allow for both the juridical principle of sovereignty and elements through which an art of government can be defined and described"? (ibid: 107).

But, apart from these brief remarks on Rousseau's *Social Contract*, we are given little sense of the forms sovereignty persists in alongside the development of an "autonomous" art of government. Foucault in fact insists that "we should not see things as the replacement of a society of sovereignty by a society of discipline, and then a society of discipline by a society of, say, government" (ibid: 107), but instead, suggests that what we have is a triangle, whose points are the modalities of power: sovereignty, discipline, and governmental management (ibid; it is also interesting to note how governmental management here replaces the term biopolitics). Yet, where sovereignty (almost always) appears as the alternative pole in relation to which Foucault outlines an approach to the question of government and, more broadly, what he calls modern biopolitics, he rarely attempts to clarify the transformations and ambiguities that befall modern sovereignty in the face of the new forms of power that his work allows us to see.

In taking up this analysis, one of the things we will need to confront is the recurrence of a conception of providence which we saw implied in a liberal conception of government in the previous chapter, as well as in the background of the art of government that Foucault's lecture discusses. Indeed, what do these theological prints in the political, have to do with our problem of the relation between government and sovereignty?

Intermezzo

Foucault, as we saw, speaks of a 'government of the state' and intends to bring out the 'how of it', the concrete practices and rationalities such that we come to 'see and speak' of an exercise of sovereignty. But, keeping with what was for him a well-established methodological approach to power, getting at the problem of government means shifting thought away from the transcendent figure of the sovereign, in order to bring to light these concrete practices.

As we have seen, his important lecture on economy and government does not do away with the figure of the sovereign completely. Instead, we find there an emphasis on the importance of Rousseau, and a set of concepts that will seemingly bring these two poles together; sovereignty (now invested in the body of the people) and government (whose model, and eventually also object is economy).

On the relation between a practice of government and the figure of a popular sovereign, in the *Social Contract* Rousseau writes:

> Every free action has two causes concurring to it; the one moral, viz. the will which determines the act; the other physical, viz. the power which executes it. When I walk towards an object, I must first will to go to it; in the second place, my feet must carry me to it …The body politic has the same motive powers; in it, likewise, force and will are distinguished, the latter under the name of *legislative power*, the former under the name of *executive power*. Nothing is, or ought to be, done in it without their co-operation (1998: 57; original emphasis).

Along these lines, Rousseau separates government from a popular sovereign and subordinates it to the latter's *will*. However, two and half centuries after the first the publication of *The Social Contract,* what Rousseau calls executive power seems to have everywhere, as one philosopher has put it, "eclipsed" institutions of *the popular will*.

We are no exception. Less than two decades since the first 'democratic' national election in South Africa, parliament appears as something of an anemic body that can scarcely claim to express the constituent forces that, not so long ago, took their aspirations for *democracy* to the street. In fact,

it is precisely the malaise of 'democracy' - which today for us designates both a political principle and an epochal division – that opens to a questioning of the mode of correspondence that characterises the relations between these two poles of the modern state.

I

A pole of influence

Agamben is a fine philosopher. But he is not an easy philosopher to get. He can also be a difficult and frustrating philosopher; a philosopher unforgiving of non-philosophers. The mark he has left on my work is a significant one[226]. And I do not always understand him.

Summarising an ambivalent form of influence, there are four points arising out of Agamben's work that have helped me in grappling with the (theoretical and political) questions this thesis moves from.

First, that the production of the biopolitical body in whose name the state governs often implies as well the production of a mode of exclusion, what Agamben calls bare-life.

Secondly, that if we start from a conception of biopolitics in Foucault that emphasises a power for enhancing life rather than a power for killing, we should not lose sight of the ways in which biopolitics, at a particular threshold, turns into a thanatopolitics, and the power of life turns into a power for death.

The rule of law is bound to a lawlessness at its foundation.

Finally, and perhaps most importantly, with respect to the developing threads in this thesis, I take from Agamben an approach to the relationship between government and popular sovereignty. This fourth point is the focus of this dossier.

Although the first three points are by now common place in many critiques of the 'existing state of things', the fourth is a based on a less well discussed text, Agamben's most recently published book, *The Kingdom and the Glory* (2011)[227]. Alongside *The Kingdom and the Glory*, the most important text in inducting me into this thematic is the lecture titled 'The Power and the Glory', prepared

for the 2007 *11th BN Ganguli Memorial Lecture* at the Centre for the Study of Developing Societies (CSDS) in Delhi. These two texts form the basis of the discussion that follows.

(Dis)locations

In the 'The Power and the Glory', Agamben describes the object of this research as "the reasons and modalities through which power has taken in Western societies the form of an economy, that is to say, a government of man and things" (Agamben 2007a). In taking up the question of power in this manner, this - the most recent line of Agamben's research - directly links up the threads running out of *Security Territory Population* set out above. In fact, in both this lecture and *The Kingdom and the Glory* (2011), Agamben explicitly states that this research ought to be seen as a deepening of the genealogical investigations undertaken there (*Security Territory Population)*, and in a way that he implies goes beyond the methodological problems that "prevented Foucault from articulating the genealogy of governmentality all the way to the end" (2011: 113).

While *The Kingdom and the Glory* is by far the richer of these two texts, for its more direct engagements with Foucault, one of the more intriguing structural aspects of 'The Power and the Glory' lecture is the way in which, with what is perhaps a simple slip, it renders the most prescient formula for understanding Agamben's relationship to Foucault. Stating that his own project be understood as a continuation of Foucault's work begun under the theme of government in the 1970s, Agamben says that he "will attempt to locate…to dislocate [this work] in a different context" (2007a).

In a way, this is exactly what Agamben is doing with Foucault; an engagement understood in relation to the tension and movement between 'locate' and 'dislocate'; finding in one context what in Foucault appears proper to another, only to bring it back again in a different light.

In one of those (not altogether rare moments) when Agamben's sense of modesty fails him, he approvingly cites Foucault in characterising his own genealogical investigations:

> Foucault once wrote that his historical investigations were only the shadow of his historical questioning of the present. I completely share this point of view. Also, for me, the historical investigations I have to do are just the shadow cast from my interrogation

> of the present. And in my case, this shadow becomes longer, and reaches back to the very beginning of Christian theology (ibid).

What Agamben does, is to dislocate the paradigm of government outlined by Foucault, by deepening the theological thematic in reconstructing its genealogy. And now it is not simply the diagram of pastoral power that is taken from Christianity, but the model of economy.

As we have already seen, Foucault puts real emphasis on the theological points of anchor for practices of government, that from the 16th century are increasingly being displaced from the religious to the political sphere. Of particular importance in this respect is Foucault's discussion of pastoral power whose transposition underscores the emergence of a diagram of a power that Foucault describes as both 'individualising and totalising'. For Foucault, however, this movement – by which pastoral power comes to operate as the diagram of an essentially 'secular' authority – coincides with another; what in *Security Territory Population* he calls the "de-governmentalisation of the cosmos", indexing a process that leads to the disappearance of those elements which "constitute the manifest form of God's pastoral government of the world" (Foucault 2007: 236).

Decisive in this respect is a well-known shift in the ways in which God's government and intervention in the world is conceived, in part catalyzed by the scientific revolution:

> [S]tanding back a bit by means of some grand fictions, let's say that there was a sort of chiasmus, a sort of fundamental crossover. Basically, the astronomy of Copernicus and Kepler, Galileo's physics, the natural history of John Ray, the Port Royal Grammar…scientific practices – I am only talking about one of the innumerable effects of these sciences – was to show that ultimately God only rules the world through general, immutable, and universal laws, through simple and intelligible laws that are accessible either in the form of measurement and mathematical analysis, or in the form of classificatory analysis in the case of natural history, or in the form of logical analysis in the case of general grammar. What does it mean to say that God only rules the world through general, immutable, universal, simple and intelligible laws? It means that God does not "govern" the world; he does not govern it in the pastoral sense. He reigns over the world in a sovereign manner through principles (ibid: 234-235).

The division that is suggested here, between *reign* and *government*, is in fact what is at the centre of Agamben's research into theological genealogy of economy. However, this division now becomes increasingly complex, and is shown to be already present with the elaboration of the Trinitarian doctrine beginning from the 2nd Century. Moreover, what gives it its particular modern importance is not, or not so much, the disruption of the continuum according to which "the King's government of man" is bound to "God's government of man", but rather the way it will come to figure as the basis of that essential relation between popular sovereignty and government within the 'modern' state. Doubtless, the most surprising aspect of this new line of Agamben's research is *The Kingdom and the Glory's* conclusion "that the real problem, *the central mystery of politics is not sovereignty*, but government; it is not god, but the angels; it is not the king, but ministry; it is not the law, but the police – that is to say, the governmental machine that they form and support" (Agamben 2011: 276; my emphasis).

Turning to the question of theological

In an interview focused on the new direction of his research, conduct several months before the Italian publication of *The Kingdom and the Glory*, Agamben explains that, while Foucault's work covered a broad spectrum of subjects, the two areas he neglected "were precisely law and theology" (Agamben and Sacco 2007). In fact, at the centre of *The Kingdom and the Glory's* critique of *Security Territory Population's* genealogy of government is the suggestion that Foucault's analysis does not give sufficient attention to theological texts and thus fails to locate the original source of the economic paradigm that later comes to shape modern political practices. Reflecting on the limits of Foucault's genealogy, Agamben writes:

> When we undertake an archaeological research it is necessary to take into account that the genealogy of a political concept or institution may be found in a field that is different from the one in which we initially assumed we would find it (for instance, it may be found in theology and not in political science). If we limit our analysis to strictly speaking "political" medieval treatises, such as Thomas's *De regno* or John of Viterbo's *De regimine civitatum*, we are faced with what, to the modern eye, appears to be an inconsistency, and with a terminological confusion that, at times, makes it impossible to establish a convincing connection between modern political categories and medieval concepts. (Agamben 2011: 112).

If *State of Exception* was a book about law, with *The Kingdom and the Glory* Agamben turns to the question of theology (thus closing off perceived gaps in the Foucault's genealogical investigations around the question of power). Agamben is, however, explicit that he is by no means proposing a return to theology, which appears here as part of the unfolding *Homo Sacer* project only as a means of understanding the modern problem of government. But, he is no less clear that if *State of Exception* had presented a challenge to jurists to "confront this juridical condition from their viewpoint" (Agamben and Sacco 2007)[228], with the new line of research he is inviting theologians "to confront as theologians the problem oikonomia", the removal of which, he argues, has had "sinister consequences both in theology and politics" (Agamben and Sacco 2007).

Secularisation

In *The Kingdom and the Glory*, Agamben extends Carl Schmitt's famous thesis – that "[a]ll significant concepts of the modern theory of the state are secularised theological concepts" – beyond the question of 'public law' in order to underline the theological genealogy of oikonomia.

In both 'The Power and the Glory' lecture, and the new book, there is an emphasis on the importance of two paradigms, derived from Christian theology, to our modern political arrangements:

> One of the theses that we shall try to demonstrate is that two broadly speaking political paradigms, antonimical but functionally related to one another, derive from Christian theology: political theology, which founds the transcendence of sovereign power on the single God, and economic theology, which replaces this transcendence with the idea of an oikonomia, conceived as an immanent ordering—domestic and not political in a strict sense—of both divine and human life. Political philosophy and the modern theory of sovereignty derive from the first paradigm; modern biopolitics up to the current triumph of economy and government over every other aspect of social life derive from the second paradigm. (2011: 1).[229]

Of particular relevance here is the meaning Agamben gives to the concept of secularisation, a meaning that, as we will see, has important methodological implications for the form of analysis that he proposes with respect to the theological.

Generally, and somewhat simplistically, the term secularisation is often taken to mean a form of transformation away from the religious. For instance, according to *Wikipedia*:

> Secularisation has many levels of meaning, both as a theory and a historical process. Social theorists such as Karl Marx, Sigmund Freud, Max Weber, and Émile Durkheim, postulated that the modernization of society would include a decline in levels of religiosity. Study of this process seeks to determine the manner in which, or extent to which religious creeds, practices and institutions are losing social significance. (Wikipedia n.d.).

Although this definition is not wrong, and squares up well with how, in a writer like Weber, the term attaches to a sense of the "disenchantment and detheologisation of the world" (Agamben 2011: 4), it cannot be easily reconciled with the way the term functions in Schmitt's thesis (see above). Rather than the declining influence of the theological in the modern, what is decisive there is the way "theology continues to be present and active in an eminent way" (ibid). While Agamben maintains the independence of "theology and modernity", as well as the meanings taken on by "theological and political concepts", what he insists on is the ways in which 'secularisation relates the one to the other': Secularisation, he writes, "concerns a particular strategic relation that marks political concepts and refers them back to their theological origin" (ibid).

The methodological implication of this definition is that, seen in this light, secularisation is identified with the form of object that "Foucault's archaeology and Nietzsche's genealogy" are said to be properly concerned with – what is here called a "signature". One can easily spot the symmetry that characterises the definitions of these two terms in Agamben's discussion (secularization and signature), where the latter (that is, signatures) are given as "something that in a sign or concept marks and exceeds such a concept referring it back to a determinate interpretation or field, without, for this reason, leaving the semiotic to constitute a new meaning of a new concept" (ibid).

Returning to *The Kingdom and the Glory's* critique of Foucault then, the limits of the genealogy of oikonomia and government set out in *Security Territory Population* relate to what Agamben characterises as Foucault's failure "to follow the signatures that displace the concept" and thus to 'orient' his interpretation towards the field of theology to which these secularised concepts refer back (ibid: 112). Summarising the definition of secularisation, Agamben writes:

> [S]ecularization operates in the conceptual system of modernity as a signature that refers it back to theology. Just as, according to canon law, the secularized priest had to wear a sign of the religious order he had once belonged to, so does the secularized concept exhibit like a signature its past belonging to the theological sphere. The way in which the reference operated by the theological signature is understood is decisive at every turn. Thus, secularization can also be understood (as is the case with Gogarten) as a specific performance of Christian faith that, for the first time, opens the world to man in its worldliness and historicity. The theological signature operates here as a sort of trompe l'oeil in which the very secularization of the world becomes the mark that identifies it as belonging to a divine oikonomia. (ibid: 4).

The Household and the City

In 'The Power and Glory', Agamben describes the "starting point" of this new line of research as the "amazing role" played by the Greek term oikonomia in Patristic debates centred on the doctrine of the holy trinity (Agamben 2007a). In fact, in this account, the Trinitarian debates from the 2nd century of the church provide the key to approaching both the question of government and the relationship between government and sovereignty in the modern. However, in both this lecture and *The Kingdom and the Glory*, Agamben's argument proceeds by drawing the question of oikonomia back to Greek thought.

His strategy here seems to me to be twofold.

On the one hand, Agamben's explicitly stated intention is rediscover the "semantic nucleus" of the term 'oikonomia' that later comes to be extended to the theological field (see 2011: 20 - 21). However, I suspect that, as in *Homo Sacer*, the return to the Greeks has a more subtle strategic value for his broader argument in underlining the stakes embedded in the transition to the paradigm of government outlined by Foucault.

As I noted, part of the importance of the argument that Agamben sets out there is his stressing of the distinction between zoe and bios, between bare, natural, reproductive life, and a politically qualified form of life. In a form of exposition that, in many ways, moves from Hannah Arendt's discussion in *The Human Condition*, Agamben argues that, 'for the Greeks', the political community was founded on the (inclusive) exclusion of zoe from the political realm. Following the implication of Arendt's discussion, while bios, as the politically qualified life of the citizen, belongs to the political realm, the proper space of zoe is the household, as the realm of necessity. As we saw, Agamben's argument, that 'politics was biopolitics from the start', can only be understood on the basis of this distinction. When in *The Kingdom and the Glory* Agamben establishes the essential opposition between the paradigm of oikonomia and politics in Greek thought, he is not only re-pointing this line of argument, but in so doing, also hinting at the ontological implications of the form of their relation in the modern.[230]

In both the lecture and the book, what Agamben insists on then is the irreducible difference and opposition between oikonomia, understood as 'the administration of the household', and politics:

> In the Aristotelian (or pseudo-Aristotelian) treatise on economy, we can thus read that the technē oikonomikē differs from politics just as the house (oikia) differs from the city (polis). This distinction is restated in the *Politics*, in which the politician and the king—who belong to the sphere of the polis—are qualitatively opposed to the oikonomos and the despotēs—who are referred to the sphere of the house and the family (ibid: 17).

For Agamben, this difference, between, oikos and the polis, between the household and the city, should be understood qualitatively (as he explains, not one of degree but of kind). It is, however, important not to simply reduce the oikos to our modern notion of household. For where the latter tends to be (reductively) folded onto the idea of the nuclear family, the ancient Greek oikos was a far more "complex organism" comprising a wide and diverse set of relations (between "master and slaves", "parent and children", "husband and wife" (ibid)). The crucial point here, however, is that these "economic relations" are bound to a set of practices that are "managerial" and which, therefore, cannot be said to "constitute a science" (ibid):

> The oikos, the Greek household, was a complex organism with different intertwined relations, stretching from family in the strict sense to master-slave relations and the management of agricultural enterprises of often large dimensions. What holds the system together is a paradigm that we can define as 'managerial': it is a system that is neither held down by a set of norms nor constitutes an episteme (Agamben and Sacco 2007).

What this means is that the practices, measures, and decisions of an oikonomia - that is to say of the management of the oikos - are always bound to a particular concrete context and set of circumstances in which they must operate, and cannot be determined on the basis of a pre-established set of rules and criteria. Although in his discussion of the original acceptation of the term, Agamben shows how oikonomia came to refer to practices beyond what is strictly associated with the household as well (for instance in rhetoric one might speak of "the economical management of a discourse", or in stoic philosophy the "economic metaphor" relates to "the idea of a force that regulates and governs the whole from the inside" (2011: 19)), what remains constant is an "awareness of the original domestic meaning" (ibid: 20) as a "non-epistemic", "managerial" practice. It is on this basis that Agamben insists that the proper translation of the Greek term oikonomia is management (Agamben 2007a, Agamben and Sacco 2007).

When in *The Kingdom and the Glory* we rediscover the '(inevitable) metaphor of the ship' in relation to Xenophon's Oeconomicus, what we find there is an idea of a proper place of 'things', an "immanent ordering", so to speak, in relation to a form of oversight and management (Agamben 2011: 18).

Having outlined the "semantic nucleus" of the term oikonomia, Agamben turns to answer the question of why theologians would have had recourse to this notion, which, as we saw, means management.

II

Oikonomia

In *The Kingdom and the Glory*, Agamben takes care in working his reader through texts from the early history of the church in order to show how the term oikonomia initially gets deployed, and how and when it begins to take on a specifically theological meaning and function in the writing of the 'church fathers'. This is a complex and rich exposition that resists summary. In this dossier, I attempt to merely mark a few basic points that seem to me essential to grasping the importance of these threads in clarifying how Agamben sees the 'theological apparatus' structuring the relationship between (the transcendence of) a popular sovereign, and (the immanent operation of) a governmental power.

Part of what I have found exciting about this line of Agamben's thought is the ways it potentially gives us a key for re-reading the providential thematic that we encountered in La Perrière (in the previous section on Foucault).

A startling aspect of the theological excursion Agamben leads us through is his demonstration of a particularly crucial "reversal" of an important Pauline phrase. It is generally thought that the notion of economy gains a theological meaning in Paul's gospel, whose letters spoke of an "economy of the mystery of salvation" in relation to the question of redemption. However, according to Agamben, in Paul oikonomia refers only to "an activity" and cannot be taken to imply "a divine design of salvation" as it will later come to mean (Agamben 2011: 23).

An important passages is Ephesians 3:9:

> To me, though I am the very least of all the saints, this grace was given, to preach to the Gentiles the unsearchable riches of Christ, and to make all men see what is the oikonomia of the mystery hidden for ages in God […] (translated and quoted in Agamben 2011: 23).

In Agamben's reading, the meaning of this passage, and the specific phrase, 'oikonomia of the mystery', becomes clear when we recognise it as a "contraction" of a phrase from Colossians 1:24 -25:

> Now I rejoice in my suffering for your sake, and in my flesh I complete what is lacking in Christ's afflictions […]according to the oikonomia of God, the one which was given to me [dotheisan] to make the word of God fully known, the mystery hidden for ages and generations but now made manifest to his saints […] (ibid: 22).

In this passage, as in the previous, oikonomia has the meaning of "fiduciary duty", that is, of a task assigned to the apostle by God, and cannot be related to a meaning "that could …belong only to mysterion" (ibid). According to Agamben the implication of 'oikonomia' in its relation to 'mystery' in these passages is of "carrying out faithfully that task of announcing the mystery of redemption hidden in the will of god that has now come to completion" (ibid: 23). In this sense, a specifically theological meaning for the term oikonomia does not emerge with Paul.

However, in the disputes from the early history of the church a 'reversal' takes place in the writings of the church fathers[231]. Of particular relevance here are the conflicts of the church fathers around the doctrine of the holy trinity in the 2nd century, focused around a group called the Monarchians, or as Agamben describes them, "the partisan to the government of the one" (2007a):

> Both Hippolytus and Tertullian are engaged in a confrontation with adversaries (Noetus and Praxeas) who adhere to a rigorous form of monotheism—and are defined, for this reason, Monarchians—and see the personal distinction between the Father and the Word as in danger of relapsing into polytheism. The concept of oikonomia is the strategic operator that, before the elaboration of an appropriate philosophical vocabulary—which will take place only in the course of the fourth and fifth centuries—allows a temporary reconciliation of the trinity with the divine unity. (Agamben 2011: 36).

The point that Agamben is highlighting here is that, for the Monarchians, the objection to the doctrine of the trinity was their belief that "the introduction in God of three persons" was the same as abandoning monotheism and thus could be seen as a "falling back onto polytheism" (2007a).

Explicitly renouncing either monotheism (that is 'the unity and singularity of god'), or the doctrine of the trinity (that is 'a triune structure of divine persons'), was unthinkable for the early church fathers. Oikonomia is, therefore, the term that is deployed to "reconcile in god, the unity with the trinity" (ibid). What this theological deployment of the term oikonomia does, then, is to allow the church fathers to shift the "triplicity" of god from the level of ontology to that of oikonomia (Agamben 2011: 53), and so remove the apparent contradiction. In 'The Power and the Glory', Agamben summarises their argument:

> God, as far as his substance or being is concerned, is absolutely one. But – as for his oikonomia, his economy, that is to say the way he manages the divine house and life, - he is three. Just as the master of the house – this was the argument – can share administration with the son or with other persons, without losing the unity of his power, in the same way, god can trust the management of the world and the salvation of man to his son, the Christ. (Agamben 2007a).

It is in this context that we find the reversal of the Pauline phrase 'economy of the mystery' in Hippolytus and Tertullian, who now begin to speak of the "mystery of the economy". And it is with this shift that that economy becomes a specifically theological concept to describe 'intra Trinitarian relations':

> While, in Paul, the economy was an activity carried out to reveal or accomplish the mystery of God's will or word […], *now it is this very activity, personified in the figure of the son-word, that becomes a mystery*. Even here, the key meaning of oikonomia [as activity] remains the same…Yet, the sense of "plan hidden in God," which was possible, though imprecise paraphrase of the term mysterion, tends now to be transferred onto the very term *oikonomia*, giving it new significance. *There is no economy of the mystery, that is, an activity aimed at fulfilling and revealing the divine mystery; it is the very "pragmateia," the very divine praxis, that is mysterious* (2011: 38-39; Agamben's emphasis).

More generally, now, it is "no longer god's being that is mysterious, it is his economy, his action, his activity that is mysterious" (Agamben 2007a). The paradigm of divine economy that emerges with the early church fathers is well illustrated in a passage from Tertullian:

> All are of one [godhead], that is, through unity of substance; while this still safeguards the mystery of the 'economy', which *disposes the unity into the trinity*, arranging in order the three persons, Father, Son, and Holy Spirit, though these are three not in quality but in degree, not in substance but in form, not in power but in manifestation […] because God is one and from him those degree and forms are assigned (Tertullian in Burridge and Gould 2004; my emphasis).

In the writing of the church fathers, the mystery of the economy, therefore, becomes god's action, or praxis, his articulation in the multiplicity of the trinity and the sense in which every event takes on a mysterious meaning in 'the economy of salvation', understood as 'the divine management of the world and human history'. In the concluding section of the chapter (called the threshold), Agamben discusses the reversal of Paul's 'economy of the mystery', and writes:

> It is now possible to grasp more precisely the decisive meaning of the reversal of the Pauline expression "economy of the mystery" into "mystery of the economy." What is mysterious is not, as with Paul, the divine plan of redemption, a plan that requires an activity of realization and revelation—indeed, an oikonomia—that is as such perspicuous. Now, it is the economy itself that is mysterious, the very praxis by means of which God arranges the divine life, articulating it into a Trinity, and the world of creatures, conferring a hidden meaning upon every event. But this hidden sense, following the model of the typological interpretation, is not only an allegoresis and prophecy of other salvific events, which thus arrange themselves to create a history; it rather coincides with the "mysterious economy," with the very dispensation of divine life and its providential government of the world. The mystery of the deity and the mystery of government, the Trinitarian articulation of the divine life and the history and salvation of humanity are, at the same time, divided and inseparable […] In other words, a game that is in all senses decisive is being played out on the field of the oikonomia, one in which the very concept of the divine and its relations with all creation that is gradually emerging toward the end of the ancient world is in question. Between the inarticulate unitarism of the Monarchians and Judaism and the Gnostic proliferation of divine hypostases, between the noninvolvement in the world of the Gnostic and Epicurean God and the Stoic idea of a deus actuosus that provides for the world, the oikonomia makes possible a reconciliation in which a transcendent God, who is both

> one and triune at the same time, can – while remaining transcendent – take charge of the world and found an immanent praxis of government whose supermandane mystery coincides with the history of humanity (Agamben 2011: 50-51).

The importance of this reversal is profound, and Agamben claims that this conception of a 'mystery of the economy' has come to function as the "hidden ontological paradigm of modern governance" (Agamben 2007a).

In order to clarify the sense in which the theological concept of oikonomia becomes the crucial key to unlocking the paradigm of modern government, we follow the structure of 'The Power and Glory' lecture in outlining five points that Agamben relates explicitly to our modern political arrangements, and in this way summarises the key aspects of this new line of research.

III

The anarchy of the Christ

Of great importance to Agamben's argument is being able to show that one of the consequences of the reversal of the Paul's phrase 'economy of the mystery' is the 'division of being and action'. Where the deployment of the notion of oikonomia in theology, in order to refute the arguments of the Monarchians, managed to remove the contradiction between the doctrine of the trinity and the monotheist principle, it nevertheless "ended up introducing into god a split, a division between being and action, ontology and economy" (ibid). Agamben argues that it is on this basis that we ought to understand the "merciless and long lasting" controversy around Arianism.

Commenting on the disagreement, Agamben points out that while both sides agreed that the son and the father existed for all time, a dispute emerged over whether it could be said that the son had foundation in the father. In order to understand the full implications of the controversy, one should keep in mind as well that, in the Christian tradition, Christ is also related to the word and action of god.

The critical fissure then between the Nicene fathers and Arian teachings was the proposition of the "anarchical character – that is to say, without arche, without foundation, without beginning – of the son, of the Christ" (ibid). Aryus argued that the son was a subordinate entity and as such was grounded in God. In this sense he could not be said to be "anarchical like the father", i.e., without grounding or foundation.

> It is well known that the problem concerned the arche of the Son: but arche here does not have a merely chronological meaning; it does not simply stand for a "beginning." As a matter of fact, both Arius and his adversaries agree in saying that the Son was generated by the Father, and that his generation took place "before eternal times"… Arius is even careful to specify that the Son was generated achronos, outside of time. In other words, what is in question is not really a chronological precedence (time does not exist yet), or just a problem of rank (many anti-Arians share the opinion that the Father is "greater" than the Son); it is rather a matter of deciding whether the Son – which is to say, the word and praxis of God – is founded in the Father or whether he is, like him, without principle, anarchos, that is, ungrounded (2011: 57).

By contrast, the Nicene view, which became the dominant perspective, "stated firmly that the son, the Christ is anarchos", and is thus said to have no foundation or beginning. What Agamben refers to as the "ominous inheritance" that "Christian theology bequeaths to modernity" (2007a), is seeded with this thesis of 'the anarchy of the Christ'[232], which according to Agamben definitively separates language and action from being:

> The fact that Christ is "anarchic" means that, in the last instance, langue and praxis do not have a foundation in being. The "gigantomachy" around being, is also, first and foremost a conflict between being and action, ontology and economy, between being that is in itself unable to act, and an action without being: what is at stake between these two is the idea of freedom (2011: 59).

This perspective allows us to finally approach and rethink the problem of the relation between government and sovereignty. For it on the basis of this division between being and action that the reasons for centrality of the figure and indeed problem of will becomes clear. Will, according to Agamben, is "a privileged mode" of connecting these two anarchical elements.

> [T]he will is the apparatus needed to join together being and action, which were separated in God. The primacy of the will, which, according to Heidegger, rules over the history of Western metaphysics [and we can add, also politics] and reaches its completion with Schelling and Nietzsche, has its roots in the fracture between being and action in God and is, therefore, from the beginning in agreement with the theological oikonomia (ibid: 56).

A Bipolar Machine

The second point, discussed under the heading 'the kingdom and the government', relates to what Agamben calls the double structure of government. For Agamben, the inheritance of the paradigm of divine economy is pointed when it links up with the theory of divine providence. According to Agamben, it is in the work of Clement of Alexandria, and his development of the stoic conception of providence within Christian theology, that that these two elements come together[233].

Providence, understood as "the divine government of the world", develops as a perspective in which "god is constantly governing the world" (2007a). For Agamben, what is, from the "beginning", common to the different formulations of a perspective on providence, is that it is always conceived of in terms of a double structure, or what he calls a "bipolar machine":

> God does not govern the world directly in all details up to the last small animal, insect, or sparrow, as the gospel says, but God governs the world through universal principles. Theologians distinguish between a general providence, which establishes the universal laws, the universal and transcendent laws, and [particular providence,] that is entrusted to the angels or to the mechanisms of immanent and secondary causes and they will call this execution, *executio*. So the machine of the divine government is a general law and execution (2007a).

Agamben explains that the expression of this double structure in political philosophy can already found in the 16th century dictum, "the king reigns, but he doesn't govern". More importantly, he sees this same division at the centre of our modern political arrangements, in which government appears as the separation of, on the one hand, legislative or sovereign power, which can only act

through universal laws and principles, and on the other, executive power tasked with the execution of the general principle. While he is absolutely clear that in modern societies it is executive power that has primacy, it is for Agamben absolutely essential that both poles of the machine are present. Regardless of which pole has primacy (a distinction that serves rather to differentiate totalitarian from liberal democratic societies), modern power, understood here as government, is always a bipolar machine, and "the coordination of these two elements, general law, and execution". Were this not the case, you would either have, on the one side, an "almighty sovereign who is effectively impotent", or on the other, "the chaotic mess of particular acts of intervention". This relation is said to be so constant that Agamben defines government, relating it back to the theory of providence, as precisely that which occurs where you have the "coordination of these two elements, general law and an execution, general providence and particular providence" (ibid). And in this account, "the history of western politics is" nothing less than "the history of the changing articulations and conflicts of these two poles of power: reign and government. Sovereignty and Economy. The father and the son. Law and Order. Law and Police" (ibid).

Seen from this perspective, the disjunctures and paradoxes that we confronted in the previous chapter on 'the two economies' or in *Chapter 2's* perception of a tension between invocations of the will of the people and 'particular acts of government' is in part about the playing out of the relations of the two poles of the modern state.

Collateral Effects

The third aspect of the argument presented in 'The Power and Glory' lecture is what Agamben calls "the paradigm of collateral damage". While Agamben explicitly invokes our modern sense of the notion "collateral damage", and the manner in which it is used refer to "the destruction of civilian infrastructure and populations", the concept is at the same time 'deeper'.

Agamben begins his discussion in the 'Power and the Glory' lecture with an account of what he describes as the "most prominent aporia" in the development of the doctrine of providence - the problem of evil. Paraphrasing, the problem is explained as follows[234]:

> If god governs the world, and god's government, that is, god's economy, is necessarily good and perfect, how then are we to explain the presence of evil in all its forms, whether manifested through natural disasters or moral crimes? (see 2007a)

A solution to this problem, emerges with the paradigm of collateral damage.

As we have seen, the doctrine of providence outlined a framework in which god governs through establishing universal or general laws, laws which are necessarily perfect and good. Evil is said to be a side effect, or rather, a collateral effect of these universal laws. Closely following one of the examples Agamben gives[235]:

> Just as rain, as an outcome of a universal law and the divine government of the world, is a good thing, summer might bring too much rain and we have floods, or not enough and we have drought. Evil thus results, as a side effect of the good government of the world, which unfolds according to a *mysterious* divine plan.

According to an argument developed by Alexander of Aphrodisia:

> God cannot bother himself with details, therefore each act of the divine world government, as we saw, is directed to a primary and general end. But, just as the head of the house providing food for his family, feeds also, as a side effect, the little animals, the worms and birds who live in the house, in the same way, every general act of divine providence will result in side effects which can be positive… or negative. Alexander argues – this is a very important point – that collateral effects are not accidental but define the very structure of the act of governance. Neither general nor particular, neither intentional nor causal, neither foreseen nor unforeseen, neither reign nor government, the collateral effect is the way in which the divine government becomes effective, in which providence realises itself (ibid).

In this account of the collateral effect, it is possible to already recognise the prototype of the "trickle down effect", that is in a very real sense, paradigmatic of forms of (neo)liberal government. In fact, as we saw in the last chapter, the two economies thesis points towards a paradigm in which a better life for all, understood as the extension of the promise of citizenship, is only realised as a 'side effect' of the good government of the state. Paraphrasing Mandela, government to create the conditions where every citizen can create a better life for themselves. (See *Chapter 4*)

This is in fact the model for an act of government. Collateral effects should not, then, be seen as "something secondary or something causal", but are instead the very "essence of the act of government", that is, as the form through which an "act of governance is realised" (ibid).

Powers of Freedom

The fourth point, which, borrowing a phrase, we can call 'the powers of freedom', is one that Agamben notes has already been stressed by Foucault.

For the doctrine of providence, the government of the world "cannot be simply an act force and violence". Instead the subjects of god's government are endowed with free will, and as such, government must work "through the very nature of the creature, such that – as the 17th century theologian Bossuet puts it – god makes the world as if god were absent from it" (ibid). In this "subtle economy of power", to govern absolutely is to act as if the governed were 'freely governing themselves'. Agamben, quoting from Bossuet, offers the formula:

> God governs the creatures as if they were freely governing themselves…"god allows it to be as if we could be on our own. God allows to be man what is man, a body what is body, thought what is thought, necessary what is necessary and free what is free" (ibid).

Part of the significance of Rousseau - who had been deeply influenced by the French theorist Malebranche, and from whom he borrowed the concept of the general will – was in facilitating the entry of this idea "according to which, the governed govern themselves", into modern political philosophy.

Vicarious Power

The final point taken up in 'The Power and the Glory' lecture is what Agamben calls "the vicarious character of power". The explanation begins by him noting that in "the eschatological messianic kingdom" of Paul's letter to the Corinthians, the power of the Christ is received from the father (and thus, the Christ must also "after subduing all earthly power return the Kingdom to him" (ibid). The messianic power of the Christ, therefore, appears as vicarious and is, as Agamben says, "executed in the name of the father". However, as we have already seen, in the doctrine of Trinitarian economy developed by the early church fathers, the son has no foundation in the father, that is to say, he is anarchical. For Agamben, this implies that, within the Trinitarian economy, "power

circulates vicariously" such that it becomes "impossible to assign to any of the divine persons the ultimate foundation of power". Agamben says that the "intratrinitarian relation between the father and the son can be considered in this sense as the theological paradigm of the intrinsically vicarious character of governmental power" (ibid).

‘

For Agamben the extension of the paradigm of Trinitarian economy to the political realm means that modern power operates on basis of a "vicarious paradigm". In our own political arrangements this paradigm, emerging with the doctrine of the trinity, is expressed in the incessant movement between "sovereignty and execution, legislation and police", such that in the end it becomes impossible to attribute to either pole the ultimate, source or foundation of power.

In Agamben, this paradigm, in which power circulates vicariously, touches as well the distinction between constituent power and constituted power. If constituted power appears as if founded on constituent power, Agamben argues, what we find, rather is power always moving from on to the other, that is, in "a continuous dialectical movement between the two powers". Although I do not have the space here to develop the point, it is important to remember that the idea of constituent power used by Agamben is not the same as that found in Negri, and to which I am closer. While Agamben treats constituent power as inseparable from sovereignty, I follow Negri as seeing sovereignty as only one possible effect of expressions of constituent power (indeed at the other end of the spectrum of such effects is democracy; see Negri's *Insurgencies* (1999)). Returning to Agamben, this theological legacy is the reason why the "fundamental problem of western public law has the form how to ground government in sovereignty, how to ground order in law, economical practice in juridical patterns. Legality in legitimacy" (2007a). Implied here is that the the theological legacy of the concept oikonomia, means that modern democracy is seen as a "desperate attempt to, link in a stable structure, the two anarchical poles of the machine":

> [T]his is precisely why democracy is so fragile. Always exhilarating between a lack and an excess of government, always looking for an holy spirit or an charismatic principle that could be able to hold together the anarchic powers that it has inherited from christian theology. With few exceptions, modern political scientists and political philosophers fail to confront both poles of the governmental machine. Beginning with Rousseau modern theory began to consider sovereignty as the central political category and to reduce government to executive power. As a result, political philosophy, and this is especially

> true for the democratic tradition, fails to understand the real nature of government and focusses instead on universal problems such as Law, State, Sovereignty. What my investigation has shown is that on the contrary the real problem – the secret core of politics – is neither sovereignty nor law, it is government. It is not the king, but rather the minister, it is not god, but rather the angels, it is not law but rather the police and the state of exception. Or, more precisely: It is the governmental machine that functions through the complicated system of relations that binds these two poles together (ibid).

IV

Glory

The second aspect of Agamben's new line of research, centres on the theme of glory. Agamben's argument here moves through a discussion of the two fold nature of angels in Christian theology, on the one hand directed toward to the praise and glorification of god, and on the other, assisting in the administration of the world. For Agamben, at stake in this thematic is the relations through which an immanent exercise of power in the form of economy is referred back to invocations of a transcendent sovereign power. The question is posed as follows, 'why does power need glory'? (Or after Lefort we might say, why is every move towards immanence is also a move towards transcendence?). With respect to our modern power, commentators point to the instrumental function of pomp and ceremony that remain a part of our political practices. While this is correct, Agamben highlights a subtler, and more profound sense in which this feature of our modern political arrangements is crucial to the exercise of power.

Here Agamben draws our attention to the structure of Christian liturgy, which, he says, is essentially "formulas and chants of glorification", called doxologies or acclamation[236]. The Christian mass, he argues, is "just a succession of doxologies and acclamations"[237]. He also suggests that these doxologies and acclamations are closely related to those found in the ceremonies of Roman emperors[238], while in the 20th century acclamations played an important role in fascist regimes, often explicitly appropriating catholic acclamations[239].

In accounting for the function of such practices Agamben draws our attention to Marcel Mauss's definition of prayer, as "an oral rite…'an effective act' that concerns sacred beings [gods] and acts upon them" (2007a; 2011: 225). Agamben notes that this account also has an affinity with

the position outlined by Sylvain Levi, who had argued that sacrifice is not only the "author of the gods, it is a god itself, the god par excellence,…[the god] that always dies and always returns to life" (quoted in ibid: 226). Durkheim, in his book on religious forms of life, is said to also express a similar position:

> Men could not live without gods; but on the other hand the gods would die if they were not worshipped. Thus the purpose of the cults is not only to bring the profane into the communion with sacred beings but also to keep the sacred beings alive, to remake and regenerate them perpetually (ibid: 227; 2007a).

Ultimately, what Agamben sees all these texts pointing to is the crucial function of acclamation and ritual more broadly, which is not, as "theologians claim, a consequence of divine power and glory", but are instead the very means through which the gods are "produced and nourished" (2007a). From this perspective, the ceremonies and acclamations that belong to the public rituals of modern democracy, figured as public expressions of the sovereignty of 'the people', "are not an outcome of power, but rather what generates and feeds power" (ibid).

Agamben again draws on Schmitt here, and his attempt to link acclamation to juridical-political phenomena (again). Schmitt noted that in ancient Rome, the emperor would be invested with the title of Caesar in a public ceremony which took the form of an acclamation. As Agamben clarifies, "the emperor is acclamated by the soldiers, and this was technically the investiture". In the same way, he argues, we might see the Christian liturgy as an expression of "the consensus of the people of believers" (ibid), that 'produces and nourishes' the transcendent authority.

Moreover, for Schmitt, when we link this perspective to the modern democracy, acclamation is seen as "the pure and immediate expression of the people as holder of constituent power" (ibid). The function of acclamation, then, is in a way the producing of the sovereign and it authority: Acclamation, he writes, is "the original eternal phenomenon of every political community. No state without the people. No people without acclamation" (ibid).

While the kinds of acclamations and public ceremonies that were so important to the fascism have increasingly begun to fade in most modern democracies, this does not mean that acclamation disappears, but instead, survives as "public opinion", which signals for Agamben (following Schmitt) "a modern form of acclamation". Rather than disappearing, glory is

displaced, with the media and the logic of the spectacle outlined by Debord now working to "distribute and bestow glory" in the form of public opinion: "the acclamatory form of the media and consensus is the silent feature of contemporary democracy" (ibid).

V

From Foucault I take an emphasis on government, understood as the conduct of conduct. From Agamben, I take the idea of the bipolar character of the governmental machine, reaffirming the thematic of popular sovereignty.

Although public opinion still functions to different degrees as the predominant form of acclamation in post-apartheid South Africa, South African politics remains rich in older forms of acclamation. Here, I am, of course, not just speaking of ritualised official ceremonies, but, more importantly, those forms of acclamation we have inherited from the liberation movement, from modes of our toyi-toyi to our 'vivas'.

Almost twenty years since the fall of apartheid, the most important acclamation in South African politics is still 'Amandla'.

I am not well affected, and I am prone to bouts of cynicism. But, the strongest *feeling* I have had of belonging to transcendent subject, a people realising itself, was in Soccer City for Mandela's (our charismatic) first Johannesburg rally after being released. Part of the 'teeming multitude', when the call came, Amandla, I answered awethu! One.

Chapter 4: The Capacity for Government

Introduction

In early 2012 a leading APF commentator, Dale McKinley, publicly confirmed that the APF was no more (2012). This death is, however, a long drawn out one, prolonged by attempts at sustaining the organisation[240]. But for the most part, the APF had for some time ceased to operate as a real vehicle for bringing together and developing (community) struggles in Gauteng.

Doubtless many will read the disappearance of the APF, as well as the broader disarray of 'new social movements', as confirmation of the criticisms levelled against them when they appeared on the political scene in the late 1990s. Decried, then, by some as the inconsequential invention of malcontents and political opportunists, within the alliance, the emergence of 'new social movements' was greeted with derision of their claims to be building a counter pole to the hegemony of the ANC. And for those on the left for whom movements like the APF represented a 'new beginning' for militant politics in post-apartheid South Africa, the present state of things is a demoralising reminder of an "enemy [that] has not ceased to be victorious"[241].

Both the triumphalism of the opponents of 'new social movements' and the self-reinforcing despondency of their one time supporters do not reflect the very real impact of these movements in the making of our present. While it is important to resist pronouncing 'an easy victory', it is no less true that social movement struggles, and the resistance of the poor more generally, has helped shift the governmental terrain fundamentally and irreparably. As I pointed out in *Chapter 1*, however, while the struggles of social movements have shifted practice at a number of levels of the state, this does not necessarily mean that these shifts represent anything better. The contrary. Taking the limited context of basic service delivery in Soweto and Johannesburg as my point of reference, in this chapter I begin to illustrate something more of the detail of what, in the last chapter, I referred to as 'a double movement between neoliberal governmentalisation and resistance'. In so doing, it is necessary to also say something about the past, about the legacy of apartheid and the struggle against it.

4.1. Apartheid and the Subject In-between

The story told in this thesis is about the production and government of a particular subject, and the implication of these processes in the making of 'place'. It is a story where the theme of neoliberalism takes on tremendous import, as well as the "context specific and path dependant trajectories" (see Brenner & Theodore 2003) that determine its shape in the present. But it is also a story that necessarily points to complex and seemingly inescapable relations with the past, and the legacies of the political forms out of which we have just emerged. The account developed in this thesis, therefore, necessarily passes through an account of the form of our inheritance along the axes of accumulation and government.

Talking about the past in South Africa is always risky. Although the telling of a history is often also a political act, the specific difference of the telling of South Africa's history is that it was often explicitly so. Twisting the well-known, well critiqued, assumption, 'South African exceptionalism' is in fact not so much the contents of its history, but the depth of disagreement over what meanings should be given to those contents. Talking about the past in South Africa, therefore necessarily also means paying attention to the political contestations over the meaning of what is past.

There is an interesting symmetry in the political contests that spring up around the telling of history; for both today, and 'in the past', what was often put at stake there relates back to the question of nationalism.

It is well known that the development of the Afrikaner nationalist movement paralleled and was supported by the emergence of what has been called the "settler" or "frontier" tradition of South African historiography[242]. And not surprisingly, the narrative of history developed by Afrikaner historians met with real opposition in the form of competing histories of the subcontinent, perhaps most notably through the work of the African nationalist movement, as well as, what was has often been characterised as the liberal and the radical traditions. As the political power of Afrikaner nationalism began to enter into a phase of decline in the late 1970s and early 1980s, the opposition between these schools, often fuelled by bitter polemic, provided the frame for a whole set of debates – from the nature of the transition from segregation to apartheid, to the relationship between race and class within the South African social formation - that animated, and divided, South African historiography for more than two decades[243].

The uncanny familiarity of the terms of such debates aside, it is perhaps not insignificant that today, one can only speak about something like 'the race-class debate' in the past tense, even where it is clear that we are far from having outgrown debating about questions of race and class. However, it seems to me that the contemporary vocation of interventions that belong to the historical 'race-class debate' - which seemingly ends on the eve of the transition, albeit without resolution - might be to operate as the place for thinking about the biopolitical legacy of apartheid.

While it is impossible to present anything like a review of the wide field of historiographical work done on the character and genesis of the forces underlying apartheid, as a point of entry for a discussion on the past, I want to (at the very least) highlight two influential interventions; that of Harold Wolpe and Mahmood Mamdani, who respectively foreground the relationship between the system of apartheid and the dynamics of capitalist accumulation and the government of the state.

4.2.1. Apartheid Biopolitics

At the centre of many discussions on both sides of the apartheid debate is a subject whose 'influx' into 'white' areas proved both crucially necessary for the development of capitalism in South Africa, and underlined one of the principle governmental problems policy attempted to resolve – 'the African life in the city', or rather, the native question.

Looking beyond the lack of historical detail in Wolpe's 'Capitalism and Cheap Labour-power in South Africa. From Segregation to Apartheid', part of my interest in this essay is the complicated relationship it outlines between 'the process of separation of people from their social means of (re)production' (with respect to non-capitalist social formations), and the expanded reproduction of capitalist relations in the development of South African society.

In the first place, then, Wolpe intends to show the ways in which the "foundation of cheap migrant labour-power" is in the economy of the non-capitalist social formation. However, he also shows how the system of migrant labour undermines the economy of the non-capitalist formation (Wolpe 1972: 444). For, whatever its faults, it is the great merit of Wolpe's 'The Reproduction of Labour Power' to have shown that the development of capitalism in South

Africa under the system of Segregation was bolstered by the South African form of migrant labour. In this account, the non-capitalist formation provides a boost to the rate of profit that derives from low wages and the state's abdication from the provision of "social security" with respect to African life. In a context where the demand for African labour tended to be for low skill migrant workers, and where production in the reserves was left to meet the needs of reproducing African labour, however precariously, capital could secure a higher rate of profit based on the availability of a ready supply of cheap, short term, migrant labour[244].

The development of capitalism in South Africa, therefore, depended on the existence of the non-capitalist formation, but also worked to undermine it. Relations with non-capitalist formations are potentially important for securing higher rates of profit, and thus the transformation and development of these formations along capitalist lines often needed to be inhabited[245]. However, the very relations between the capitalist and non-capitalist modes of production, transform and destroy the latter, and so undermine the very basis of higher rates of profit.

If Wolpe emphasises the ways in which, under Segregation, the migrant labour system, and 'its boost' to 'the rate of profit', implied a specific set of relations between the "capitalist and the African pre-capitalist modes of production" (Wolpe 1972: 425), the thrust of his essay is to underline the sense in which apartheid emerges as a response to the changes and breakdown in these relations. Part of what Wolpe does is to underline the sense in which apartheid operates as a suppression of African consumption, by violently consigning African life to the *barest* conditions of life[246] (and which was sanctioned and reproduced in relation to a juridical vulnerability)

This 1972 statement on the ways in which the political rationality of apartheid links up with an economic rationality of capitalist development, is a tremendously important introduction to relations between accumulation and government in the development of South African society. Reading Wolpe today, there is necessarily cause to move beyond the economic determinism one finds there by reading it alongside texts that emphasise apartheid's emergence on a governmental axis. And, in this respect, Mamdani's entry into these debates is decisive in that it refocuses our gaze on apartheid, as not only an expression of the racism of what was once called the frontier tradition, nor simply an approach to the problem of accumulation and capitalist development, but more precisely, as a mode of rule.

The processes unleashed with the development of capitalism in South Africa, as the colonial bent of what Foucault called the 'mass phenomena', in Mamdani presented the state with its principal governmental challenge with respect to the management of African life - Smuts' detribalised African - black life in the city. For Smuts the answer to the native question was indirect rule or 'institutional segregation', and for Mamdani, this is precisely how the nationalists understood it. But if Smuts had believed that - the process having progressed too far - there was no turning back for South Africa, the nationalist party state - "with a degree of force and brutality that seemed to place the South African colonial experience in a class of its own" - set out to remodel South African society in the image of the Broederbond's indigenised form of indirect rule, apartheid:

> The context in which apartheid came to be implemented made for its particularly harsh features, for to rule natives through their own institutions, one first has to push natives back into the confines of native institutions. In the context of a semi-industrialised and highly urbanised South Africa, this meant, on the one hand, the forced removal of those marked unproductive so they may be pushed out of white areas back into native homelands and, on the other, the forced straddling of those deemed productive between workplace and homeland through an ongoing cycle of annual migrations (Mamdani, 1996: 7).

Reading this history through an Agambenian lens, Wolpe's observation that such a rapid transformation of the social and political landscape would not have been possible without recourse to emergency powers (1990), proves crucial to marking out the biopolitical stakes of the passage from segregation to apartheid (see *Dossier on (bio)Power*). For in order to affect such a transformation required that those subject to it, first needed to be stripped of whatever limited political rights they enjoyed. Indeed apartheid gave a measure of permanence to this 'exceptional state' with respect to the African life in the city. Where apartheid split South African society between "right bearing colons" and "the subject peasantry", Mamdani also points to the production of a third group: "urban based natives, mainly middle and working-class persons, who were exempt from the lash of customary law but not from modern racially discriminatory civil legislation. Neither subject to custom nor exalted as rights-bearing citizens, they languished in a juridical limbo" (1996: 19). This juridically ambiguous figure, and its struggle for a place in the city, is our focus.

It is worth pointing out that today, apartheid (perhaps even more so than European fascism) marks out a paradigm of 'modern state racism', and in a way that both intersects and complicates the account we find in Foucault. Characterising the biopolitical perspective of apartheid, requires that we keep a sharp focus on how the question of labour shapes how racism is deployed in establishing divisions in the population (between who must live in health and who can be allowed to endure risks of death). Apartheid, articulated by formalising and extending, a biopolitical paradigm in which the state governs in the name of the health of the collective biopolitical body of the *white* population. Part of the specificity of the South African experience of state racism (see *Dossier on (bio)Power*), then, is the ways in which producing the life, health, wealth and well-being of the white population came to also imply a permanent relationship to African labour.

What Virno suggests is the kernel of society's biopolitical shift - that when living labour, as the potential to produce, is commodified, society assumes a biopolitical referent "to govern the living body that maintains this potential" (Virno n.d. [2002]) - was in the apartheid context given brutal significance in relation to the African population. The (African) life in the city, this 'subject in-between', was therefore (juridically) coded as *this or tha*t form of life belonging to a category of labour[247]. And that which did not belong, as those deemed 'unproductive', were moved into reserve(s) – that is "relocated" to the Bantustans.

The management and care of African life was, therefore, deeply shaped by demands at the level of the capitalist economy and labour market. But, not exclusively so. In fact, on both sides of the transition, from segregation to apartheid (and indeed also in our present), this 'subject in-between', and specifically its resistance on the axes of government and economy, become tremendously important in the making of the order to which it came to be bound.

To approach the struggles of this subject, and its role in the making of place, we need to shift emphasis away from the category of civil society, as well as conceptions of politics focused exclusively on the formal institutional sphere, in order to get at the constitution of that level of political experience which in the previous chapter I call (following Chatterjee) 'political society'.

4.2.2. Finding Political Society

Something important happened in the 1980s, which continues to cast ripples, even today. When social movements, like the APF or the AEC, first emerged on the scene, they set their own lineage on a line that ran back to the civic movements of the 1980s. This is not surprising as many activists in the APF had their formative political experiences in relation to such movements[248]. On the other hand, when contemporary officials account for causes of the poor's disposition to non-payment, what they often reference is the legacy of civic activism in the 1980s, specifically the rent boycotts.

Part of what characterises this period is both how its community politics highlighted the terrain of everyday struggle, as well as its development of a conception of constituent power through practices of 'people's power'. However, as Adler and Steinberg point out, the "family of locally based residents' organisations that mushroomed across the South African landscape in the early 1980s, and which by the end of the decade was known as 'the civics movement'" (2000: 2) actually has its roots in much older traditions of local politics, that is highlighted by Colin Bundy.

In Bundy, building on Piven and Cloward's accounts of 'poor people's movements', the politics which emerged in the civics in the 1980s, is seen as part of a broader "politics of refusal", whose repertoires refer back to the institutional and governmental terrain.

> Initially, the new civics were parochial in a double sense: their organisational base was local and their institutional vision was fairly tightly focused on aspects of life particular to their time and place. Yet, they became prominent and ubiquitous vehicles of resistance politics during the 1980s, often articulating a more far reaching anti-regime ideology. With trade unions and student/youth organisations, they spear-headed 'the politics of refusal' which characterised the decade 1979-1989. The key elements were boycotts, strikes, stayaways and civil disobedience. This repertoire was not randomly arrived at, nor did it stem from any strategic master plan. Rather, it illustrates very clearly the point made by Piven and Cloward: that 'institutional roles determine the strategic opportunities for defiance, for it is typically by rebelling against the rules and authorities associated with their everyday activities that people protest' (Bundy 2000: 27).

These struggles at the level of 'everyday activities' refer back to what Bundy calls "an almost invisible history" (ibid: 29). Characterising this history, Bundy writes:

> The history of how urban residents struggled to protect their interests and assert their dignity – and the teeth of material deprivation, political and social subordination, segregation and apartheid – is not a spectacular one. It is a saga of survival, a chronicle of constraints. It is also a record of resistance: of how constraints were probed and tested, and how the tenacity and creativity of ordinary men and women contested the terms of their oppression and exploitation (ibid).

Following the genealogy set out in Bundy's essay, Adler and Steinberg's introduction to their volume, *Comrades and Citizens*, sees the civic movements of the 1980s expressing "a continuous tradition of African local political protest" going back to the 1880s. The first "location committees and vigilance associations" that emerged in the Cape, and later in Natal, were established as vehicles for community concerns and interests. These, however, remained for the most part relatively restrained points of resistance.

> The [location committees] became location advisory boards after 1993 when the laws governing African urban residence allowed Africans to participate in statutory semi-representative structures accountable to white local authorities. The vigilance associations drew their membership from a wider social spectrum of residents, and often served as a more populist and active critic of the official body. However, until the 1940s, both practiced 'a self-conscious moderation of utterance and behaviour' consistent with the elite status of their leaders (Adler and Steinberg 2000: 3).

The spurt of industrialisation and African urbanisation during the Second World War saw such bodies radicalised with changing conditions (ibid).

A particularly telling sequence in thinking about a developing political society is struggles around housing and services in urban townships, as for instance can be found in Bonner and Segal's *Soweto: A History* and its account of how everyday "acts of rebellion" shaped the development of this iconic township.

Soweto's development can be read as characterized, at either pole, by 'state racism' (see *Dossier on (bio)Power*) and resistance.

The discovery of gold and the growth of Johannesburg brought white and blacks together within the emerging city. According to Bonner and Segal, after the Anglo Boer War:

> Johannesburg's population grew rapidly. Some 10 000 poor white Afrikaners streamed in from the farms which had virtually been laid waste in the 'scorched earth policy' of the British during the war. Poor blacks also arrived in growing numbers to escape poverty and shortages in rural areas. Both black and white immigrants took up residence in the increasingly crowded and squalid inner-city slums. Conditions there were often unfit for human habitation but slumlords still charged exorbitant rentals for 'rooms' which were usually no more than simple subdivisions of old sheds, stores, workshops and outbuildings (Bonner and Segal 2005: 12).

It wasn't, however, only the public health problems posed by these slums that was offensive to authorities, but also the fact that they were considered places of "inter racial mixing" (ibid: 13). In 1904 the outbreak of the bubonic plague provided authorities with the pretext to burn down 'Collie Location' (a slum in what is today Braamfontein). Enforcing separate locations, the slum's African residents were removed to a new location in Klipspruit, "in the heart of present-day Soweto"[249] (ibid)

In the coming decades the slum continued to be an object of prejudice and biopolitical intervention. In 1930's, in part to clear Johannesburg's inner city of slums and shift the city's African population outside of the immediate boundaries of the city and 'white residential areas', authorities established the township of Orlando, on the farm 'Klipspruit Number 8' (ibid: 16).

In spite of being billed as the model township for a "better-class native" (ibid: 16), the housing and services in Orlando (in the heart of what would later be called Soweto) reflected the state's broader approach to the African population, consigning urban communities to the lowest levels of housing and social services[250]. In fact, the minimalist two and three roomed houses were barley complete when the JCC forcibly removed inner city slum residents settling them in Orlando[251]. Other community services were just as poor, with there being no libraries, parks or

sports grounds and with schooling available only for a small number of the township's children. Beyond the "regulated uniformity" of the streets, there weren't any shops or banks and all commercial activity had to be done in the city.

Soweto's growth during the Second World War saw these problems deepen, as the rate of men and women migrating to the city outpaced the JCC's limited investment in the housing. Many houses took in relatives and lodgers, growing Orlando's population of back yard dwellers and sub tenants. But the housing crisis that was sparked by the spurt of urbanisation also catalysed a series of struggles – from public protests to land occupations – that were in many respects the pivot upon which the state's housing and service delivery policy would begin to tilt.

Bonner and Segal, for instance, describe the series of struggles led by the Sofasonke Party and its founder James Sofasonke Mpanza, under the banner "housing and shelter for all" (ibid: 20). In March 1944, after a series of failed attempts at persuading the JCC to address the crisis in Orlando - realising that as a population of backyard dwellers and tenants those who needed houses remained *invisible* to council - the messianic figure of Mpanza led Orlando's sub tenants onto a vacant stretch of land in order for them to begin building their own houses. A council affidavit from the previous year records Mpanza's daring declaration to the municipality:

> I am a messenger sent by god. The municipality has taken on itself the duty of providing us with houses. But it has not carried out that duty. There are no houses for us. We can no longer wait for them to put a roof over our heads. I am taking possession of the authority vacant land and I am building shacks for the people who have no houses (quoted in ibid: 22).

Shantytown or 'Masakeng' continued growing, from 500 families and 250 shacks, peaking at over 4000 'registered shacks'[252]. Finding it difficult to remove the squatters, council developed a plan to provide temporary accommodation "and rows of breeze block shelters of ash, sand and cement were erected in the new area of Jabavu" (ibid: 24). Mpanza urged residents not to move and to stand "united in its demand for permanent housing for all" (ibid: 24). Many residents did, however, take up occupation of the meager dwellings, which had only the bare minimum of water and sanitation services.

By 1945, the introduction of legislation on squatting, and proactive attempts by the JCC to remove the squatters, reduced shantytown to "2000 families". This also meant that over 20 000 people had newly been brought under "council control" as registered tenants of the Orlando shelters (Bonner and Segal 2005: 25).

Viewed broadly, Shantytown did win real gains for the population, and as Bonner and Segal note:

> [It] shocked the authorities and forced them to tackle the question of housing more seriously. The squatters' actions also gave a new sense of pride and self-respect to Africans. Shantytown was the first major mass-based community struggle in Orlando and, from that moment, acts of rebellion became part of township life (ibid: 25).

In 1946 Mpanza again led Orlando sub-tenants in the occupation of partially completed houses that were being built in Orlando west[253]. On receiving news of the occupation the JCC dispatched two cars to the scene. After these broke down in flooded streams one of the council officials reported that Mpanza "made use of the coincidental breakdown of my car and that of the superintendent of Orlando, and the flooding of the motor car of the Non-European Affairs Department as further proof of his supernatural powers, claiming that it was he who brought this about" (Helene Henderson in Bonner and Segal 2005: 25). Whatever the truth of such claims, the JCC's failed attempts of permanently removing Mpanza from Orlando further reinforced the growing 'myths' surrounding this colorful figure. More importantly the growing squatter problem, intensified by new waves of land occupation, in 1947 forced the JCC to concede that the housing and squatter problem had grown to such proportions, "that it could no longer control it by force" (ibid: 27).

A new emergency camp was set up, called Maroka – which grew into one of South Africa's worst slums - comprising a vast area of "makeshift shanties on cramped 6 meter by 6 meter plots, [where] the communal bucket system toilets overflowed with excrement and water outlets were so scarce – and so far away – that fights regularly broke out in queues" (ibid). To dissuade people from squatting land, and so getting entry into state housing, Bonner and Segal point out that "the camp had clearly been constructed to limit costs, and to make the squatter movement a less attractive option" (ibid). Nevertheless, the Maroka, Jabavu and Orlando shelters dramatically shaped the spatial development of Soweto and also "decisively influenced patterns of black

urbanisation" in part by requiring that men be both employed in Johannesburg and be "in family circumstance" in order to gain access to the camp (ibid: 27).

After the nationalist electoral victory in 1948, the seemingly insurmountable problem of Soweto's housing crisis motivated the JCC to search for alternatives to conventional housing schemes. A serious problem facing the JCC and national government were the heavy losses it incurred in housing schemes in areas like Soweto where the vast majority of residents were unable to afford rental costs that could finance the repayment of loans and interest used to fund these projects (ibid: 28). The proposed solution was the lease of land to Africans so that they could erect their own structures "on an 'improved Maroka emergency camp' basis" (ibid). Dubbed Vukuzenzele in 1950, to signify "wake up and do it yourself" (ibid: 28), the project was initially stalled due to disagreements[254] over the "stand sizes, servicing standards and financing" (ibid: 28), and it wasn't until 1954 - after the central government settled on a strategy to finance the scheme (in particular basic social services) and established a standard for plots – that the 'site and service program' was introduced. Bonner and Segal note that from then on "all homeless African families, as well as those residents in the Orlando shelters and Maroka, were required to move to sites measuring 12 meters by 22 meters and serviced by a bucket latrine on every plot, with a water outlet every 500 meters" (ibid: 29).

The rationale was that families could build shacks on the stand until housing could be provided by other means. Once formal structures were erected, rental would be charged on an "economic basis", the idea being that the state would, in this way, finance new housing developments. By 1955 the JCC had opened up 10 000 site and service stands with the townships of Tladi, Zondi Dhlamini, Chiawelo and Senaoane laid out by 1956 (ibid: 29) According to Planact, between 1954 and 1960, the boom period of Soweto's growth, 33 000 site and service stands were allocated (Planact 1989: 31). Through the site and service scheme all the shelters of Orlando, Maroka and Jabavu were cleared. Authorities were, however, slow in building formal housing, and only 3000 houses were built between 1953 and 1954. It wasn't until the JCC approached Sir Ernest Oppenheimer, who was reported to have been so 'aghast' by living conditions in Soweto that he "arranged with his colleagues in the mining industry to loan the city R6 million to be repaid over 30 years" (Bonner and Segal 2005: 29) for development of the area. Doubtless, Oppenheimer understood the potential political consequences of failure to deal with the housing crisis.

The housing programme that followed the mining industry's loan saw 24 000 additional houses being built between 1954 and 1959 (ibid). In 1958, however, central government blocked all loans for sub economic housing (Planact 1989: 31), but by then the townships that had grown up around the original Orlando site were home to nearly half a million people. And in 1963, after a process lasting almost 4 years Soweto finally got its name, an abbreviation for 'South-Western townships' (ibid).

The story of Soweto's origins, and the ways in which the council governmental practices were shaped by the 'strategic rationality' underpinning aspects of Soweto's 'acts of everyday rebellion', is strongly evocative of Partha Chatterjee's remarks on 'the politics of the governed'. Importantly, the squatter movement – threaded together by the messianic imaginings of the Sofasonke party – both anticipated and indirectly worked to shape the reactive governmentality of the JCC in ways that parallel Chatterjee's discussion of the mobilisations of 'political society' in late 20th Century Bengal. And what is highlighted here are the ways in which the struggles of communities in Bengal anticipate and structure practice in relation to governmental categories for governing sections of the national population.

Chatterjee's argument is developed in the context of post-colonial world and in relation to the tension between "the universal ideal of civic nationalism, based on individual freedoms and equal rights" and the different ways in which governmental categories structure alternative narratives of community and the population that cannot be easily integrated into narrow notions of civil society or the narratives of the nation and it people (*Chapter 3*). He, however, links the emergence of 'political society' to colonial governmentality, and no doubt for Africans in mid 20th century Soweto - structurally and institutionally insulated from circuits of (white) civil society - a strategic practice made on the ground of something like Chatterjee's political society was the only option open to urban Africans in eliciting or shaping governmental intervention. So, for instance, Soweto's sub-tenants could invoke the municipalities' 'duty to provide houses', creatively mobilising the JCC reactive response to 'squatters', in order to secure state intervention in housing. The strategic rationality that grew out of these and similar struggles, constructed with the everyday struggles of the population of Soweto, continued to impact on the pace and character of service delivery for years to come.

4.2.3. Apartheid Governmentality and Neoliberalism

In the 1950s, the axis of black politics shifted to the nationalist movement and the political formations that came to be associated with the Congress tradition. But it also had to contend with state repression, which by the 1960s had led to the banning of the ANC and Communist Party, a fact that turned out to be important in the turn to armed struggle. This was also a period characterised by the extension and elaboration of the governmental paradigm that we know as apartheid.

Soon after coming to power, the Nationalist Party (NP) not only began developing the basis of a uniquely South African state racism, but did so from within a perspective that saw the state directly and actively intervening at the level of the economy and shaping development. Speaking about the consequences of the political ascendance of the NP, Marais writes:

> The NP regime quickly applied two key sets of interventions. Influx control of African workers and the pass-law system were expanded and tightened, intensifying efforts to reduce the African population to a labour army servicing industry and agriculture. Organisations representing the interests of the African majority (especially trade unions and the Communist Party of South Africa) came under sustained attack. African wages were thrust downward and continued to decline in real terms until 1958/9. Alongside these interventions was a gallery of racist regulatory measures that reorganised numerous aspects of social and economic life long racial lines. The notion of an activist or 'interventionist' featured prominently with the state acting forcibly in social and economic affairs, especially around the allocation and control of labour. (Marais 2011: 17).

The capitalist accumulation strategy that developed under apartheid, which Gelb called racial Fordism, reflected the union between state racism, capitalist development and the welfare state. No small part of the political appeal of apartheid, was the ways it worked to enhance the social and economic life of the white population, especially Afrikaners, through an activist state. While the foundation of its economic strategy remained the export of precious metals and depended on the stability of their prices within the global market, it also rested on an import substitution strategy that underlay the development of industry (ibid: 18-19). For the most part, however, the

emphasis was on the development of industries that "supported or linked into the core sectors", and which serviced the small white consumer market whose wages were on the up (ibid: 18).

> [It] established an affluent welfare state for whites. White workers were guaranteed access to jobs, enjoyed rising wages and were cushioned by a wide ranging social security system, as well as easy access to credit and loans. This increased their consumptive power, making them (and the ballooning middle class) the consumptive core of a growing economy. White trade unions won collective bargaining agreements for white workers and successively defended their privileges against some employers' attempts to cut wage costs by shifting the job colour bar upwards and elevating low-paid African labour into semi-skilled jobs. Vast resources were invested in education, health, cultural, recreational and sports infrastructure and services for whites. (ibid: 26).

Capitalist accumulation was thriving. Between the 1960s and 1970s, South Africa's economy grew at an average of six per cent per year, and offered exceptionally high returns on foreign investment (ibid: 27). But, if at one end apartheid meant enhancing the life of the white population, at the other end it engineered a system in which black life had to navigate complex zones of legality and illegality, life and death.

This system, which, as Wolpe points out, implied the suppression of African life and consumption (1972), had real implications for the delivery and use of services by Africans living in the city. After the strengthening of influx control laws in the 1960s, Africans living in the city were juridically 'transients' whose place in the city was generally conditional upon their insertion into wage labour (see above). In this context, larger state housing projects were consigned to the Bantustans.

For Sowetans, it also meant that a home ownership scheme under which 12 000 residents became owners of their houses was discontinued, and a monthly rental was introduced instead. In this context, new housing developments dropped to just 772 units per annum in addition to the approximately 50 000 houses that were built in the previous era. In 1971 the state introduced the Bantu Affairs Administration Boards (BAABs), bringing Soweto under the administrative control of the West Rand Administration Board (WRAB) in 1973 (Planact 1989). Clarifying the thanatopolitical character of apartheid, one of the consequences of this shift was that townships were now to be run as "self sufficient units, deriving their income from a number

of sources: a legal monopoly on the sale of alcohol in townships, fines from pass law contraventions and, finally, by means of drastic cutbacks on municipal services and housing" (ibid: 31-32).

Even more generally, Africans were "ruled out of [the] circuits of production, distribution and consumption" (Marais 2011: 27), and consigned to the lower rungs of the workforce by both legislation and the education system. But, apartheid never managed to put an end to resistance even where it forced formal compliance with the system. In fact, simply by moving where apartheid prohibited, people resisted[255].

Following a crisis in the global economic system in the late 1960s and early 1970s, nation states and supranational bodies began introducing measures to overcome the structural and political limits to accumulation and the free circulation of capital. Geared not only to the opening up of new areas of investment, such strategies also saw measures aimed at the deregulation of financial markets and the reorganisation of local economies running parallel to the introduction of forms of rule in which market imperatives become both the justification and a potent instrument for the ways in which nation states govern over their populations.

Weathering the effects of the economic crisis that helped catalyse this transformation, towards the end of the 1970s, real cracks in the South African system were beginning to show. The limits of the accumulation strategy that emerged after the Second World War were becoming apparent, and by the end of the 1970s the economy was going into a recession (Marais 2011: 29; See also *Appendix 1*).

At a political level, a crucial turning point was the 1976 uprising and its political fallout. In what could be read as a struggle against forms of subjection[256], the youth of 1976 not only drew new attention to popular opposition to apartheid, but helped underline the system's vulnerability.

One of the consequences of the uprising, though, was a shift in official policy in Soweto, in which the market and market mechanisms came to play an increasingly important role. A particular telling case in point was housing policy in Soweto. Planact notes that after the 1976 uprising and the year of unrest that followed it, a 99-year leasehold option for housing was introduced while the "private sector involvement in the housing was cultivated" (Planact 1989: 32). Site and service schemes were also reintroduced, and employers were encouraged to develop

housing projects for their employees. This change in policy saw a real increase in new construction during the 1980s. Planact estimates that by 1989 Soweto comprised 118 300 housing units - 39% of which was privately owned - as well as nine hostels accommodating 47 932 workers (ibid). The vast majority of these houses (70.7%), however, remained the 'match box', four room sub economic units based on a standard design[257].

As in previous eras, the housing crisis, that drove state interventions since the establishment of Soweto, continued to mark a challenge. A Soweto Council Commission report from 1979 states "there is a severe housing backlog and natural population increase will swell this backlog to between 34 000 and 50 000 by 1985 unless a drastic building program is undertaken" (Ecoplan in Planact 1989: 33). However, following a global trend towards neoliberal governmental strategies, it was now the market that was seen as the solution to Soweto's housing problem. This meant that the bulk of new housing developments were financed through the private sector, which generally only catered to the top end of the market, failing to make any real intervention amongst the poor where the greatest need existed[258] (Planact 1989: 32).

In line with its attempts at the stimulating the growth of housing markets in African areas, the Steyn Commision reported that it was possible "…for the vast majority of the dwelling units, at present being let with the exception of housing for the aged and other welfare housing, to be offered for sale among others to members of the black communities on the 99 year leasehold" (Steyn Commision in Planact 1989: 36).

Under 'the Great Sale scheme', a range of mechanisms were introduced to promote private home ownership with the formula used to determine the selling price for council stock often applied in ways that saw houses being sold below their market value. The guiding document for the policy, for instance, stated that "[t]he rental formula must not be more advantageous to the occupant than the sales formula." To be sure, transferring ownership to residents coincided with desires of Sowetans who believed that they "had earned the right to the houses" (Planact 1989: 37). On the other hand, within the emerging paradigm, the privatisation of the housing stock followed from a neoliberal rationality under which private home ownership was seen as a "sound way of ensuring 'responsible' citizens, and as a material way of deflecting protest and resistance" (Planact 1989: 36).

But even more generally the period is marked by the entry of a range of neoliberal themes into the government of the state. As a 1991 essay by Chris Heymans documents, privatisation of state assets and services was becoming an important point of contestation:

> Privitisation has been an item on the agenda in South Africa throughout the 1980s. It was highlighted in 1977 in a high profile critique of growing state involvement in the economy in a book *Assault on Private Enterprise* by Dr A. D. Wassenaar, the former chairperson on one of the country's largest long term insurance companies, Sanlam. Later, government inquiries indicated that the state's share in financial resources of the country had grown from 20 per cent in 1950 to 30 per cent in 1978. *The White Paper on Privatisation* stated that: 'In 1985 public sector expenditure amounted to 38.1 per cent of gross domestic product…' Hence calls for a reduced state role, later billed under the terms 'privatisation' and 'deregulation' became integral parts of the debate on the South African economy (Heymans 1991: 160).

Privatisation of local authorities was also seen as a potential way of deflecting antagonisms directed at the state within townships. As we will see a particular play and tension between marketization/depoliticisation and resistance/politicisation become particularly important in understanding the pace and character of local restructurings. And indeed, pressure was coming from both sides, and by the early 1990s an "anti-privatisation campaign" had already been mounted by public sector affiliates of COSATU (ibid: 163).

But, in spite of limited experimentation, by the 1990s resistance and the shifting political climate that marked the onset of negotiations had shifted momentum away from 'full privatisation'. Perceptively, Heymans also recognised that opposition to privatisation might elect "commercialisation" as an alternative, marking not so much a shift in perspective as in the forms such inspires.[259]

In concluding his essay, Heymans notes that "[v]ehement union protests in 1990 seem to have caused greater caution in government and private sector circles in pursuit of privatisation", and within the political contexts of negotiations with the liberation movement, the apartheid state seemed more sensitive to political implications of adopting market forms. Still as, Saul points out that NP government had been "moved a long way towards the embrace of neoliberal orthodoxy, a trend most clearly manifested in the centrality of 'privatization, trade liberalization, spending

cuts, and strict monetary discpline' of the Normative Economic Model (NEM) that it released in 1993" (Saul 2005: 204).

Nevertheless, there were real limits to the extent to which neoliberal mechanisms could be installed under apartheid. The system of laws and inherited practices, especially after the collapse of influx control, stood as fetters to the development of such mechanisms. How neoliberal rationality confronted and overcame such limits within the context of the political transition is, as we have seen, the source of much concern and debate. This was, however, not just an economic or regulatory problem, but also a political one.

4.2.4. The Rent Boycott

One of the things I like about Foucault and his immanent account of power is that it moves us away from the concept of 'the political' to politics. For Foucault, politics is what is important and he would have probably argued that the metaphysical significance given to the category 'the political', is only an effect of it. Foucault teaches us that "[n]othing is political, everything can be politicised, everything may become political" (Foucault in Senellat 2007: 390). And, what makes something political, what politicises it, is to be drawn into a struggle, a resistance to governmentality: "Politics is no more or less than that which is born with resistance to governmentality, the first uprising, the first confrontation" (ibid)[260]. These brief remarks about politics and politicisation seem to me to open up a way of grasping part of what is at stake in the history of the delivery of basic services. Seen from this perspective, questions of basic services and housing are neither strictly speaking 'properly political' or 'non-political'. Their status is what politics must still decide. It could be said that the political history of the delivery of basic services is precisely about struggles whose poles are characterised by trajectories of politicisation and depoliticisation, or even, following Rancière, politics and police.

Returning to the problem I refer to above, I want to argue that over and above the institutional, regulatory and legislative obstacles to neoliberalisation, was the problem of the politicisation of housing and basic services. And as South Africa entered what turned out to be the final decade of apartheid, this was part of what the bosses in their chambers were worrying about.

In 1981, the Johannesburg Chamber of Commerce, the Johnnesburg se Afrikaanse Sakekamer, and the Transvaal Chamber of Industries made a joint submission to the Minister of Finance, Mr

Horwood and Piet Koornhof, Minister of Constitutional Development (and to ensure that their concerns found a champion in parliament, the representatives of capital also cc'd the representative for Houghton, Helen Suzman). Pitched as a kind of 'advice to the prince', the letter raises a number of concerns about the ways in which the delivery of services was being managed in Soweto, and offers a set of suggestions about how to improve matters.

Some context is necessary. A consequence of apartheid governmental architecture was the financial 'ring fencing' of Soweto, cutting the township off from the JCC's tax base and forcing the SCC to search internally for resource streams. In spite of growth in Soweto's housing sector (see above) and an investment of R400-million between 1979 and 1989 towards the upgrade of municipal services, the quality of services - particularly water and sanitation - were extremely poor and desperately in need of maintenance (Planact 1989: 5, 75-78). According to Chaskalson et al. whilst the period is marked by an increase in expenditure, sources of revenue were in decline:

> By the early 1980s most administration boards were accumulating colossal deficits…whilst expenditure was rising, several source of income were falling, most especially the profits from beer and liquor sales which were used to subsidise the provision of housing and services. The state increased rents and service charges rather than introduce either further taxation of capital or central state subsidisation (1987: 47).

With minimal financing for upkeep and development, attempts at raising resources internally, through user fees, forced the cost of services up.

This emerging context is what is the background to the intervention of the chamber.

The letter begins by outlining the dire financial situation of "the black councils of Soweto", which it attributes to the fact that their main sources of income were service charges and rentals that were "for years held below cost" (a fact that the letter says had led to "chronic deficits"). The ironic thrust of the letter is that it both makes a case for cost recovery, at the same time as it warns against the danger of shifting in this direction too quickly (Johannesburg Chamber of Commerce er al. 1981).

So, on the one hand it characterises the source of the problem as government's failure to charge "fully economic site rentals" (the letter of course doesn't mention that the deeper cause of the problem was that Soweto was cut off from Johannesburg's tax base, and forced to raise revenue for development initiatives from within this extremely poor community).

> The actual "rent", being repayment of capital and interest on the historical cost of a house in Soweto, is minimal, being typically of the order of R3 to R6 per month. In addition, site rental and service charges are payable to cover such items as maintenance of houses, roads, sewer and water reticulation; insurance and administration; provision of unmetered water supply; refuse removal, sewage charges and an electrification levy. These totaled approximately R13.50 per month in 1979, since when they have effectively been doubled to about R27 in the case of Soweto … It is extremely unfortunate that service charges levied by the government in previous years were kept artificially low so that the WRAB is today in a far worse situation – average householders are paying relatively less – than for example the Vaal triangle area where the community council budgets do balance… We gather that even with the most stringent budgeting the shortfall for the current financial year, April 1981/March 1982, in greater Soweto is of the order of 24 million, that is, roughly R20 per month for each of the 100 000 houses in greater Soweto… It is desirable, indeed necessary, that fully economic site rentals and service charges should be payable by Sowetan householders as soon as possible (ibid).

While fully economic charges are the ideal for the representatives of capital, and even while they believe that many householders might be able to pay the increased charges necessary to make up 'the shortfall', the letter argues that "it would be imprudent to try to impose the entire increase required at once or even over a short period of time". For it would seem that for capital, depoliticising the circuits of basic service delivery was a more urgent imperative and one that they believed should dictate the pace of movement towards fully economic charges.

The letter holds out the following scenarios:

The first possibility is that "the community councils could vote" the necessary increases in charges to meet the deficit, in which case:

> (i) Householders pay these increases without protests: no problem.

(ii) Even a substantial minority of householders (or even of persons who do not have houses) create disturbances: this could seriously affect the credibility of the community councils and if the disturbances are serious the damage to not only Soweto but to the economy of South Africa could be enormous. The physical damage done inside Soweto in 1976 was only a small fraction of the economic, social and political damage done to the country as a whole (ibid).

The second possibility is that "the community councils refuse to vote the increases" (lest they become the target of the community's anger):

(i) The Government also refuses to provide the funds. The consequence would be total breakdown of services: no water, no electricity, no sewage, no social services for control. Clearly that is unthinkable and it cannot be allowed to happen.

(ii) The minister uses his power to impose the rent increases: thereby the credibility of the community councils system is destroyed and the issue becomes even more politicised than before, with strong physical confrontation probable and escalation of conflict likely: and the Government probably having to provide funds not only to keep services going but also to maintain order in a state of emergency (ibid).

The third option, which the letter comes to champion, is that "increases should be phased in, with far less likelihood of conflict".

The letter ends on the following note:

Our Chambers and our members are committed to do everything possible to increase the skills and productivity of their black employees so that thereby their wages can be increased to enable them to bear the costs of financing their own local authorities and the services which individual householders receive. However, householders will require some assistance in making the transition from a totally controlled township economy to a free market system (ibid).

In many ways, this work, and this chapter, is about this very transition which, in fact, so far is a constant, always open one, defined by what I have been calling ' a double movement'. The plan of phased increases, however, needed to wait, not until these questions were depoliticised as such, but until the institutionalisation of political resistance that followed the official end of the rent boycott.

Although struggles around rent and service charges were not specific to the 1980s, the rent boycotts and the ways they formed part of the civic movement that emerged in this period and came to be aligned to the Congress tradition, were. As Adler and Steinberg point out, "the revival of civics in the late 1970s and early 1980s marks the birth of a novel and distinct period in the struggle against apartheid" (2000: 4).

The rent boycotts and the civic movement that grew with it are in a way paradigmatic of 'the politics of refusal' that took root in this period, and whose other side was people's power (at one end a refusal of the authority of the apartheid state and at the other "the receptacle of democratic sovereignty[261]"). But, this politics also grew on a terrain of the everyday. It is important to note that when the rent boycotts began in the Vaal in 1984, it was as a response to rent and service charge increases. As a SASPU (South African Students Press Union) report on the rent boycotts from the period documents, a common call of boycotting townships across South Africa was, "Rents we can afford" (SASPU 1987). Although rent boycott took its own form within different contexts, by 1990, "the boycott and the social movement associated with it spread to around 50 townships of the Transvaal and many more in Orange Free State, northern Cape, and eastern Cape" (Swilling et al: 1991: 175).

As our established point of local focus, we take up the story in Soweto.

The crisis in the global economy in the 1970s and the reorganisation that followed had serious consequences for economic growth in South Africa, and for which, I have argued, the political formations of apartheid were inadequate in addressing. In a study published in 1988 Keenan draws on his 'micro studies' of Soweto households to show how the changes in the national economy had driven a significant decline in the socio economic situation of Soweto households, in the period leading into the rent boycott (Keenan 1988).

Focused on the Soweto townships of Maroka, Phiri and White City, Keenan's study followed a sample of households from 1978 to 1986. Self-consciously pitched against Botha's reform era rhetoric that the living standards of Africans were improving, Keenan shows how growing unemployment, loss of informal income and inflation made Soweto households significantly poorer (ibid). A 1995 survey by the Bureau of Market Research also largely confirms this picture. Citing this study, Planact points out that for township residents, between 1980 and 1985, "the percentage of income spent on housing and electricity …nearly doubled" (Planact 1989: 22).

With the growth of Soweto's civic movement and organisations like the SCA (Soweto Civic Association) in the 1980s Soweto communities were highly mobilised[262], with a long history of service delivery struggles to draw upon. They also had a practical example of a response to rocketing rent and service charges in the form of the Vaal uprising. It was in this context that residents in Chiawelo extension III, Naledi extension II and Jabulani initiated a boycott of rent in March 1986 (Planact 1989: 23), a tactic that must be read both in relation to the economic crisis and the emerging (borrowing from Barchiesi) 'grammar of citizenship centered on decommodification'. The response of Council was to cut residents' rents in half, a fact that, as Planact points out, helped legitimise the tactic.

The SCA had initially been skeptical about the rent boycotts. However, in context of the worsening economic conditions of Soweto households, combined with increased user fees and rent, local branches of the civic took a decision to stop paying for rents and services. The SCA was forced to begin negotiating with authorities and presenting residents' complaints, which emphasised the high cost of rent and services (ibid: 24).

After the declaration of the 1986 state of emergency more "widespread" action followed (ibid). Later that year, after 20 people were killed in what was dubbed 'The White City rent war', the community's demands shifted to include the scrapping of rent for those people who had lived in their houses for more than fifteen years (ibid). The latter in fact became increasingly central as a demand of civic movements.

Citing a survey conducted by Frankel, Planact notes that not only did the boycott enjoy the overwhelming support of the community (95.8%), but "no less than 83% of respondents referred to socio-economic conditions as the reasons why the community supported the

boycott" (ibid: 26). This was in sharp contrast a 1998 JMC report that characterised the "arrears on the Witwatersrand" as being an "orchestrated campaign of civil disobedience *to express displeasure at government*" (SECSTAT in Planact: 26, Planact's emphasis).

The onset of the rent boycotts only worsened the financial context of the SCC, who in turn embarked on a program of service cut-offs (aimed at forcing residents to resume payment), which tended to "exacerbate service deficiencies"[263] (ibid: 5). It is important to see that the rent boycotts were not the cause of the SCC's financial crisis, rather, the latter was an important contributing factor leading up to the boycott - it did however render the SCC, to borrow a phrase, 'ungovernable'. Planact's conservative estimate for the total arrears owed to the SCC were R200 million in 1989, with Soweto's total debt running at around R701 million (ibid: 20). A 1998 DBSA report characterised Soweto's economic crisis as follows:

> The lack of economic and financial feasibility are some of the major restraints that are being experienced by Black local authorities after becoming autonomous. This challenge of becoming a viable entity also applies to Soweto where the city council's financial position deteriorated to the extent that substantial amounts of bridging finance had to be provided by the Transvaal provincial administration…to finance deficits incurred. The financial crisis of Soweto's city council has been further aggravated by revenue forgone as a result of the rent boycotts which took effect during the 1986 and are as yet unresolved" (DBSA quoted in ibid: 19).

The response to the rent boycott was a "combination of coercion and repression…including intimidation, evictions, service cuts, media campaigns, promises of upgrading and local negotiations to persuade resident to pay their rent and service charges" (Planact 1989: 26). The high degree of community mobilisation made such measures difficult to implement and they eventually proved powerless in shifting the community's resolve. Bodies like the TPA, keen to recover the bridging finance it had been forced to provide the SCC, called for "evictions to be used against rent defaulters". Others like the Development Bank of South Africa (DBSA) "adopted a more flexible position" emphasising the centrality of "local negotiations" in a satisfactory resolution of the problem (ibid: 27). Doubtless, with an eye on the fiscal crisis that had underpinned institutional contexts of the boycott, the DBSA conceded that Soweto would need a wider economic base to sustain itself (ibid). Ultimately, the crisis that had emerged

underlined not only the need for an institutional transformation, but also, in the very relationship between the state and the black population.

The rent boycott officially ended on 24 November 1990, with the signing of the Soweto Accord, after a protracted phase of "local negotiations" between the Soweto People's Delegation, the TPA and three Soweto councils (Swilling et al. 1991: 189). The accord, which became a model for similar negotiations and agreements across the country, set out both "short and long-term" remedies for the crisis in Soweto. With respect to the short-term, the problems underlined were "the outstanding arrears, the boycott of rents and service charges and the possible cutting off of services" (ibid: 190). For the long-term, however, the problem was the very structure of the city.

> To deal with the long-term issues, it was agreed that a Metropolitan Chamber (MC) should be established whose mandate would be to design and implement a new 'non-racial and democratic' urban policy. It was agreed that the MC should comprise all the local government bodies and civic associations from the central Witwatersrand region. The policy fields that have been identified for investigation and design cover the entire spectrum of policy problems. The most immediate and pressing ones, however, were identified as the transfer of houses, the upgrading of services, affordability, and a single tax base. Some of the longer term issues that were identified included non-racial and democratic local and metropolitan government, industrial development policy, transport, the rationalization of administrations, social amenities, land use, and land availability (ibid: 190).

One of the outcomes of these processes was the scrapping of the arrears of Sowetans as well as the instituting of an "interim service charge" covering just a portion of the costs necessary to run Soweto. For their part, civic representatives would call off the rent boycott and inform their constituencies that they should resume payment.

Of course, many of these questions continued to be played out within the new Metropolitan Chamber. Ironically, these battles (over phased increases that came to be tied to improvements in services, the status of local councillors in the MC, as well as more general City financing strategies), and their institutionalisation, reconceded the political character of questions of housing and basic services (that is by being made the subject of formal political negotiation).

Part of the significance of the iGoli plan following the financial crisis that the City was said to experience in the late 1990s, is that it articulated a long-term vision for how the post-apartheid city would resolve many of the questions that first clarified in this period.

Taking up the imperative of depoliticising the circuits of post-apartheid service delivery, municipal managers and their political bosses, have often reduced the issue of the rent boycotts in the 1980s to the illegitimacy of black local authorities. Narrowly portrayed as a tactic of the national liberation movement to render the black local authorities ungovernable, the boycotts, as we have seen, are cited as the source of the disposition to non-payment. Although mine has been only a brief discussion, it should be clear that as with the persistence of acts of non-payment in the present, the causes of the rent boycott and the character of the movement that undertook it, are far more complex than what we are led to believe.

4.2. In the name of the norm

4.2.1. A question of (best) practice

The inclusion (so to speak) of large sections of the anti-apartheid movement in the state did not translate into an end of resistance. Muted and forced to be played out within the ANC and affiliated structures, or else denied a public platform and so driven into 'the underground of private life', resistance continued to present limits that governmental initiatives worked to overcome.

Part of what characterises my approach to neoliberalism, or better, neoliberalisation, is my focus on political practice, grasped in "context specific" terms. Taking up the advice of Brenner and Theodore, this means focusing our analysis on the contextually specific ways in which market centric discourses and practices structure projects that are "produced within national, regional and local contexts defined by the legacies of inherited institutional frameworks, policy regimes, regulatory practices, and political struggles" (2002: 4). As I show in the remaining chapters of this thesis, both contemporary policy frameworks, as well as local restructuring projects like Operation Gcin'amanzi, are interconnected outcomes of heuristic experimentation with neoliberal, market orientated principles. But, in the end, these are shaped as much by the struggles, contexts, and failures internal to previous strategies as they are by neoliberal best practice prescriptions. And, what I have tried to underline already, are the hybrid forms that are

an outcome of such processes, mobilising older strategies and forms of authority in installing market relations across the social. In this respect, and as the South African transition so poignantly demonstrates, processes of neoliberalisation are often immanent to broader social and political processes, where nationalism functions as an important support.

In taking up an analysis of neoliberalism in the delivery of basic services, we can begin by noting that pre-1994 negotiated housing policy, and even the much-vaunted RDP, had already assimilated aspects of neoliberal rationality. Nonetheless, the public face of policy often drew from the political imagery of the national liberation movement and retained a rhetorical commitment to 'reconstruction and development'. Even GEAR "envisage[d] a substantial acceleration in government investment spending" with a priority on the "provision of basic household infrastructure" as "a relatively low cost and effective form of public intervention in favour of the poor and consistent with the reduction of income inequalities" (Department of Finance cited in Bond 2000a: 52).

As Patrick Bond points out, however, the more detailed policies for the delivery of basic services, such as the 1997 Municipal Infrastructure Investment Framework (MIIF) – the ten-year plan for infrastructure and service delivery – would "bear little relation to the promises made" and came to rely "excessively on market orientated, cost recovery provisions" (ibid: 52). Thus, if the commonplace critique of the path from the RDP to GEAR, or the SACP's identification of a '1996 class project,' highlight the symbolic centrality of GEAR in 'imagining' South Africa's encounter with neoliberalism, the specific contexts of the delivery of basic services were more profoundly shaped by notions of 'international best practice' and the range of policies, regulations and practices aimed at creating what the MIIF called an "enabling framework" for the delivery of basic services. Importantly this 'framework' was intimately shaped by the political and institutional limits it encountered along the way.

Although a good deal has been written on the MIIF policy process, I would like to revisit, what is for me, a remarkable 'case study' presented by Richard Tomlinson (2002) as an entry into our discussion of what theorists have called "actually existing neoliberalism". This study is interesting, not only for its insider perspective (being authored by Tomlinson, one of the South African authors of the MIIF, and an influential consultant and policy expert on basic services), but also for its truly instructive remarks on international best practice. Moreover, Tomlinson's

'practical' outlook, free of the nationalist mystifications so common to the rhetorical framing of post-apartheid policy (see *Chapter 2*), lays bare the tracts of neoliberal rationality.

Arguing that "international best practice" derives from the "latest fashions in development thinking" (2002: 378) (codified, according to Tomlinson, in texts such as the *Habitat Agenda* and the World Bank's annual *World Development Report*), he points out that - beyond the immediate political contexts and challenges confronted by developing counties like South Africa - the "motivation to adopt best practice represents the intellectual hegemony of the neoliberal agenda" (ibid: 385). Quoting from Ruble and the World Bank, Tomlinson reasons as follows:

> Unless the partially marketised city like [São Paulo or Johannesburg] accepts its linkages to the developed world and increases its ability to adapt to changes in the global economy, continued deterioration is assured.' The World Bank links this position to decentralisation, to local government and privatised service delivery: the 'world-wide trend towards trend toward decentralisation…links to overall economic reform and improved governance [and] progress in stabilisation, privatisation, and poverty alleviation' (ibid: 385).

The necessary critique of this self-fulfilling fatalism notwithstanding, Tomlinson's argument draws attention to the perception in the 1990s of the unlimited power of the market in disciplining nation states and cities that 'deviate from international best practice'. Described as "the strait jacket for which we should all be grateful"[264], the study argues that "the neoliberal agenda sets the parameters for policy alternatives" for those countries wanting a place in the global economy (ibid: 387). But, the study also highlights the tremendous influence wielded by international agencies such as the World Bank in (re)producing conceptions of best practice and 'marketing' them to countries of the South.

Tomlinson describes how, shortly after the unbanning of the ANC, bank missions began visiting South Africa and meeting with senior members of the liberation movement. Significantly these missions also began assessing service delivery backlogs for the country's urban centres. This proved important, and no doubt helped the Bank carve out a function for itself within the policy process, since a major challenge facing the new government was the absence of reliable data that could form the basis of its municipal restructuring and investment strategy. Clearly supportive of the Bank's intervention, Tomlinson describes these studies as "the first cut databases for the

MIIF and its approach to determining and costing backlogs" that represented nothing short of a "conceptual breakthrough". If the RDP had committed government to the extension and improvement of the delivery of basic services, Tomlinson points out that, "when the ANC came to power, there was no knowledge of how many households lacked such services, what it would cost to provide a basic service level, how the cost could be financed and how the services could be delivered" (ibid: 380). The MIIF set out to answer these questions, and, in so doing, articulate the broad framework for how the 'new government' would meet its commitment to 'ensure'[265] the delivery of basic services. Having already shouldered its way into an influential position in the emerging circuits of post-apartheid policy formulation, the Bank now joined a local group of consultants (led by Tomlinson) in preparing the first draft of this document. With them the Bank brought not only missing data, but the rationality for responding to it.

When work first began on the MIIF, Tomlinson was surprised to discover that very few of the members of the World Bank mission contributing to the process had done prior reading on the country. He explains that he later came to understand that, underpinning the Bank's notion of 'best practice' is the assumption of a homogeneous urban development environment for the cities of the south. In fact, Tomlinson suggests that the Bank's approach was based on a 'one-size fits all model' that required nothing more than the raw data:

> [W]ith some assistance from the South African counterpart team, members of the mission – staff members, independent consultants and academics – obtained missing backlog and costing data and prepared the first draft of the MIIF. The data was 'plugged into' the Bank's model and, where data was missing, numbers were derived based on assumptions regarding what had been found in other countries. Implicit within the model were an understanding of the service delivery problem and appropriate policies, international best practice, and also the equivalence of conditions in different countries, which goes some way to explaining why the Bank mission did not require prior knowledge of the local policy environment. What were missing were the data (ibid).

Although I suggest a more complex relationship between the abstract model and the concrete forms that eventually get installed, the importance of Tomlinson's study's account of the agency of the World Bank is to demonstrate the great extent to which World Bank staff and consultants intimately shaped the character of post-apartheid municipal policy. He is, however, at pains to

show how such influence was neither menacing nor always the product of the Bank's direct power over the policy process. Approvingly citing Gilbert's observation that "the World Bank was 'ineffective'" in directly influencing the outcomes of negotiations at the 1992/3 National Housing Forum, while at the same time acknowledging that "South Africa's housing policy has conformed quite closely to the Bank's list of 'do's' and 'don'ts'", Tomlinson argues that this apparent paradox can be explained in making a distinction between the Bank "directly influencing policy through financial and technical support during the policy process and the intellectual net cast by agencies such as the World Bank" (ibid). For Tomlinson, South African housing policy was a case of the latter:

> [Rather] than directly influencing local policy, here the policy formulation process was based on the intellectual assimilation of housing best practice on the part of key contributors to the negotiations. The private sector Urban Foundation (UF) played a lead role during the negotiations and, within the Foundation, two employees and a consultant now have the reputation for having formulated the capital subsidy programme that is central to the policy. Already well versed in housing issues, the two employees consolidated the expertise through attending a course at MIT and imported best practice. One observed 'In housing, the UF learned the World Bank story" (ibid: 380).

This particular anecdote represents well the intimate relation between power and knowledge. It should be said, though, the MIIF was, euphemistically put, a case of the *direct* intervention of the Bank in the policy process. In spite of the broad political directive that followed from the RDP, Tomlinson and a small South African team met an "unyielding" Bank mission in their attempts at "prescribing what issues should be addressed". The portrait that Tomlinson paints is one of a local team literally overwhelmed by Bank staff: "[t]his was difficult circumstances when a dozen or so global experts sat at one end of the table and at the other sat the four person, novice South African team. Soon this imbalance was exacerbated by the USAID bringing in municipal finance experts" (ibid: 381). Not surprisingly, then, the first draft of the MIIF reflected the Bank's 'best practice' prescriptions, with the chapter on options for municipal service delivery "wholeheartedly advocating the privatisation of basic services".

Resistance, even at this level, was shaping the policy process. And, here, what is indexed is not just the relations between the South African team and the Bank mission (the uneasiness around

the imbalance that Tomlinson speaks about), but also the critique and protests of actors outside of the immediate policy process. SAMWU, for one, was also paying close attention to the unfolding process, and threatened to strike over the offending chapter on options for service delivery. It was in this context that Tomlinson redrafted the chapter. The new draft did not, however, repudiate privatisation, and instead merely set out "the options for service delivery, ranging from continued municipal delivery through various forms of partnership to privatisation" (ibid: 381), with the decision over what route to take left up to municipalities. The latter would reinforce the strategic importance of cities and local municipalities in mediating broader processes of neoliberalisation.

The MIIF, in fact, went through a number of drafts before being finalised, and had to be defended from stern critique. In the archive of Richard Tomlinson, held at the South African Historical Papers (SAHA) at Wits University, a section of papers on the MIIF are devoted to mobilising responses to early criticisms of the MIIF made by Patrick Bond. Even within government, there emerged opposition to the trajectory set out in the MIIF. In an interview with Mike Muller, the former director-general of DWAF, for instance, he suggested to me that the more practical political concerns on the part of the ministry provided a counter pole to the more 'neoliberal' municipal finance-centred paradigm of the team behind the MIIF (Muller. M, Interview, 2011-02-1).

It's worth noting, however, that after its initial interventions, the Bank played a less direct role in shaping the various drafts of the MIIF. But, by then the South African team had learnt the 'Bank's story'[266], and was reshaping it within the South African context. In spite of the 'softening' of the discourse of the MIIF, the final document did embody a perspective that conformed closely to the Bank's best practice model for municipal service delivery, emphasising an idea of local government as an "enabler" rather than a direct provider of basic services. As David Hemson points out, even the alternative mechanism put forward in the reworked chapter on the options for service delivery still "demonstrate[d] the influence of the commercialisation and privatisation policy framework" (Hemson in Bond 2000a: 127).

Clarifying a relationship between the approach of the MIIF and what then appeared as the hegemonic perspective on municipal services and housing policy, Tomlinson sets out the basic tenets of what was then a best practice paradigm:

> [P]olicies from diverse origins, whether housing policy in the South or municipal restructuring under Thatcher and Reagan, have coalesced into the prescription that (1) central government's role is one of creating an enabling framework for the delivery of housing and services; (2) local government is the key site for enhancing the delivery of housing and *ensuring the availability of municipal services*; and (3) that the enabling framework and the role of local government should support the contribution of the private sector, formal and informal, and NGOs to housing and service delivery (2002: 378; emphasis added).

Implicit in the choice the MIIF came to reflect - that between "ensuring" over "directly delivering" - is a broader perspective on state and markets. As Ruiters and MacDonald point out, the rationale for enhancing the role of the private sector in the delivery of services such as water (whether through public-private-partnerships or more explicit forms of privatisation) is a view that sees government as "corrupt, unaccountable, unimaginative, financially strapped and unable to expand and upgrade water services on their own in a reliable and cost effective manner" (2005: 1). Instead, the argument runs, government should do what it does best, which is to create an environment that 'enables' or empowers the private sector to deliver services within the broad framework of the market - thereby ensuring that such services are delivered in a manner that is accountable, efficient and cost effective. In Tomlinson's words, "'ensuring' means that while local governments are responsible for seeing to the delivery of housing and services, they are no longer expected to actually finance and deliver housing and services. This is best left to the private sector and NGOs" (2002: 378). He also points out that the acceptance of this division of labour between 'government' and the private sector was often the principle upon which assistance from organisations such as the World Bank and USAID became contingent.

Key to the creation of this 'enabling' environment was the introduction of a series of policy, legislative and institutional measures and mechanisms that enhanced the possibility of the private sector participating in the delivery of basic services. Importantly this would include, not only the creation of an appropriate legal and regulatory framework but a range of far reaching institutional measures as well, geared in many cases to the introduction of market principles into the management of the local state (even outside of actual private sector participation). In fact, beyond the hopes of mobilising private sector investment in different areas, the adoption of market principles and corporate rationality were seen as necessary for the efficient and cost

effective government of the state. The two principles in fact support each other - for an enabling framework is one that respects and acts in accordance with principles of the free market.

So, at the very least, with respect to state delivered services, creating an enabling framework meant charging what the bosses in their chambers called 'fully economic charges'. Not surprisingly, then, the MIIF emphatically advocated cost recovery, understood as the imperative for "the recurrent costs" of delivering services to be covered by the consumer. Commenting on the cost recovery emphasis of the MIIF, Mosdell notes:

> A principle offered by earlier versions of the MIIF[267] is clear and explicit in its statement that no services provided directly to an individual property or dwelling should be made available free of charge. In general, at that stage the MIIF's view was that all households who get services delivered to their homes…should pay some charges…The MIIF argued that exceptions to this should only be made for indigent households (2007: 286).

The acquiescence of the principle of 'user pays' was in fact implicit to the economic modelling approach that articulated the MIIF's strategy for addressing service backlogs – with service levels set according to a broader principle of affordability. With an eye to cost recovery, the MIIF set extremely low levels of service for the poor. Bond notes that the "basic" standards advocated in the MIIF as the lowest common denominator for municipal investment-such as pit latrines (not waterborne sanitation, yard taps (not inside the house), 5-8 amp electricity supply (not 20 or 60 amp as exists in formerly white areas) untarred roads, no storm water drainage, etc—will be on offer to the estimated 20 per cent of urban residents who have an anticipated real month income of R800…and below and to the 90% of rural residents"[268] (Bond 2000a: 54).

This framework, however, "enunciated policy at a high level of abstraction" (Tomlinson 2002), requiring that - as a broad framework – its underlying principles and logic resonate across the range of policy measures, legislation, and institutional arrangements through which the delivery of basic services was realised[269]. At policy level, the conception of 'developmental local government' enunciated by the 1998 White paper on local government also endorsed outsourcing, MSPs, and private funding. In spite of opposition from SAMWU to all forms of privatisation[270] and other political and institutional constraints to neoliberalisation, the function of the MSPs continued being coded through documents such as the White paper on Municipal

Service Partnerships (2000), and was later given legislative content in the Municipal Systems Act 32 of 2000 (Tomlinson 2002: 382-83). The latter set out the broad regulatory framework for MSPs as well. Another policy intervention at the time was strategies towards creating a municipal bond market to allow municipalities and private service providers to access private sector credit for municipal projects. Tomlinson notes that "consultants financed by USAID assisted the Departments of Finance and Provincial and Local Governments when it came to formulating the relevant policies and preparing, inter alia, the Municipal Systems Act and the Municipal Financial Management Act 1 1999" (ibid: 383). Based on market-centric management principles and systems of corporate accountability these policies and mechanisms intensified principles of cost recovery, municipal service ring fencing, commercialisation and corporatisation - even outside of direct private sector participation.

One of the sources of tension in Tomlinson's discussion is his ambivalence on the question of the source of authority of 'best practice'. Standing at the same time as a strong advocate of best practice – both as an academic and as a consultant to government and various development agencies – he seems equally attuned to the fact that the discursive environment created by neoliberal best practice is often the condition of their truth claims. Thus in discussing the homogenising tendency of the Bank's model, Tomlinson says: "inevitably, a model presumed to apply to all countries and the incorporation of data from other countries as indicative of local conditions produces a homogenising effect. International best practice becomes self-fulfilling" (ibid: 381). Tomlinson even goes so far as to admit that best practice might not be the ideal characterisation of the particular set of policy prescriptions. Citing USAID's Rebecca Black, he notes that "rather than being driven by real best practice, current policy is driven by informed history of worst policy, with emphatic advocacy for what is the most unlike the past but as yet untested" (Black in Tomlinson: 387). If one gets the sense of a fetishised notion of best practice in Tomlinson's discussion, there is an equally strong sense of something else – not an indifferent re-presentation of reality, but a glimpse at the field of forces that underlie any such notion's truth claims.

At this point, Tomlinson's case study unwittingly intersects with recent critical accounts of neoliberalism associated with Foucault's influential writings on governmentality. In his essay on Foucault's account of neoliberal forms of government, Lemke forcefully argues that the "theoretical strength of the concept of governmentality consists in the fact that it construes neoliberalism not just as an ideological rhetoric or as a political-economic reality, but above all as

a political project that endeavours to create the social reality it suggests already exists" (2001: 203). However, the world it makes depends *in the first place* on the world it finds.

4.2.2. Cost Recovery and Care

Where the principle of 'user pays' came to underpin the framework for the delivery of services – impacting on intergovernmental financial transfers and municipal funding strategies - the apparent inability of municipalities to get a handle on the high level of non-payment in historically disadvantaged communities threatened to unravel the entire strategy. In fact this pole of resistance to neoliberal governmentalisation becomes a dynamic point in the development of apparatuses for the government of the poor.

While there were always formidable institutional obstacles to neoliberalisation or even the creation of an 'enabling environment' for the delivery of basic services – from the 'opaque' accounting systems that the new government inherited, to lack of adequate information about the population and its levels of need – these were dwarfed by the political limits presented by what is labeled a "culture of non payment". This conception provided the justification for a series of interventions working to instil a 'new culture of payment' and, later, to give political weight to a dramatic programme of restrictions and cut-offs from basic services.

In 1995 President Mandela launched the Masakhane campaign as "a partnership of a community determined to take responsibility for its own upliftment; and a government which has assumed the responsibility of planning for the most efficient use of the country's resources in order to address the legacy of the past" (Mandela 1995b). Cast in the nationalist tropes of the liberation movement, Masakhane set as its key objectives (1) accelerating the delivery of basic services and housing, (2) stimulating economic development in urban and rural areas, (3) promoting the resumption of rent, service charges and bond payments, (4) creating conditions for large scale investments in housing and services infrastructure and local economic development, (5) promoting the creation of an environment conducive to effective and sustainable local governance. In spite of the broad net cast by these objectives the central thrust of Masakhane came to be engendering notions of civic pride and a politics of responsible citizenship through the payment for basic services. Foreshadowed by an ostensibly neoliberal framework for the delivery of housing, and running parallel to the MIIF process, Masakhane,

which meant 'building together', stressed 'the individual roles and shared responsibilities' of government, business and communities in development.

While the Masakhane campaign was strongly immersed in the language of popular nationalism, often figured in the idiom of the NDR and heavily dependent on the political machinery of the liberation movement - with branches of the ANC and SANCO often spearheading local campaigns – it also strongly reinforced neoliberal governmental themes of 'empowerment' through 'responsiblisation' and shared risk with respect to social reproduction. In a speech made during Masakhane week in 1998 Mandela remarked, "Masakhane is about people taking responsibility for their own upliftment and participating in the governing of their own lives. It is about empowering ourselves by creating good working relations between government and communities, for the benefit of everybody." This is in fact where government's role is no longer simply described as 'creating a better life for all,' but rather as "*creating the conditions* in which every South African has the opportunity to create a better life *for themselves*" (1988). And if the campaign stressed citizen participation in development this tended to be codified as "nation building through payment for services" (Mashabane 1999). The central thrust of the project thus became 'educating people' on "the budgetary constraints and financial limitations experienced by government" (ibid) and the importance of payment for services.

During a speech delivered at a local meeting of the Masakhane campaign in 1996 Sankie Mthembi-Mahanyele presented to the community of Cloetsville the 'challenge' of Masakhane and outlined why it was necessary to pay for services:

> Without payment, government will soon run out of money for delivering basic services and housing; without payment, government will have great difficulty stimulating economic development or creating conditions necessary to encourage large scale investments in housing and services infrastructure because investors won't invest in areas where their investments may be put at risk; and without payment, effective and sustainable local governance is also put at risk (Mthembi-Mahanyele 1996).

Just a year after being launched, however, it was already becoming clear that Masakhane was having little effect on levels of payment for basic services. No doubt, part of this had to do with the fact that many municipalities still did not have adequate institutional frameworks to manage their account bases,[271] as well as the fact that Masakhane had been excessively dependent on the

political will and influence of local structures of the Congress movement whose level of mobilisation was in decline. More important, however, was the persistence of high levels of poverty and unemployment and what the ANC's 1997 congress resolutions characterised as the perception that Masakhane was simply a "call on black people to pay for municipal services" (ANC 1997).

However - without being explicitly acknowledged by government - this 'perception' was underscored by an emerging dissatisfaction with the pace and content of delivery. Mandela, whose messianic persona had been an essential instrument in promoting Masakhane, would now come to emphasize the phrase "Masakhane is happening" in his speeches, as government and party attempted to revitalise the campaign. In order to reassess the failing strategy - and "shed [its] image [as] a campaign that is absolutely owned by government and narrowly perceived as…[being] about payment of rates and services" (Moosa 1997) - government enlisted the assistance of NEDLAC in hosting a series of provincial and national workshops. The provincial workshop process also highlighted job creation along with crime prevention and payment for basic services, with a national workshop reaffirming the centrality of Masakhane to the collective will of the nation. Valli Moosa, then Minister of constitutional development, whose department had inherited the projects orphaned by the closure of the RDP office, thus reaffirmed the campaign in terms strongly reminiscent of the discourse of the NDR:

> The Masakhane campaign is an embodiment of this transformation phase of struggle. By virtue of its nature, it is a campaign that has the support of all South Africans, a campaign geared at promoting reconciliation, peace, prosperity, development and to engender a culture of sharing (ibid).

Marking out an early formulation of what will become the common place distinction between 'can't pays' and 'won't pays', Moosa's speech makes clear that officials would need to move beyond Masakhane's pedagogy of 'good citizenship'. Rather than simply encouraging payment for services, the ethos of Masakhane was now remobilised in enlisting support for councillors and municipalities who got tough on defaulters.

> Also if we are serious about improving payments for services there are some obvious steps we need to take…[for] those people who are genuinely too poor to pay for their services need to be able to get a subsidy or rebate from the council. There is no way

> you can force someone to pay if they don't have the money. And… for those who can pay but are refusing to, we need to get tough. This includes actions such as cutting off services and taking legal actions. The main thing to ensure is that such action is applied consistently to all municipal residents, and that it is enforced. We need to give our full support to councillors who are now being attacked for taking these sort of actions (ibid).

Moosa's speech also addressed broader problems confronting municipal mangers in introducing market mechanisms in the delivery of services, including better "customer service", the introduction of "metering and billing systems" as well as the establishment of more easily accessible "payment points". Under the theme of building local government's capacity to "implement Masakhane" Moosa cites the launching of "Project Viability", an intervention ostensibly geared to systematise reporting on municipal finance, and building capacity for, "sound financial management"[272], thus aligning Masakhane with broader strategies for creating an 'enabling framework' for the delivery of basic services.

Masakhane's limit as a cost recovery mechanism was that - in emphasising a partnership between government and communities, and in its dependence on the language and images of the liberation movement – it kept the question of services within the political realm, and enabled a defence of non payment along the lines of the reasoning 'Government is not delivering; therefore I refuse to pay'. I suspect that Masakhane was a product of a 'paradigm' that grew out of engagements like those of the Johannesburg Metropolitan Chamber in which the respective roles of government and community were coded as a negotiated political relation. This should not be surprising, given that Masakhane was championed by the officials who at one time were 'community side' negotiators. It, however, made a poor fit with what was becoming the ideal to aspire to in the delivery of basic services, that is of a depoliticised economic relation between (corporatised) service provider and customer.

In spite of attempts at a broader redefinition of the campaign, or the 'last gasp' programme that followed the NEDLAC processes, Masakhane played a less prominent role in the new language of cost recovery. As the emphasis shifted to "shed[ding] the excess baggage and cut[ting] away the fat…[to] leaner, but more effective government structures" (Mashabane 1999), there was less room for nationally driven cost recovery initiatives like Masakhane. Instead cut-offs and other locally based cost recovery initiatives would progressively see the figure of Masakhane's 'active

citizen' make way for Batho Pele's 'sovereign customer'[273]. However, if cut-offs and punitive restrictions on consumption were more in line with the economic relation that managers hoped to create, it also helped inspire a new cycle of social movement struggles on the terrain of local government.

4.2.3. Counter Movement

The APF emerged in relation to the limits to political autonomy and subjectivity within the alliance, but the development of its struggles unfolded on the governmental terrain. Of particular importance in this respect were emerging practices of cost recovery and a set of strategies developed for addressing the problem of non-payment. In fact, it is exactly with these issues that many of the first fronts of the APF's struggles open up. The story of the SECC, like that of many community affiliates of the APF, also begins here.

For many reasons, the SECC became one of the most visible, influential and dynamic of the community structures affiliated to the APF. In fact it is from the tactics which belonged to the struggles of community movements like the SECC that we find one pole of development of 'the politics of the APF'. For if there is anything that conveys the militant disposition of this movement it was its response to cut-offs and the manner in which it claimed it as a politics.

> I remember a time in the SECC meetings people who were illegally connected would be asked to raise their hands, and almost everyone's hands would go up. There'd be this sense of relief as almost everyone would be illegally connected. The only thing was that they were doing it as a criminal act individually. So, it was a question of turning what was a criminal act into a collective act of defiance (Trevor Ngwane, interview: 2003).

By one way of looking at it, the SECC gave expression to a social movement (in a general sense), which preceded its self-conscious form (that is, its specifically political sense of social movement). Under the name 'Operation Khanyisa' it practiced a politics that had the tactic of reconnection at its centre. But, as the quote above illustrates, in so doing, it claimed and gave confidence to what already belonged to the life strategies of Soweto's poor.

Like the APF, the SECC has one branch of its roots in early workshops organised by CANSA:

> The idea of the SECC had also arisen in workshops being held in Soweto by CANSA. We had a Johannesburg workshop on CANSA, looking at how to spread ideas against neo-liberalism… We met for three months, but we just couldn't find a way forward. Then we decided 'Look, let's find an issue.' (At the time it was not just Pimvillians, [but] people from Tladi, Zola… and SACC [South African Council of Churches] types… So, we discussed, and electricity was an issue. So, we found money for a workshop, through CANSA, from AIDC [Alternative Information and Development Centre]… and we decided we were going to form an organisation, so we called another workshop, which was addressed by Patrick Bond [and] Dennis Brutus… and afterwards we had our own discussions, and we had to find a name, so we decided to call it the Soweto Electricity Crisis Committee (Ngwane, cited in McInnes 2006: 18).

Although the impetus for the formation of the SECC would then seem to come from the outside, what is constant in the narratives of this movement's formation is the emphasis on the ways in which the SECC gave expression to an already existing resistance. All the same, this account illustrates the complex genesis of many community movements in which an intervention from the outside provokes the establishment of an organisation to give expression to previously existing political antagonisms[274]. Although this marks an important theme by itself, for my purpose here it is more pressing to illustrate something about the development of community struggles as they unfold on a governmental terrain.

As I discuss in *Appendix 1*, the immediate impetus for the SECC's formation was an aggressive campaign of cut-offs, embarked upon by Eskom, and in which over 20 000 households were being disconnected each month. 'The outsiders'[275], then, who organised the initial workshops that led to the formation of the SECC, found themselves without having to convince residents of the wrong of cut-offs or the need for action. Rather, the struggles that unfolded from places like Soweto gave impetus to the imagination of a national movement that was resisting neoliberalism in South Africa. Paraphrasing from Ngwane, 'a way to spread ideas against neoliberalism'.

One of the threads that bound struggles in Durban or Cape Town with those of the SECC was the politicisation of forms of popular illegality. For the SECC, this was the act of reconnection. It is in fact on this particular act that the SECC was built. Its principle campaign, 'Operation Khanyisa' (Operation 'Switch On'), developed a cadre of community electricians trained to

reconnect residents alongside engaging in political agitation. Effectively acting as a service organisation, Operation Khanyisa, and its on-demand reconnection of electricity after Eskom's cut-offs, allowed the SECC to engage with and touch the lives of a population far wider than its immediate membership. According to Egan and Wafer, within its first six months, Operation Khanyisa reconnected over 3000 households (Egan and Wafer 2004: 10). Alongside these acts of reconnection, the SECC also undertook door to door campaigns, pamphleteering and organised dozens of protests and marches both in Soweto and in the city of Johannesburg. Eskom Officials reading meters or effecting a cut off were often met with resistance in Soweto. Khanyisa also help organise this resistance in order to create 'no go areas' for Eskom officials[276]. Part of the importance of the SECC's approach was the manner in which it self- consciously approached the task of politicising and publicly claiming acts of reconnection. If those like Ngwane engaged the community of Soweto about neoliberalism only to discover widespread resistance in the form of reconnections, as he put it in an interview conducted in 2006, "[i]t [reconnection] had to be announced as a political act for it to be that". Talking about the act of reconnection publicly became a way of expressing the tenacity and militancy of social movement politics. It became common place, for instance, for activists from social movements like the APF, when expressing 'their politics', to affirm 'When they cut us off, we turn back on'[277]. Writing as militants from the APF in a 2004 essay on the tactics of social movements, Ngwane and Veriava comment on how they saw Operation Khanyisa and its impact on the governmental terrain:

> Khanyisa had struck at the core of social relations which enmeshed the provision of electricity: it was an act of defiance, it shifted power relations between residents and the government owned electricity company. The power to cut off and switch on was no longer Eskom's alone. The wave of illegal reconnections posed a serious threat to the much broader project of cost recovery. Through Khanyisa reconnections were transformed from a criminal act into a political intervention. Eskom and the bosses looked on helplessly as Khanyisa whispered through other areas (Ngwane and Veriava 2004: 113).

Although, as a campaign, Khanyisa could count no official victories, its impact on municipal policy, as well as left politics, continues to be felt even today, some twelve years after it began in Soweto. Already in 2001, pressure placed on Eskom forced the utility to announce a moratorium on cut-offs. However, just a few months later the Minister of Public Enterprises, Jeff Radebe,

also lashed out at the SECC, accusing it of engendering a "criminal culture" while, at the same time, proposing changes said to be in the interests of both the community and Eskom (Radebe cited in Egan and Wafer 2004: 11). Significantly, among the measures suggested was the writing off of fifty per cent of arrears, improvements in the billing process, and amnesty for residents who reported illegal connections.

> When Radebe made his offer to Soweto in December 2001 it was turned down. The SECC made its demands clear: electricity for everyone, including urban settlements and rural areas that still had to be electrified; scrapping all arrears; free basic supply of electricity and water the ANC had promised during the 2000 municipal elections campaign and a return to the flat-rate monthly pricing system that the community had managed to wrest from the apartheid regime in the 1980s (Egan and Wafer 2004: 11).

Doubtless the mobilisations of the SECC were also a significant factor in motivating Eskom to scrap the arrears in townships of Johannesburg, writing off R1.4 billion in unrecovered revenue. Having been rebuffed by the SECC earlier, Radebe and the ANC ensured that the scrapping of the arrears appeared as a deal brokered between SANCO and Eskom (ibid: 12). In spite of a lack of official recognition, or even the growing repression of the SECC and the APF, the first few years of these organisations were characterised by real optimism. Alongside its unofficial victories, the SECC's visibility allowed it to continue to grow, with branches sprouting up across the different townships that make up Soweto. At the level of the APF, 'new requests for affiliation' was a regular item on the organisation's agenda. This optimism also translated into increased daring as this movement took its political claims into public debates. Expressing an offensive antagonism, in 2002, a bus load of SECC activists famously arrived at Amos Masondo, the Mayor of Johannesburg's home in Kensington to deliver a memorandum. In addition to the shots fired at the protesters, the day was remembered for the fact that the Mayor's water was cut. Responding to the incident, the police arrested 87 of the protesters, holding them for two weeks before charges were officially laid[278]. Ironically, the actions of state agencies against what came to be called the Kensington 87 helped build an international profile for the APF and SECC. With news of its 'daring act of popular justice in opposition to neoliberal policies' spreading after its arrest and in the subsequent court appearances of the Kensington 87, the movement received messages of support from across the world.

Self-consciously associating itself with the global movement that identified neoliberal globalisation as its enemy, the APF also devoted itself to building a platform of opposition at the UN World Summit on Sustainable Development (WSSD). Following the impressive turnout of social movement activists at the protest a year earlier at the World Conference against Racism (WCAR), the march that was organised against the WSSD in 2002 marked a significant point in the history of new social movements. Largely counted as the height of the influence and public profile of the community movements that had just begun to appear a few years earlier, the WSSD presented a platform from which to clarify their critique of neoliberal globalisation and the ANC government's implication in this project while giving public show of their growing strength.

It is interesting to note, however, that even as the APF entered national and even international political terrains, it was the form of its campaigns at the local level that supplied the stuff of its political identity, and which was conveyed through the simple formula, 'When they cut off, we turn back on'. It is also of real significance that from almost the very beginning APF militants fell easily into speaking about their resistance to cut-offs as 'acts of decommodification' set against 'the commodifying logic of neoliberalism.' But even were this not the case, it is still possible to see that this movement arose and was sustained in relation to widespread 'decommodification themes in the socius' as well as the popular antagonisms of the poor. But, the affirmative power, then, of acts of reconnection stemmed from the ways they gave expression to a community's power of 'self valorisation'.

The story of the SECC, the APF, and 'new social movements' is, however, just one way in which the antagonisms of the poor become visible. They, in fact, form the backdrop of many struggles in South Africa today and the debates that have followed them.

4.2.4. 'Service Delivery Debates'

In 2004, a crowd of protestors from Harrismith occupied the N3 highway. In a show of force, the police acted to disperse the protest. By the time order was restored, one protestor was dead. Those identified as the leaders of the protest were arrested and charged with public violence and sedition.

Following the Harrismith uprising – as if only needing a spark – other communities across the country took to the streets in seemingly similar acts of protest[279]. Beginning in 'far-flung towns', "the smoke that calls"[280] soon filled the sky in the cities as well.

A single demand emerged across the muffled tones and images coming to us in the mainstream media: 'delivery'.

Beyond the initial paranoiac references to a third force driving these protests, there was no denying a crisis. Predictably, Mbeki blamed the slow pace of delivery on the local councillors and the administrative inefficiency of local government.

Ironically, just two months earlier, the then editor of the popular left leaning weekly newspaper, the *Mail and Guardian*, ranted about the 'new left', attacking a perceived tendency amongst the new breed of anti-neoliberal "social movements and the radical intellectuals who support them…of magnifying their import, impact and size – on the basis of predictable arguments and sketchy research". Focused on the layer of organisations that had grown out of campaigns resisting the shape of 'post-apartheid' municipal restructuring, including the APF and SECC, Haffajee's editorial - titled 'Fact, Fiction And The New Left' - spun an unflattering caricature of a quixotic movement charging imaginary windmills. Shifting between a critique of, (alter/)anti-globalisation luminaries, the research and writings of local left intellectuals, and the combative and antagonistic positioning of these new movements in relation to mainstream nationalist discourse, Haffajee's somewhat muddled argument charged that the 'new left' had misunderstood the character of our democracy as well as its present challenges. Stopping just short of an endorsement of government policy she suggested that, in their protestations about GEAR and privatisation, the 'new left' had missed the fact that South Africa was now moving onto a far more "expansive economic path", with even Trevor Manuel admitting that "GEAR was a "'necessary but not a sufficient"' condition for growth and poverty eradication" (Haffajee 2004b).

Like many others, Haffajee had seen in expansionary posturing and increased spending in the so called 'second economy', a shift away from many of the (neoliberal) principles that had animated the 'new left's' critique of the transition. For Haffajee, in its theoretical shallowness, this critique worked only to mask the real "difficulties of [grappling with the] transition; with the nuts and bolts of local government finance; with the technicalities and policies required to extend a water

connection and keep it running." For our present context, she argued, the challenges of progressive civil society are established on an altered terrain:

> We are beyond the tight Gear belt and now the debate is about a skilled and committed civil service that can deliver; about whether we need the provinces and whether they hinder or help an effort to build a better life; about the growing social distance between the government and the governed (ibid).

Was this, then, all that Harrismith was about as well – government inefficiencies and the growing distance between 'government and the governed', like a character in one of Kafka's stories who is too far from the Emperor to realise that the Emperor has already dispatched a message for him? However, rather than disappear, service delivery protests have become an ever more common feature of the South African landscape, taking on an almost seasonal quality on the national political calendar (from the middle to end of winter), and in a very real sense shifting the focus of national debate. Indeed, a good deal of South Africa's oft-quoted high annual protest figures (see SAPS quoted in Bond 2008; Alexander 2010), are precisely what are chalked up as 'spontaneous service delivery protests', prompting Peter Alexander to speak about a veritable "rebellion of the poor" (2010). It is perhaps the vice of Patrick Bond's virtue to have pointed out that these figures make South Africa the place with the highest per capita number of protests in any country, often citing this figure indifferently interspersed with economic indicators such as the gini coefficient to prove the failure of neoliberal macro-economic orthodoxy.

While Haffajee's editorial invited a volley of critical responses in 2004, it also had no shortage of defenders as debate spilled over from the pages of the newspaper. Without understating the importance of this debate, the terms of the discussion had unfortunately been set by the narrow framework of the original piece. Focused on the extent and definition of privatisation, the statistical veracity of cut-off figures, the relevance of a critique of GEAR in the current phase, and of course, the character of new social movements, these discussions were often marked by an approach that characterised neoliberalism as a closed ideological project in which GEAR represented the highpoint of the South African encounter. Many keen on rehabilitating the left credentials of the ANC could, therefore, point to the reconfiguration of governmental discourse, through tropes such as the 'two economies', and increased spending on poverty alleviation and service delivery, as a change in perspective that moved away from the neoliberal rationality that had underpinned GEAR. And while contributions from social movement activists were able to

highlight how Haffajee's argument was itself a product of a simplistic understanding of the emergence of this heterogeneous set of movements - and simply glossed over important nuances in their critiques - her piece had underscored an uncomfortable truth - while these social movements had been tremendously successful in highlighting the effects of market driven restructuring projects at a local level, the rhetorical focus of their critique of neoliberalism and the transition had often underlined the short journey from the RDP to GEAR, often passing over the strategies and policies that, more immediately, were shaping their early struggles. But, if this debate had underlined the danger of privileging the national scale in the left narrative of neoliberalism, it also illustrated the success of the ANC government's (re)mobilisation of nationalist tropes in reworking the public face of its policy perspective, in what should, ironically, be seen as a response to social movements and resistance more generally[281] (see also *Chapter 3*).

Amongst the issues that animated the 2004 debate sparked by Haffajee's editorial was that of the practice of water and electricity cut-offs for non-payment, partly focused on the popular acceptance of the validity of statistics emanating from the now historic study conducted by David McDonald and John Pape, published in 2002 by the Human Sciences Research Council (HSRC) in partnership with the Municipal Services Project (MSP). Based on extrapolations made from a nationally representative household survey of 2530 people conducted in July 2002, the study estimated that close to 10 million individuals had been cut off from their water, and the same number from their electricity, since 1994. As the statistics started to be used to give credence to the claims of emerging community and social movements resisting cut-offs, gaining popularity in major international newspapers and on CNN, the Minister of Water and Forestry Affairs, Ronnie Kasrils, began to criticise the study, arguing in Parliament and the *Sunday Independent* newspaper, that the researchers had 'over-stated' the problem.

In response to these criticisms, the HSRC's Mark Orkin offered that the figures were "an extrapolation by an independent, external researcher in an HSRC survey of three months duration, and considerably over-estimates the phenomenon". He went on, however, to state that "the extent and consequences of these disconnections by local authorities remains a serious matter of concern." (Orkin quoted in Haffajee 2004b). While the HSRC chose to be cautious, David McDonald stood by the statistics, responding in the *Sunday Independent* (2003):

> We did not release the 10 million figure lightly. We noted at the time that the statistics were 'startling'. And indeed they are, challenging an important record of water

> infrastructure extension in South Africa. Furthermore, it was not just the HSRC data that we relied on. Statistics collected by the Department of Provincial and Local Government (DPLG) showed 133 456 water disconnections in the last quarter of 2001. This translates to a (conservative) estimate of 500 000 people affected by water disconnections over a three-month period. At this rate, it does not take long to reach the order of magnitude that we indicate in our study. Nor was it just water that we were interested in. The HSRC survey showed a similar number of people had experienced electricity cut-offs, and the DPLG data showed that 256 325 electricity disconnections had taken place in the last three months of 2001 (affecting about a million people).

It is likely that the figures presented by McDonald were not far from reality[282]. All the same, the debate itself tended to exclude any possibility of the poor, as the victims of cut-offs, from speaking to the problem. Debates over contentious statistics become commonplace where elite publics begin to learn how to block out the action of an identifiable political subject. Overall, the nature of the outcome of this debate about the extent of cut-offs would, in fact, prove inconsequential in the light of their impact on the everyday lives of the poor. However, as we have seen, communities offered up a ready-made response to the turn to cut-offs, that became the blazon of a movement.

4.3. On One Side of the Governmental Machine

Between resistance and neoliberal governmentalisation, a path is coursed, moving us all the time from 'community' to 'state', and from the limit to the strategy devised to overcome it. Stacked up, alongside the failures of Masakhane, now stood the difficulties of carrying out cost recovery initiatives in townships, like Soweto, with militant strategies for warding off official intervention, as well as increasing levels of illegal connections. The impact of these resistances on the government of the state, is a complex one, heuristically and contingently developed, over the last decade. As I briefly highlighted earlier, it brings together initiatives like FBS with prepaid meters, indigent management with mechanisms for cost recovery, binding them together in a complex evolving apparatus for governing the city's poor (see also *Chapters 3 and 5*).

4.3.1. Prepaid Life

Eskom's readymade answer to the movement born of resistance to cut-offs was prepaid meters. And although the prepaid meter still found itself unable to block out refusals to pay, it helped fundamentally alter the character of the relations between 'subject' and 'state'.

Prepaid meters were, in fact, first introduced in the mid-1990s by Eskom in its drive to electrify black townships (Ruiters 2007; Von Schnitzler 2008). Greg Ruiters points out that the argument for their introduction was that black people had the "wrong social attitudes" for credit meters (Ruiters, 2007: 493).

According to Tewari and Shah, after 1998, prepaid meters became an increasingly popular option, with 3.2 million prepaid electricity meters rolled out during this period - representing almost half of South Africa's electrified homes at the time (ibid: 493; Tewari and Shah 2003). For Eskom managers, prepaid presented a strategy to deal with various problems associated with conventional meters. In townships like Soweto, Eskom workers conducting meter readings and disconnections regularly faced harassment (see also above). One of the great advantages presented by the prepaid meter was to have removed the burden of cut-offs from the service provider, by automating it. On this issue APF activists came to speak of technologies through which consumers "self-disconnect" when unable to pay (Fiil-Flynn and Naidoo 2004).

It is also in this period that prepaid meters gain popularity in the delivery of water, with schemes already running in Khutsong, Hermanus, Modderspruit, Koffiefontein and rural parts of the Eastern and Northern Cape (Ruiters, 2005: 11), as well as Mogale City (previously Krugersdorp) in 1998. In the example of Mogale City, which also figured as reference point for Operation Gcin'amanzi, the decision to install prepaid water meters was said to have been taken by the local council due to "social, political and community issues rather than technical issues", and which arose in the context of attempts to enforce payment for services through conventional metering and billing processes. According to Michael Rabe (who helped oversee the prepaid water project in Mogale City and later OGA), the attractiveness of prepaid over conventional metering and billing, is that it eliminated the need to manage and recover arrears. Prepayment was seen to be 'the solution to non-payment', whilst offering savings to Service Authorities in operating expenditure. Prepayment was also seen to be more socially and politically correct when seen in the light of an intensive restriction/cut off programme (Rabe 2007: 8).

Reflecting on the feasibility of prepaid meters in a document titled 'The Role of Prepaid Water Meters for Sustainable Delivery of Water Services', the DBSA underlines an approach to cost recovery figured in relation to the development of technologies that allow both for cost effectiveness and an efficient service delivery programme:

> The key issue to be addressed is that of sustainable water service delivery for which cost recovery is essential. It has become clear, however, that the focus of attention should not only be on the paying for and collection of revenue for water delivered but also on the efficient delivery of a water supply service to a community. By so doing, the emphasis shifts to those principles, conditions and procedures essential for the efficient delivery of water (DBSA 2001).

Tellingly, in this document cost recovery is seen as essential for the creation of a 'sustainable water service', and the prepaid meter is offered as the technology to provide this 'efficient delivery' to communities. As many commentators have pointed out, prepaid meters would be sold as an effective and affordable means of regulating individual household consumption to consumers, while facilitating a shift in responsibility (and risk) for ensuring access away from the service provider to the individual consumer, and also, again, operating to construct and deepen an economic relation between the public utility and the subject. Those unable to pay for more would have to learn to regulate their lives through managing their consumption to within the individual range of 'affordability'. It is almost as if 'efficiency' is meant to cut across the social as it becomes 'recoded as the economic', such that at the level of the household prepaid meters enforce a regime of strict regulation of the life habits and strategies of the poor[283].

In a national postal survey of all South African municipalities, conducted by the Water Research Commission (WRC) in the second half of 2002, respondents (127 out of 284 municipalities) "indicated that almost two thirds of the meters (64 per cent) were installed in households with an income of less than R1 200 per month", reflecting that "most prepayment meters have, as expected, been placed in poorer households" (Marah et al. 2004: 28). They are as Ruiters has pointed out "a tool for managing the poor" (Ruiters 2008: 256). In this respect, what consistently emerges is a perspective in which the prepaid meter is seen as a pedagogical device for instilling new practices of the everyday, new life strategies for the poor.

That officials explicitly valorise prepaid meters for their pedagogical potential, was confirmed when I spoke with Enoc Mudau, a Senior Manager at JW "overseeing the implementation of

projects". Responding to my question about how the prepaid meter gives support to JW's 'conservation' drive in Soweto, he underlined its utility in encouraging 'behavior change':

> That's why even in the beginning [the project] took the name 'Operation Gcina 'manzi', which is a Zulu name that means 'save water'. It's a message that we're driving to the people. Although behaviour change takes time, you do eventually see it. But like I indicated earlier, when you have got a system or a meter like prepaid water meters, which a customer has constant interaction with, it starts to say something to the customer. Because of the fact that you have got that meter, you need to go and talk to that meter either through the credits that you are putting in, or constantly you want to check how much free basic water I am left with or the meter gives you a warning to say 'now, my free basic water is getting finished'. You go and check how much I am still left with. All by itself, then, it starts to change the thinking around water versus a normal meter that you will never see. You can stay in a property for twenty years and you don't even know, you just receive a bill. But, with [the prepaid meters] you're too interactive with the meter. Then you start to change the behaviour of water use. (Interview 03/11/2011)

In as much as the prepaid meter provided an 'efficient' technology for the enforcement of cost recovery, its introduction would have to be accompanied by ways of teaching and encouraging people to accept new logics, framed as 'self-restraint', 'self-management', and 'efficient use'.

4.3.2. Configurations

As I have suggested in the previous chapter, there is an interesting relationship that develops between prepaid and other consumption regulating technologies, life line allocations in the delivery of basic services, and emerging indigent management frameworks. And although some might insist on constructing for them a genealogy apart from contemporary resistances to cost recovery, the specific form of relation between these elements clearly highlights how resistance has come to shape the development of governmental frameworks targeted at the poor.

There is an important intersection between free basic services and prepaid technologies that already indexes resistance in the form of non-payment. Greg Ruiters writes:

> Widely promoted as the 'ultimate solution' to non-payment, the prepaid meter and free basic water have become major state techniques in local political 'management'. Since consumers 'self-disconnect' the prepaid meter strategy is 'debt-proof' and convenient for councils as long as consumers don't tamper with the system. The state also argues that *prepaid meters are a convenient way of giving households their free ration of water*. The prepaid meter represents an ideal way to teach people to self-regulate and to know their place." (Ruiters, 2005: 11; emphasis added).

Alongside these two elements, there has been the development of indigent management strategies which have supported the emerging frame of cost recovery. The question of indigent management first entered my research when I interviewed Patrick Flusk, then deputy director general in the DPLG responsible for free basic services and infrastructure, in May 2004 as part of the study on state-community relations conducted with Dale McKinley. Significantly, it was when the conversation turned from basic services policy to social movements, that he emphasised developments with respect to indigent management frameworks. To the question about the Ministry's impression of new social movements (at a time when the APF's battle against prepaid meters in Soweto was approaching its peak), Flusk responded:

> You know what I think is important? We are finalising the indigent policy in South Africa. Now this indigent policy will basically say that those who are poor, who are not able to afford to pay for their services (for example, those earning less than R1100 or less in a household should be described as 'the indigent' and they should get, in addition to the free basic services that are available, they should get an additional top-up of services available for free until they are able to work). And I think what these movements should do, and this is our view, what they should do … if they want to make an impact, go into partnership with municipalities, tell them 'Where is your indigent policy? We represent these indigents, let us see how we get services to poor people'. Let me give you an example. Is the issue about prepaid meters or is the issue about getting water to the people? Now their [social movements'] campaign is about prepaid meters, instead of getting water to the people whilst government is trying to get hard to the people. And I'm talking about getting free water to the people that can't afford. We can't stop people from organizing themselves, but we can say to them that 'you know, it is very difficult to manipulate an educated people, a people long involved in struggle, you know, who understand these issues; rather, what you should do is get

involved in the municipality, in partnerships to make sure that those you represent, those you say is the poor, get services'.

To be sure, a framework for dealing with indigents was long in the works, underlining more local trajectories that were directly related to issues of payment for services. For Johannesburg's indigent management strategy, for instance, it is clear that government's concern went deeper than simply placating a section of the poor, or even some humanitarian or political prerogative conceived in the abstract. Moving in step with the shift to punitive forms of cost recovery, in 1998, the City, faced with its own fiscal challenges but with stronger institutional frameworks than most municipalities, initiated an Indigent Policy that managed to register only a modest 25 199 applicants (of 30 659 applications), a figure far short of the tremendous breath of vulnerable households in the city. According to the City, however, the framework was from the start "faced with administrative and process problems that made it difficult to implement" (Palmer Development Group 2004: 11). The failures of this policy would no doubt have been underscored when, in direct response to city wide cost recovery initiatives, a whole new generation of post-apartheid civic movements emerged, explicitly mobilised in opposition to cut-offs, and openly, and to great effect, advocating the organised, albeit illegal, reconnection of services (Fill-Flynn 2001; Ngwane and Veriava 2004; Naidoo and Veriava 2005; McInnes 2006).

It was within this broader context that the City introduced the 2002 Special Cases Policy, which was explicitly geared to determining "special cases in respect of payment for basic services provided by local government to those who cannot afford to pay for basic services, the elderly & HIV-AIDS patient and orphans" (Palmer Development Group 2004: 11). Significantly, the same strategy would go on to list among its objectives "to enhance credit control measures *by providing a safety net for the poorest of the poor and identifying those using poverty to not pay for basic services*." (ibid; my emphasis).

In this formulation, that sits at the centre of Johannesburg's approach to the question of 'indigency', the identification of 'those using poverty not to pay for basic services', again recalls the distinction in municipal circles between the "can't pays" and the "won't pays", which as Ruiters has shown, is at the centre of free basic services policy.

While a commitment to the provision of free basic services has always featured in the discourse of the ANC government, researchers have highlighted a shift in what this actually meant and the

rationale for undertaking such a responsibility in the first place (Mosdell 2006; Ruiters 2005). Nevertheless, as Tim Mosdell writes, its introduction did mark a departure from the strict user pays paradigm that had, for instance, been the prescription of the MIIF:

> The free basic services policy represents a dramatic shift in government policy in that previously, the approach had been that government would pay for the capital cost of schemes, provided that beneficiaries would undertake to pay the recurrent costs. This philosophy underpinned all feasibility studies, business plans, Water Services Authority/Provider agreements and tariff structures. (Mosdell 2006: 283).

In 2000, after a period of sustained protest action against water cut-offs and water privatisation, as well as the outbreak of a cholera epidemic in Kwazulu-Natal in a place called Madlebe[284], President Mbeki announced this shift, first at a COSATU congress in September and again in October, at the launch of the ANC's election manifesto (Mosdell 2006: 283).

As researchers have illustrated, the origins of the new policy lay in the experience of the City of Durban, which served as a model for the development of the national free basic water policy, and whose implementation began in July 2001[285] (Bond 2007; Mosdell 2006; Ruiters 2005). Supporting the perception that it was economic rationality that motivated the shape of the policy, a DWAF statement underlines free basic water's 'cost benefit basis':

> The City of Durban has taken the logical – and socially just and equitable step – of making the first lifeline amount of water (6 000 litres per household per month) free of charge. Thereafter, the more you use, the more you pay. This constitutes a significant saving in administrative and postage costs. It is a win-win situation for all (DWAF 2000, quoted in Ruiters 2005: 6).

Critics of the policy, like Greg Ruiters and Patrick Bond, argued that the minimal allocations that constituted free basic water and electricity at the time reflected a neoliberal emphasis on cost recovery in the delivery of basic services over the commitment to meeting basic needs. Cynically, Ruiters writes that "the 6 kl per household just about equalled the administrative costs of billing (R7.00 at the time)", reemphasising the economic motive in the decision over how much the poor needed (Ruiters 2005: 6)[286].

Not surprisingly then, Bond concludes that "the basis of the policy was cost-efficiency rather than meeting basic needs" (ibid). In his more detailed critique of the rationality that underpinned the free basic water policy, Ruiters also points to a number of governmental imperatives that went beyond the stated extension of access to basic water to all. For instance, he points out that free basic water is seen as a way to encourage residents to "take greater care of and 'ownership' of services". Importantly, he also suggests that the policy becomes functional in the separation of households into individual, metered 'consumer units'.

Speaking to the politically instrumental relation I want to underline between indigent management and free basic water, Ruiters's essay also shows how the policy supports the imperative of the registration of 'the truly poor' in the form of the indigent. In fact, the provision of free basic water would be viewed as a means of enforcing cost recovery through the payment for water, with Mike Muller even calling the policy "an innovative approach that will enable us to separate the can't pays from the won't pays" (ibid). From the outset, then, the universal allocation of the free 6 kl as a 'lifeline' was underpinned by the need to identify those able to pay and those too poor to pay for services. Its provision would also provide a morally sound argument for the administrative creation of individual consumer units able to be monitored and tracked with regard to consumption, debt, and payment.

It is worth noting that where critics have also pointed to the insufficiency of free basic services' minimal allocations, the bareness of security was also seen as functional to a governmental end[287]. Indeed, where a governmental approach appears at odds with the provision of free basic services, officials, as we have seen, rationalise the latter within a perspective which sees free basic services working to strengthen the principle of "user pays" by providing government with a means of separating the 'can't pays' from the 'wont pays' (Ruiters 2005; Ruiters 2007). In a very real sense, then, the initial introduction of a universal life-line allocation is related to the challenges presented by the absence of an indigent strategy that could not only identify the "poorest of the poor" but also "those using poverty not to pay for basic services", the 'can't pays' as well as the 'won't pays'. In the absence of an indigent register on a national scale, FBW thus becomes the ground that enables cost recovery measures to be pursued against the 'won't pays' (see Ruiters 2006; See also *Chapters 3 & 6*).

What is indeed crucial is that the distinction between the so called 'can't pays' and 'won't pays', in these terms indexing a broader problem of obedience to authority, comes to be explicitly

figured as a relationship between household consumption and payment for services, where what separates a can't pay from a won't pay is the former's willingness to cut consumption to within the very basic allocation, or to what can be paid for in excess of this amount. And in both this case and that of Johannesburg's indigent strategy, the identification and classification of an indigent population is made directly functional to government's broader cost recovery programme for basic services, where as one trajectory motions to 'meeting basic needs', another concerns forms of discipline and abandonment.

This is precisely why our discussions on the commodification of basic services and the struggles around them have focused not just on the institutional arrangements and policies that impose market imperatives over the delivery of basic services, but the wider set of strategies to discipline, or rather, to 'economically rationalise' the consumption of the poor (see *Chapters 3, 5 and 6*). And it is precisely in this context that Hart's analogy between the present and the 19th century English new poor laws is so resonant, and what makes Polanyi's work such a fertile text for thinking through the problems thrown up by the present.

An important aspect of this story is the manner in which the household is highlighted as a crucial target for governmental power on the articulating axes of cost recovery interventions and indigent management strategies. But if a strategy to manage an indigent population would increasingly come to be seen as central to the broader task of restructuring the circuits of post-apartheid service delivery, and indeed, to deflect the wide range of forms of opposition to governmental practice, the challenge remains, creating what Hart calls the "structures of social security" that could, in the name of a targeted intervention, simultaneously identify and integrate the indigent, and discipline-abandon those said to be 'using poverty to not pay for basic services'.

In Johannesburg, for instance, the various approaches to this problem that have, since 1998, been adopted, continue to be less than adequate to the tremendous challenges involved in building a comprehensive register of the city's poor. As the example of FBW suggests, it was precisely the absence of such a structure on a national scale that would have motivated DWAF to implement a universal life-line allocation. But once in place, FBW policy allowed Johannesburg Water to undertake its most ambitious project to date, the installation of PPWMs across Soweto, in spite of difficulties the city was having with its indigent management strategy. In the context of growing resistance to PPWMs in Soweto, with many residents refusing to sign service agreements, the City amended its indigent management policy offering to scrap the

arrears of indigent households signed onto the City's register, on condition that they also sign onto prepaid systems of delivery (see *Chapter 3 and 6*, see also Naidoo 2007; Naidoo 2009).

Then, in 2007, in the face of a constitutional challenge to both the legality of PPWMs and the sufficiency of the 6kl life line allocation, as well as wider forms of resistance, the City announced that, in addition to increasing its allocation from six to ten kilolitres it would no longer be providing the basic amount, except to residents signed onto its indigent management register, thus making any form of decommodified access to water impossible outside of a targeted, annually renewable, and administratively sanctioned allocation (see *Chapter 6*; see also Naidoo 2009).

This is however a fast moving and rapidly morphing terrain, given its temporality by constant interplay between governmental strategies and resistance. For no sooner had the city planned on moving away from a universal life line than it would have to face a new rebellion. Ironically in this case it came from local councillors reluctant to convey the news to their constituencies (Götz, interview, 15/06/2010), thus forcing the city to abandon the plan.

The most recent iteration of Johannesburg's indigent management policy, which was also presented as part of its constitutional case defense, is a programme called Siyasizasana (or the Extended Social Package – ESP), boasting an extended bag of benefits and comprising three bands of assistance for households and individuals, monitored on a six monthly basis and identified by fingerprint. With respect to basic services, the significance of Siyasizana is to have shifted upwards both free water and electricity allocations for all three categories of indigents. Summarising the various components of this strategy, Naidoo writes:

> [M]obilising a discourse of 'helping each other', Siyasizana put in place a three-tiered system for determining and addressing need on the part of 'the poor'… It introduced the means for the targeting of individuals rather than households (as previous policies had done), enhancing the state's ability to register, know, 'rehabilitate', and monitor those identified as the poor. Introducing a new poverty index, Siyasizana stipulated the criteria for determining three 'bands of poverty' for all individuals earning a monthly income below R3 366. Band 1 aimed at helping 'those on the borderline of poverty' and provided the lowest level of subsidy. Band 2 was 'those who earn some form of formal income but whose earnings fall below the survival level defined by the poverty index' and granted a

middle level of subsidy. Band 3 was 'the highest level of subsidy, aimed at those with no formal income living in the most deprived circumstances' (Naidoo 2010: 197).

The tables below, taken from Mayor Masondo's official statement on the ESP, outline the benefits for each band.

Band	Score on prevailing COJ Poverty Index	Allocation of additional free water per person per day (litres)	Monthly allocation cap of free water per household in which at least 50% of registered social package recipients qualify for the band in question (Kilo-litres)
Band 1	1-34	251	10kl
Band 2	35-70	351	12kl
Band 3	70-100	501	15kl

Table 1 – Source: Masondo n.d.

Band	Score on prevailing COJ Poverty Index	Allocation of additional free electricity per person per day (kilowatt hours)	Monthly allocation cap of free electricity per household in which at least 50% of registered social package recipients qualify for the band in question (Kilo-watt hours)
Band 1	1-34	10	50kw/h
Band 2	35-70	20	100kw/h
Band 3	70-100	30	150kw/h

Table 2 - Source: Masondo n.d.

Siyasizana, which also includes rebates for refuse and individual transport, is a complex framework for identifying and governing sections of the poor. It remains, however, a programme that continues to imagine an escape from poverty through integration into wage

labour. The latter, in fact, defines the regime of registration which is established on short-term cycles of six months. Siyasizana goes further by imagining a form of entrepreneurial capacitation that it sees emerging through its Jobs Pathways Programme. Borrowing from international workfare models and adapting them to the very specific fiscal and institutional constraints of the South African context, the programme aims to provide an underclass with a ladder to what Mbeki once referred to as 'the first economy'.

Clearly illustrating the tracts of a neoliberal rationality, in an interview with Prishani Naidoo, one of the present sponsors of Johannesburg's developing framework represents the market as what points the appropriate governmental means for getting the poor to work:

> A lot of our programmes that have focused on the poor have centred around the National Qualifications Framework (NQF) system and capital development, developing qualifications, developing certifications that the individual can then use to get themselves ahead in the labour force. We refer to this sort of thing usually as 'train and dump' because you get a certification level, and either the training doesn't meet the needs of the market or the individual can't match himself to the market because he doesn't understand the way it's going; certifications often end up being ineffective in allowing individuals to exit their own poverty. So, what we instead said was 'let the market tell us what to do', and we will train or screen to meet the market's needs (usually both). We ran a pilot, which was a massive learning curve, with a consortium of NGOs that took up the task of trying to do this for us. We learnt enough from that to run a formal tendering process for the programme that concluded July last year, and interestingly enough, the people that won it were a really tooth and claw capitalist entity, a labour broker, the Workforce Group. The key thing they brought to bear that would basically directly suss out and react to market need, which is what we realised that the NGOs spend most of their time doing, is building their capacity to do what the private sector already had… So, Job Pathways has been running for a year. It's had some very interesting experiences. It's realized that creating new ventures is not nearly as easy as government policy might have made it out to be over the last few years, not least because, to be frank about it, there's often in the poorest parts of the city a limited cultural experience of entrepreneurship. You know people haven't grown up as the sons and daughters of shopkeepers and small business owners. So, there isn't, like, a family figure you can lean on for advice that would be there in countries, say, for example, like

> India, where a lot of this kind of thing is lived intergenerational experience. So, you got to basically provide a lot of the psychology of the entrepreneur as well as the basic tools of managing your own business. (Koseff, Interview, 15/06/2010)

I can't help being a bit amused at Koseff's optimism and the tall orders he's marking out for the Jobs Pathways initiative, which has yet to make any kind of real impact in the lives of the poor. However, this dream, of a poor moved to work, of their entrepreneurial self-activation, is common to many post-apartheid officials, but its other side I have shown is a prejudice against a poor that never lives up to 'expectation'. The dream and its limit is aptly captured in Flusk's expression of a desire for us becoming a 'responsible society'

> So you put all this money in and it goes and it goes and there is no accountability, no responsibility, and people will just come back and say and so no, we folding our hands because government will take care – 'we don't have to pay' type of thing. You have to create a responsible society, because you don't want to create a society of indigents, of people that are dependents all along. You want to create a society of vibrant persons, of a person that takes responsibility - that determines his or her own future: all those types of issues we fought for in the struggle. We are saying that people must take control of their own destinies and futures, and by doing that you can't keep on wanting to be an indigent or welfare person all your life – you must take the initiative (Flusk, interview, 05/2004).

Conclusion

As a way of concluding this chapter, it is worth noting that the City continues to face tremendous institutional challenges in establishing a working framework of service rebates and indigent support. But, as it was explained to me, it is through these initiatives, however imprecise they may be in their actual implementation, that the City becomes ever more competent, indeed 'efficient', in making intervention in other areas. In what was perhaps one of the most intelligent interview responses on the question of state capacity, Graeme Götz sums up the mode of state learning that is at work here:

> Most government programmes anywhere in the world, and certainly in the developing world, in a country like our[s], are perpetual works in progress. So, they evolve, and they evolve, in part, because their first iterations were not successful – or they were successful for their purpose at a time, but then they proved to be less than successful as you try to add to them or extend them or whatever it is. …[T]here is enormous complexity involved in putting together an indigency system, and it is very possible that there will be administrative blips along the way. Some may argue that those administrative blips may be so large and so glaring that it seems to make a travesty of the entire project, but the point can be made that the project is a work in progress and can evolve over a period of time. Now, how will it evolve over time? Well, it will evolve over time as people are inured to accept that administrative disciplines that are imposed on them (here we are entering a territory that would be best covered by Foucault). They evolve over a period of time as the technologies (the i.t. backdrop to these things) becomes possible. They evolve over time, again, in entering domains of governmentality as the relationship between government and citizens evolves to the extent that it is clear that what is required from them. ... So, a system may not work optimally according to a pre-defined set of criteria that one would find in a public administration text book… that's not interesting. What is intellectually interesting is the ways it shapes the relationship between government and citizens, given the technologies, the rationality, the governmentalities, the possibilities that are at play in the way the system works and the way it unfolds over a period of time (interview 15/06/2010).

From this perspective, capacity is less the precondition of a particular strategy than what the process of implementation of any strategy must realise. Indeed, I have strong affinities with this conception of the state, less a monolith than a set of complex evolving systems. For me, however, and not for Götz (as one of the architects of Johannesburg's indigent management policy), what is being developed is not simply a capacity for organising well-fare, but an apparatus to ensure the identification and conditional integration of those classified as indigent, and in so doing, also enabling a new field through which modes of inclusion and exclusion, activation and abandonment, are decided. Read from this perspective, the challenges implied for the state's evolving 'tactical approach', is the creation of what Hart calls a structure of social security (see *Chapter 3*), a field through which the state touches, shapes, disciplines, or even abandons life. A system not just to administer to life, but also to administer to it efficiently, indeed cost effectively.

Dossier on Fire & Water

I

In ancient Roman law, to be a "persona", meant being "anyone or anything capable of bearing rights" (DeCaroli 2007: 59). And, the "status" of a "persona" was his position within a legal order or sovereign field. For a Roman citizen, status was composed of three separate elements: freedom, citizenship and family. DeCaroli tells us:

> First, '*status*' entailed liberty. A *persona* was free and unlike a slave, could bear rights. Secondly, *status* consisted of citizenship. For the Romans, the state was the privileged body separated from the rest of the world by the exclusive possession of certain public and private rights that were granted to its citizenry. It was an essential part of the *status* of a Roman citizen's that they possess citizenship in the state, beyond which were the citizens of other states and the *barbari*. Finally, *status* involved membership in a family. In Rome, family ties were established not through blood but through a system of legal privileges that granted to the head of the family alone, usually the father, an independent will (*sui juris*)…The sum of all legal capacities accorded to a *persona*, the possession of which gave one *status*, was collectively indicated by a term that had once referred to the mention made of the citizen in the registers of the census *caput*, meaning head (ibid: 59-60).

If a Roman citizen was to lose any one of the legal capacities, he would lose caput, or status, the term for which was capitis deminutio. Since banishment was not the loss of liberty but of citizenship, this is the form of capitis deminutio that concerns us. So how did the Romans go about banishing someone?

According to *The Institutes*[288]:

> The middle capitis deminutio is, when a man loses his citizenship, but retains his liberty; as is the case when anyone is forbidden to use of fire or water (cited in ibid: 60).

'Fire and Water'. This is a curious association. We are told this is a "reference to an ancient interdictio prohibiting the Roman citizens from providing the sentenced person with the necessities of life" (ibid: 61):

> Compelling an individual to find refuge in another state was therefore accomplished, not by depriving them of their civil standing within Rome, but by literally forbidding them to access the basic necessities of life. The "forbidding of fire and water" (*aquae et ignis interdictio*) thus served as an indirect means of inflicting a sentence of banishment. (ibid).

We are, of course, very far from Rome. Our own conception of citizenship is far more complicated, far more internally divided along the lines of (first and second) generational rights. This is big democracy, where inclusion and exclusion are just as often simply 'collateral effects' of 'economic government'. Here, citizenship does not immediately relate itself to the notion of 'the good life' that, for Aristotle, underpinned the founding of a political community ('born with regard to life but existing essentially with regard to the good life'). The temporal form of the political promise is an open one: simply 'a better life' (for all) – incremental progress and reasonable means is all that is necessary.

What is consistent with our own experience are the ways in which the collective organisation of access to the necessities of life – as the structuring a field of inclusion and abandonment - becomes functional to a political end.

II

Critique implies a paradoxical relationship to the inherited epistemological field (see for instance Butler 2002). For, if we cannot do otherwise than set to work an existing 'box' of theoretical tools in answering the question of 'who we are today', these tools themselves fall within the critic's gaze, and thus theory often finds itself remade in the uses it is put to. And the more heterogeneous the toolbox, the greater the potential for new mutations…but also, then, the more acute the need for 'taking care' in working them.

The box this project works from collects tools from two important attempts at throwing light on the present: firstly, recent returns to Marx's notion of primitive accumulation in characterising various aspects of neoliberalisation, and secondly the wide set of work under the banner of

governmentality studies, drawing on Foucault's recently published lectures on government (which among other things develop a perspective on neoliberal government). And, as if to underline a problem that itself calls for critical scrutiny, there is a certain tension between these two approaches that throws light on an important limit with respect to each. As a way of extending the theoretical dialogue initiated by this work, and as a postscript to my discussion of the concrete restructurings of service delivery in post-apartheid South Africa, in this section I illustrate the critical relevance of these two approaches to the development of the argument I sketched out in the last chapter.

This story begins, then, in 2005, with a minor reading group that took place at the house in Brixton where I was living then. It bears mention that for militants in the APF this was also a period characterised by a certain reflexiveness in relation to the form of the movement's political existence, the nature of the forces that it mobilised in order to oppose, and its agency in shaping broader social processes. No doubt one aspect of the tensions that were to emerge in the APF arose in relation to different answers militants were disposed to give to these questions, and perhaps more fundamentally, what these answers meant for the direction in which the movement should be moving.

It was with some of these questions in mind that I agreed to participate in a reading group proposed by Patrick Bond focused on both canonical and contemporary texts from the Marxist tradition[289]. Doubtless the most memorable part of these meetings was the turn in the discussion to the question of neoliberalism[290] in which the conversation unsurprisingly got much more animated (and also divided). A crucial text in inspiring this turn (which also immediately connected this question of neoliberalism to the contemporary struggles that were the immediate point of reference for most members of the group) was an early draft of Gillian Hart's essay 'Denaturalising Dispossession' (published later in the journal *Antipode*).

It seems to me now that the lasting importance of Hart's essay was to have provoked in this small group an engagement with the (not uncontentious) idea that Marx's discussion of the emergence of capitalism and what he (with polemic intent), calls ('so called') prior, or primitive accumulation, has real relevance for thinking about contemporary forms of dispossession, or even, after Harvey, forms of 'accumulation by dispossession'. Quite significantly, Hart's piece not only connected a certain conception of dispossession linked to neoliberal restructuring to the post-apartheid present, but introduced a whole set of debates on the nature of contemporary

capitalism and the Marxist critique of it, that had until then not really been a significant part of the South African left's critique of the 'ANC's neoliberal turn'.

The discussion helped as well. For Bond – indexing the radical historiography of Harold Wolpe, and the economic thought of his former supervisor, David Harvey (who featured prominently in Hart's essay) – it was an opportunity to consolidate what had been one of the underlying threads of his 'teaching' throughout our discussions; that is, the analytic sharpness of the tools made available through the theory of combined and uneven development. In fact, it strikes me that the argument that he made in the introduction to the special edition of *Africanus* (see *Chapter 3)* was already taking shape when, in our discussion, he counterposed this dynamic to Mbeki's two economies thesis.

Significantly, alongside Harvey's thesis of accumulation by dispossession, Hart's essay also engaged with another important return to Marx's discussion of primitive accumulation, that of Massimo De Angelis. At the time, I had not yet read Harvey's *New Imperialism* in which he set out his thesis on 'Accumulation by Dispossession' (nor had anyone else in the group apart from Bond). I had, however, encountered some of Massimo De Angelis's writings[291], and had in fact already used aspects of his thesis on primitive accumulation in talking about post-apartheid neoliberal experiments in a recently completed book detailing the results of a study conducted by Dale McKinley and me on state responses to social movement mobilisations (2005). It is worth pointing out that it was, in fact, in De Angelis's work that I registered 'my first encounter with Polanyi'.

Part of the importance of this aspect of contemporary Marxist thought, as well as its point of intersection with a 'Polanyian perspective', is its refocusing of a critique of contemporary capitalism and neoliberalism, by setting next to 'the critique of exploitation in the wage relationship', a mode of critical questioning centred on 'the (re)production of capitalist relations and classes through processes of 'enclosure' and 'commodification'.

This return to Marx's concept of primitive accumulation is not, however, an uncontentious one, even in Marxist circles[292]. And to be sure, reservations about the contemporary relevance of this concept run deep. Nevertheless, it seems better to say that it is politically necessary to think about the founding forms of violence that underlie the establishment and reproduction of 'the state of things' under whatever heading presents itself as a useful starting point.

III

The importance of returns to Marx's discussion of 'primitive accumulation' in the development of the arguments set out in this thesis, has been two fold. On the one hand, it is where an initial interest in the question of life strategies was put to use around a set of theoretical questions (see also *Chapter 3*), centred on the thematic of commodification. On the other hand, but not unrelated, as I have already hinted, it is in relation to this thread that I first began to think about 'a double movement' arising from my reading of Massimo's De Angelis's account of the relationship between 'primitive accumulation' and neoliberal restructuring (see *Chapter 3*, see also De Angelis 1998; see also 1999).

De Angelis's (I later decided) is not, however, so much a faithful reading of Polanyi as an appropriation of this thought, and its reinscription within a(n autonomous) Marxist perspective on 'the existing state of things'. After all, the starting point of this critique is not the notion of 'fictitious commodity' that draws together land (nature), labour and money (as it might be for a Polanyian), but Marx's account of the emergence of the capitalist mode of production.

As is well known, 'So-Called Primitive Accumulation' was the heading under which Marx, at the end of *Capital Volume 1*, demystifies classical political economy's "idyllic" mythologies of 'origin' to show that 'capital's pre-history' was rather a story of "conquest, enslavement, robbery, murder, in short, force"(Marx 1976: 874). As with the state of exception in relation to the establishment of the political order (see *Dossier on (bio)Power*), the question of the establishment of a capitalist order refers back to the founding violence of 'so-called primitive accumulation'. And it is with this "historical process" that the essential division and relation of capitalist society is established; between "on the one hand, the owners of money, means of production, means of subsistence, who are eager to valorise the sum of values they have appropriated by buying the labour power of others; [and] on the other hand, free workers, the sellers of their own labour power" (ibid). At one end then, of the founding violence of primitive accumulation is the creation of a class in whose hands are concentrated vast quantities of wealth (that will become capital), and at the other end, a class dispossessed of its means of subsistence and production:

> With the polarisation of the commodity-market into two classes, the fundamental conditions of capitalist production are present. The capital-relation presupposes a

> complete separation between the workers and the ownership of the conditions for the realisation of their labour. As soon as capitalist production stands on its own feet, it not only maintains the separation, but reproduces it on a constantly extending scale. The process, therefore, which creates the capital-relation can be nothing other than the process which divorces the worker from the ownership of the conditions of his own labour; it is a process which operates two transformations, whereby the social means of subsistence and production are turned into capital, and the immediate producers are turned into wage labourers. So called primitive accumulation, therefore, is nothing else than the historical process of divorcing the producer from the means of production. It appears as 'primitive', because it forms the pre-history of capital, and the mode of production corresponding to capital (ibid: 874).

As a way of approaching some of what I take from Marx's conception of primitive accumulation, I want to make four points arising from my engagement with this important and rich thread.

Firstly, for Marx, establishing the "capitalist relation" implies a particular form of transformation, a transformation that produces both owners of capital and proletarians, as well as, the conditions that determine the form of the crucial "confrontation and contact" between them. Although Marx does not explicitly put it in these terms, if we 'extend' from Polanyi, we can also add that this transformation implies as well a mode of commodification (not only of the means of subsistence and production, but as part of the same process, also of labour).

As is well known, *Capital* begins with the image of wealth as commodity ("The wealth of societies in which the capitalist mode of production prevails, appears as an 'immense collection of commodities'" (ibid: 125)). Part of the brilliant, difficult and seemingly upside-down symmetry of *Capital Volume 1*, is that where it begins with "the analysis of the commodity", in what 'appears' with almost perfectly abstract forms, by its end (that is, in last part on primitive accumulation) the emphasis is on demystifying the concrete historical processes that underline any such form's existence (and naturalisation) in the present.

Secondly, to the extent that, in his characterisation of this process in the passage above, Marx underlines a mode of "separation" and "divorcing" of the "producer" from the "means of subsistence and production", we can say that where Marx places his emphasis in summing up 'primitive accumulation' is on this process of separation of people in relation to the social means

of (re)production, and as such on the *producing of* a section of the population with no means of survival *and life* other than their labour power…that is, what Marx calls the proletariat, or free labour.

A third point I want to make centres on the important distinction that is implied there between, on the one hand, a mode of 'original separation', and on the other, that which belongs to the ordinary run of capitalist production (or as Marx says, when "capitalist production stands on its own feet" and "maintains" and "reproduces" this separation (of people from the means of subsistence and production) on "a constantly extending scale"). Unlike in the case of primitive accumulation, for the latter, as Marx writes "[t]he silent compulsion of economic relations sets the seal on the domination of the capitalist over the worker" (ibid: 899).

It is, in fact, on the basis of this distinction between a form of separation that belongs to capitalism's 'prehistory' and the separation that arises with the 'expanded reproduction' of capitalism, that an objection has been made to the relevance of a return to the concept of primitive accumulation. Notwithstanding, I think this is where the work of David Harvey is so interesting, for he shows how there is necessarily a relation between 'accumulation by dispossession' and 'expanded reproduction', in which the systemic contradictions, and in particular the problem of overaccumulation, which arises with the 'ordinary run' of capitalist production, provokes recourse to accumulation by dispossession. While Harvey's discussion seems to give little place to resistance on either side of this relation, his account of the passage between expanded reproduction and accumulation by dispossession has real importance in clarifying one point of development of the forces impelling neoliberal restructurings of political and social architecture[293]. But, what is important is the difference between the form of separation that characterises accumulation by dispossession/primitive accumulation and that which is (re)produced as part of the ordinary run of capitalist production. As de Angelis points out, in contrast to strategies associated with the ordinary production of goods and services for sale in the capitalist market, primitive accumulation does not rely on the "silent compulsion of economic relations", but is instead imposed through "direct extra economic forces", often in the form of state power (De Angelis 1998: 7; see also Bonefeld 2002).

The final point concerns the subject produced by this process – free labour, separated from her means of subsistence, and so forced to 'live' by selling her labour on the 'market'. The particular sense that free takes on here is interesting. In the line just preceding the passage I quote, Marx

writes that "free labour" should be considered free in a "double sense". On the one hand, unlike "slaves" and "serfs", free labour does not "form part of the means of production". Here free has a more political meaning. Free labour is free in so far as she is free of 'bondage'. On the other hand, and mirroring a paradox we have already encountered. elsewhere, being free also implies a form vulnerability and precariousness. Thus, free labour is "free from, unencumbered by, any means of production of their own" (ibid: 874). Just a few paragraphs later, Marx also clarifies free labour's vulnerability in what are almost negative juridical terms: a subject "suddenly and forcibly torn from their means of subsistence, and hurled onto the labour market *as free, unprotected and rightless proletarians*" (ibid: 876; my emphasis).

As Nic Dieltiens (following Ben Fowkes, the translator of the Penguin edition of Capital) points out, Marx's original term for the freedom of free labour is 'vogelfrei', "literally 'free as a bird' – *free but outside the human community* and therefore entirely unprotected and without legal right" (Fowkes in Marx 1993 :898 see also Dieltiens 2011; my emphasis)[294].

IV

Recent work around this concept of primitive accumulation offers a way of characterising aspects of what Saad-filho and Johnson, in attempting to characterise neoliberalism, describe as the usage of state power to "impose market imperatives" (see *Appendix 1*) within a broader account of reconfiguration of capitalist accumulation strategies (David Harvey, Gillian Hart, Massimo De Angelis and the New Enclosures School). What many theorists have focused on is the manner in which Marx's discussion of primitive accumulation provides analytic tools for understanding the usage of extra-economic strategies of dispossession (see, for instance, David Harvey), in effecting the separation of the producer from his/her social means of reproduction (see Massimo De Angelis), through, for instance, the privatisation or corporatisation of public utilities.

As should be clear, my own reading of this thread has been largely shaped by David Harvey's and Massimo De Angelis's writing on these questions (see Veriava 2007a). And as I already indicated, it is in fact in relation to the (Marxist) perspective that develops in these works that I first began to think about 'a double movement' and what it might mean for a critique of neoliberal restructuring in South Africa. But it is also in relation to this perspective that I encounter and attempt to overcome a limit in the analysis of the present. Here, two related issues

stand out – what Barchiesi calls 'the decline of wage labour' and what I refer to as the foreclosure of alternative life strategies.

On the first, it seemed to me that accounts motivating a return to Marx's concept do not necessarily underline the specificity of forms of extra economic restructuring which, while effecting the separation of a subject from his means of subsistence, cannot be correlated with any meaningful processes for the integration of that subject into wage labour. The question, here, centres on the paradox of 'a proletariat without work' (that is to say, what has been called the problem of the surplus population) (see *Chapter 3*). Formally, and with respect to the concept of primitive accumulation, this problem appears as the generalisation of the condition of proletarians who, having been separated from their means of subsistence, are unable to be absorbed into the labour market.

In *Chapter 28* of *Capital*, Marx turns to the 'governmental' problem that follows the enclosure of the common:

> The proletariat created by the breaking-up of the bands of feudal retainers and by the forcible expropriating of the people from the soil, this free and rightless proletariat could not possibly be absorbed by the nascent manufactures as fast as it was thrown upon the world. On the other hand, these men, suddenly dragged from their accustomed mode of life, could not immediately adapt themselves to the discipline of their new condition. They were turned in massive quantities into beggars, robbers and vagabonds, partly from inclination, in most cases under force of circumstances. Hence at the end of the fifteenth and during the whole of the sixteenth centuries, a bloody legislation against vagabondage was enforced throughout Western Europe. The fathers of the present working class were chastised for their enforced transformation into vagabonds and paupers. Legislation treated them as 'voluntary' criminals, and assumed that it was entirely within their powers to go on working under the old conditions which in fact no longer existed (ibid: 896).

Marx only gives us a brief picture of the legislative and governmental measures brought to bear in managing this 'surplus population', making it necessary to extend this discussion – both temporally and conceptually (this is in fact why I read Foucault, alongside Marx here (*see Dossier on (bio)Power*)) . Marx does, however, neatly summarise the imperative that determines the form

of such measures. After citing a litany of legislation and ordinances targeting 'vagabondage' and brutally attacking forms of life antithetical to wage labour, Marx writes:

> Thus were the agricultural folk first forcibly expropriated from the soil, driven from their homes, turned into vagabonds, and then whipped, branded and tortured by grotesquely terroristic laws into accepting *the discipline necessary for the system of wage labour* (ibid: 899; my emphasis).

We have here an important indication of the broadness of phenomena that Marx associates with primitive accumulation - for, if on one side he intends to underline forms of expropriation that separate people from their social means of production, at the other, he links this process to acts of force that subjugate them to 'sanctioned forms of life'. This second side of primitive accumulation seems to me a better fit with the mechanisms that – in previous chapters – I talk about under the heading 'the government of the poor'. And, as we saw there, it is also in this context that I come to speak about 'the foreclosure of life strategies' at odds with market rationalities.

Briefly, the concept of life strategies emerged through a series of engagements I had with activists and scholars between 2004 and 2007, in attempting to think about the subjective 'contents' neoliberal initiatives were attempting to shape and transform, as well as the forms and sources of resistance encountered by such initiatives[295]. Although, in our playing at being philosophers, those of us actively attempting to develop this concept suggested a number of definitions, it came to mean – loosely – 'the strategies people employ in *looking after themselves*'[296].

Although, after 2007, this question progressively moved to the background of my intellectual work, in the mid-2000s it helped me get a sense of the ways in which forms of dispossession and expropriation where linked to strategies targeting what I was calling life strategies. It was in this context that I began to think about the limits of critical mobilisations of Marx's concept of primitive accumulation in talking about neoliberalism. For although not immediately apparent, both the approaches present in Hart's essay, and which formed the initial basis of my research (Harvey and De Angelis) resisted being easily transposed into the South African context, at least in so far as – with respect to basic services – the issue was not in the first instance about freeing up of assets for overaccumulated capital to seize upon, nor about the undoing of welfare state protections.

If anything, the primary axis of neoliberal restructuring on this terrain, as well as a key target of resistance, were practices of cost recovery, and the ability of governmental strategies to address the problem of non-payment. And in so far as, within the approach emerging in my research, the issue of non-payment related to the ways in which people's life strategies became invested in acts of non-payment, transforming such strategies was among the crucial imperative for a wider restructuring of the delivery of basic services. As I pointed out briefly in *Chapter 3*, where neoliberal governmental mechanisms could be linked to a form of separation of people from their social means of production through extra economic means, such processes implied both the 'enclosure' of social wealth as well as a model of foreclosure centring on specific life strategies, and their investment in particular practices; that is both expropriation or dispossession as well as forms of discipline, as two sides of a set of processes.

These remarks about Marx and primitive accumulation are just marks to help us think, and to help us think about our difference. It is necessary to be far more precise, to push beyond the theoretical mould in light of the real contours of the present.

In 2006, a grant from the Centre for Civil Society (CCS) at UKZN allowed me to undertake a more focused study on resistance to PPWMs in Soweto, and in which the development of the concept of life strategies formed one of the project's explicitly stated theoretical objectives. The study (some of whose results were presented at the 2007 MSP conference: 'Services for All: Theory, Practice, Struggle') proved to be extremely important, not only in facilitating the expansion of my practical and theoretical interests, but also in complicating the neat framework that had emerged in previous essays I had written centred on these themes.

Although many of the insights that emerged from this project are collected in this thesis, it is worth underlining two of the broader outcomes of this research, and which helped push my reading in a new direction. Firstly, I got a new sense of the complexity and paradoxes of governmental responses to resistance. Looking at the impact of successive waves of the campaign against prepaid meters in Soweto, not only was it clear to me that resistance was deeply effective in motivating transformations in JW's operation as well as wider governmental frameworks, but also that many of those transformations worked to reterritorialise resistance in ways that 'sometimes' proved successful in quashing and diverting radical political energies. It was on the basis of this intuition that the problematic that I underline in *Chapter 1* emerges.

Secondly, and more immediately pressing, I began to understand the importance of approaching the question of neoliberal governmental practices on the basis of the rationality that informs them, as well as the concrete processes that determine their development, transformation and even mutation. For it seemed to me, that if we wanted to understand the ways in which power was attempting to shape people's forms of life by targeting specific life strategies, it made sense to work at developing a perspective on the concrete mechanisms through which it did so. In part, this implied developing a concept of the complex articulation and movement between the neoliberal 'ideal' or even norm', and the contingent circumstances to which it finds itself adjusting.

By way of crude summary then, where the first outcome underlined the imperative of moving from the question of resistance to escape, the second underlined those mechanics of governmental motion (and indeed also mutation) that any plan of escape would inevitably have to contend with.

This is where the work of Polanyi has proved so instructive; not just in his characterisation of the relation between market and society as a double movement, but also for the ways in which *The Great Transformation* underlines the governmental terrain as the place where these countervailing movements unfold. After all, part of the importance of Polanyi's work is the great care he takes in showing the relationship between the 'commodification of labour' and the creation of a labour market, and the specific forms of a governmental orientation to poverty and the poor (See *Chapter 3*).

However, just as it is necessary to go beyond the limits of Marx, we need to go beyond Polanyi, especially if we are to understand the form of immanence that characterises the 'double movement' whose unfolding I show relates to the subtle, and at times imperceptible, development of relations of force with respect to the governmental subject of population. For me then, extending Polanyi's account of a double movement means focusing on the complex processes for the government of the state, it means moving from static conceptions of 'market and society' to the concrete practices that animate 'movement' at each of these poles.

V

Practically and theoretically, the question of neoliberalism is, in the first place, a question about process. In fact, what we say about neoliberalism must shift from simply accounting for a closed set of features, to an identity that emerges out of the complex processes through which specific practices take root in different contexts. In this regard, the emphasis on neoliberalisation, that is found in a wide list of writers (from John Comaroff, through David Harvey, to the Neomarxist regulation school), captures this shift. More importantly, such an approach allows us to think about what the governmental forms originally inspired by neoliberal rationality are today becoming.

One of the outcomes, however, of shifting from the question of neoliberalism, understood in relation to a set of features (privatisation, deregulation, flexibilisation …(and so on)), to neoliberalisation, and the actual processes through which these features are (so to speak) installed in specific contexts, is that it opens our thought to a dynamic tension between the neoliberal ideal and the form of its concrete expression in different contexts. Doubtless, this is one of the reasons that writers like Brenner and Theodore take up the term "actually existing neoliberalism" and emphasise the "contextual embeddedness" and "path dependant" character of neoliberal restructuring initiatives. In fact the perspective that develops in their influential essay on the question tends to treat neoliberalism less as a "bounded 'ism' or 'end-state'" than as a "historically specific, ongoing, and internally contradictory process of market driven socio-spatial transformation" that they call neoliberalisation"[297].

Part of the importance of such an approach is that it compels us to think about the forces and relations that, within specific contexts, come to determine the governmental forms that neoliberal prescriptions inspire. In this regard, a tremendously useful complement to the analytic suggestions found in Brenner and Theodor's essay comes from work focused on governmentality, especially where it puts emphasis process – governmentalisation.

But, in spite the usefulness of much of the research on neoliberal governmentalisation (arising out of Foucault's course the *Birth of Biopolitics*, and developed by a number of contemporary writers) in extending thought that begins as a critique of primitive accumulation, there is a tension between these perspectives. Where work on primitive accumulation emphasises the mobilisation of the extra-economic force (of the state) in imposing neoliberal market imperatives, *with violent effects on peoples' 'forms of life'*, the trajectory of governmentality studies seems to move in a different direction.

As we saw, Foucault developed the concept of governmentality in a series of lectures presented at the Collège de France in the late 1970s (see *Dossier on Government and Sovereignty*; see also Foucault 2007; 2008). As Lemke points out the concept is itself reflective of Foucault's suggestion on "the reciprocal constitution of power techniques and forms of knowledge", (semantically conjoining the act of governing ("gouverner") with modes of thought ("mentalite"), and thus underlining Foucault's insistence that it is impossible "to study the technologies of power without analysing the political rationality underpinning them" (Lemke, 2000: 2; see also Lemke, 2001: 191)). Generally emphasising Foucault's impression of the productive character of modern power this work also underlines the 'indirect' character of governmental power.

From this perspective, what becomes important is the political rationality underpinning different governmental practices – i.e. the "discursive field" in which this or that action is rendered 'rational' – and how this rationality comes to function with a "politics of truth." Government is therefore seen as defining a "discursive field in which the exercise of power is rationalised" through "the delineation of concepts, the specification of objects and borders, the provision of arguments and justifications etc." (Lemke 2001: 191). Derived neither from any transcendent principle, nor the neutral 're-presentation' of reality, a political rationality is immanent to the practice of government and itself comes to "constitute the intellectual processing of the reality which political technologies can then tackle" (ibid).

As I have insisted, Foucault's work is deeply sensitive to the interplay, between governmentalisation and resistance, between practices of the government of the state and the forms of resistance they relate to and provoke. In fact, what we find there is precisely an immanent basis for understanding something like a double movement between the market and society, and one that highlights how this process is implicated in the constitution of subjectivity.

Foucault, as we have seen, also tends to put emphasis on the 'indirect character' of modern governmental power, an emphasis also found in governmentality studies' perspective on neoliberalism. Here 'freedom' comes to take on a distinctly governmental instrumentality, while the market is set as the supervising principle determining governmental action. Summarising the perspective that characterises the school's investigations into the contemporary government of

the state, Mitchell Dean (2002) counts five features running through the work of different writers.

Firstly, such an approach emphasises a mode of governing based on what Nikolas Rose calls the 'powers of freedom'. Rather than an approach organised through strategies of direct domination and coercion, freedom becomes, in the neoliberal model of government, both "artefact and technical means for realising governmental objectives" (ibid: 131). Secondly, government works through diverse institutions and agencies - from public sector to non-profit organisations and the private sector - in shaping 'choices' and eliciting different modes of practice. Such processes often entail the (re)subjectification of the governed in the figures of the "consumer", the "customer", the "rational choice actor" etc. Users of social services are "asked to make choices in a market in services so that services might be more individualised, tailored to particular needs, made more efficient by being more customer focused, and geared to combat welfare dependency" (ibid). Thirdly, this approach underlines the fact that the principal instruments of neoliberal government are the construction of "markets, "quasi markets", the use of formal rationalities of accounting and auditing, the utilisation and formation of various communities, and the myriad forms of expertise of risk" (ibid). As "market based norms of competition and efficiency" increase, traditional instutional identities between the public and private sector are put into question. In this context "the notion of social government becomes problematic" as the risks of social reproduction are devolved to individuals, households, communities, businesses and so on (ibid). Fourthly, neoliberal government endeavours to "reform individual and institutional conduct so that it becomes more competitive and efficient". Finally, these forms of governmentality lead to new forms of citizenship, or better, there is the "production of post-social forms of citizenship", that is, "economic citizenship, active citizenship and prudentialism that are characterised by new forms of right" (ibid).

Clearly, this approach to neoliberal government intersects in important respects with our discussion thus far (see *Chapters 3 and 4*). However, as Dean points out, it also runs the risk of confirming many assertions of contemporary neoliberal social thought (ibid: 132), and has in its emphasis on governing through the powers of freedom, often neglected the 'illiberal' effects of neoliberal intervention and the violence it brings to bear on forms of life - precisely that which is highlighted by the writing on primitive accumulation/accumulation by dispossession. On the other hand, while the latter is indeed an important attempt at thinking through the questions that have been thrown up by neoliberalisation, as I noted already, both De Angelis's and Harvey's

accounts potentially encounter a limit in giving an account for the South African context[298], and often, and this especially true in the case of Harvey, can tell us little about subjectivity, or how power attempts to shape it. More specifically we need to go beyond the formal identification of a wrong to the governmental means mobilised to affect conduct.

Part of what this project, therefore, sets out to do is to attempt to connect these two approaches to neoliberalisation, or better neoliberal governmentalisation, in undertaking an analysis of the South African context. In this respect, however, Dean's essay already takes us some way towards establishing a bridge. For, if governmentality studies have, after Foucault, emphasised the productive registers power operates on, in accounting for the 'deductive effects' of neoliberal initiatives, Dean points the work on neoliberal governmentality in the direction of Giorgio Agamben's attempt to connect Foucault's work on biopower to the concept of sovereignty that is found in his work.

At this point we arrive back at the important debate in contemporary philosophy that I discussed in the *Dossier on (bio)Power*. As we saw there, part of what gives Foucault's approach to power both its novelty and source of controversy, is its attempt at giving an account of the immanent operation of power. Rather than focusing on the transcendent figure of the sovereign, Foucault's analysis focuses on the wide set of relations of power that characterise social life, and which he argued, was what the sovereign power was ultimately grounded in (that is, for Foucault, power comes from below) (see Foucault 1990a). And it is, in fact, precisely along this path that Foucault is led to a concept of biopower and a questioning of the 'government of the state' (see Foucault 2007), a line of research that as we saw provides the foundation for governmentality studies.

As we have seen, the division between sovereignty and government that is found in Foucault's work is neither a neat nor consistent one. And, it is precisely the formal opposition between a productive biopower and sovereignty that becomes one of the central targets of Agamben's *Homo Sacer* project. Here, rather than standing in opposition to biopower, "the fundamental activity of sovereign power" is biopolitical, as "the production of bare life as originary political element" (ibid: 181). What Agamben's account does is to allow us to think the forms of 'indistinction' between society's biopolitical strategies, and the violence and deductive effects of sovereign power (for instance the abandonment of subjects and the usage of the 'formidable powers' of the state for killing in the broad sense).

Broadly and briefly, then, one aspect of the approach set out in this thesis can be described as an attempt to connect and refocus Foucault's work on biopower and governmentality around insights developed from recent returns to Marx's concept of primitive accumulation (in understanding various features of neoliberal restructuring and contemporary capitalist society). Along this passage I also focus on the work of Giorgio Agamben, as a corrective to Foucault's disavowal of sovereignty, thus allowing us to connect society's biopolitical strategies to the violence and 'deductive' effects of neoliberal restructuring. However, what is crucial in the development of this approach is the place of resistance, and this project's grounding in a perspective for which capitalist development and social movement are driven by the rebound from resistance to power – a perspective that I associate with both Marx and (following Deleuze) with Foucault (as well as a wide range of Marxist and post-structuralist writers, from Negri to Deleuze).

Chapter 5: Containing the Poor - Operation Gcin'amanzi, The Problem of 'Unaccounted-for-Water', and The Apparatus of Security

Introduction

In April 2007, the United Nations Human Settlement Programme (better known as UN-Habitat) was sitting for its twenty-first session in Nairobi. Established in 1978 to "promote socially and environmentally sustainable towns and cities with the goal of providing adequate shelter for all" (UN-Habitat 2006), UN-Habitat is among the powerful set of international agencies working to popularise and extend what the South African policy consultant, Richard Tomlinson, has called "the latest fashions in development thinking", or governmental "best practice" (Tomlinson 2002: 378; see also *Chapter 4*).

These 'fashions' are, however, seldom the indifferent sharing of global experience, or the innocent communication of what is (contentiously) called "international best practice" – reflecting, as we have seen, what has called the "hegemony of the neoliberal agenda" (ibid). The world has, however, begun to turn again (indeed, it never stopped), and the 'neoliberal agenda' today doesn't look exactly as it did for an overwhelmed Tomlinson facing off in his losing battle with World Bank strategists during the final decade of the last century.

Among the documents prepared for the 2007 session was a report titled "Guiding Principles on Access to Basic Services For All: Documented Best Practice". It offered an outline of twenty-one 'best practice initiatives' for the delivery of basic services drawn from virtually every region in the world. As we saw, in the mid nineteen-nineties 'best practice' tended to go in the direction of outright privatisation (see *Chapter 4*). It is, therefore, of some significance that the authors of the report - writing at the end of 2006 - chose to profile an initiative whose "most innovative aspect" is said to be a "corporatisation model" described as "neither private nor public" (UN-Habitat 2006: 6-7). For this UN-Habitat report, this (hybrid) institutional model allows the initiative to strike the delicate balance between "corporate efficiency", and state involvement to mitigate "the social risk occasioned by pure privatisation" (ibid: 3).

It is, however, important to highlight that in this case, such a motivation, and the apparent 'shifts' in conceptions of international best practice, can be read within the wider context of

struggles against neoliberal forms of government. This in fact becomes clearer when we consider that this initiative, elaborated and canonised as the very model of best practice, is in fact the City of Johannesburg's corporatised water utility, Johannesburg Water (JW)[299] and its project Operation Gcin'amanzi (OGA). Nor is the characterisation, 'neither public nor private', and its association with JW, coincidental. Instead, it owes its places here to an essay by Laila Smith (2006) which I refer to in this chapter. Although the UN-habitat report does not reference Smith, in comparing the text of the two reports I developed the impression that large sections were taken directly from Smith's piece, often without amending the text substantially. Of course Smith's more critical remarks on JW are sidestepped.

In this chapter, I focus on the relationships between the production of governmental norms and resistance. As I explain below, I enter this subject through OGA and the technical problem of Unaccounted for Water (UFW), which serves as a preface for a discussion of practices in the management of water reticulation systems.

5.1. Counting up Soweto's UFW

5.1.1. OGA, Unaccounted for Water and the Political Disagreement

The UN-Habitat report's celebration of JW leaves out mention of resistance to OGA, an initiative that JW often referred to as its "make-or-break" flagship project[300]. It also says nothing about the constitutional challenge then still hanging over it. Instead, the authors prominently list OGA among the City and JW's successes[301], said here to have "epitomised innovation in its utilisation of water resources" (ibid: 7), as well in its employment of prepaid meters as a "corrective measure to non-payment" (ibid).

While I have already discussed some of the "success factors" of the Joburg model[302], albeit under more critical light, in order to grasp something of the gulf that separates competing paradigms for the delivery of basic services, and the polarised accounts of JW's operations in poor communities, we need only consider the deep rift with respect to representations of the final two: JW's supposed "pro-poor approach" and the utility's commitment to the participation and consultation of poor communities.

The report 'Nothing for Mahala', published by Public Citizen and the Anti-Privatisation Forum (APF) in 2004, is striking for the force with which it disputes this characterisation. Although much less influential, the advocacy work of globally-connected-locally-grounded NGOs like Public Citizen (whatever their faults[303]), operate as a significant counter point to international agencies like UN-Habitat and their work in promoting 'neoliberal best practice' (in spite of what is often a misleading meeting of terms such as sustainability, conservation, accountability, etc). Besides being one of the first reports on the social effects of prepaid water meters in South Africa, what makes 'Nothing for Mahala' somewhat unique is, however, less its commitment to the public control of social environments in-line with Public Citizen's broader political orientation, or even its problematisation of OGA, but instead the fact that the report comes out of a community driven research process undertaken with the Anti Privatisation Forum (APF), the organisation that was at the head of the resistance to OGA and the installation of PPWMs in Johannesburg. And here, rather than the sense of a 'pro-poor' programme at pains to consult and include communities, OGA is figured as an attack on the poor, whose underlining rationale is cost recovery:

> This research project provides enough evidence to expose JW's success stories about its pilot prepaid water meter project in Orange Farm, Stretdford Extension 4, as unsubstantiated claims. It does this by exposing the deception of residents by JW, exploding the myth of community consultation, and by showing how the prepaid water system (based on the logic of 'nothing for mahala' [nothing for free]) has brought great hardship for residents (Fiil-Flynn and Naidoo 2004: 23).

Not only did the study suggest that the overwhelming majority of residents (90%) were under the impression that the project was "initiated in order to install flush toilets" (ibid: 14), but, no less than half of the respondents surveyed had "no explanation or reason for why prepaid water meters were installed", with the remaining group stating that were told that "they had been wasting water on the previous communal system and the prepaid system would assist in reducing wastage"[304] (ibid: 14). And, it was also the metaphor of 'an attack' that was invoked, when, in one of the first press statements issued by the APF on the Soweto phase of Gcin'amanzi, the organisation announced that JW had declared 'war on the poor' (APF 2003).

The gulf between the polarised representations of OGA – where the 'war on poverty' doubles as a 'war on the poor' - highlights the very real challenge of writing about the project. So much has

already been said, whether it is by those who for pocket or conviction defended the project, or those who have opposed it, as well as the many from both camps whose lives, and indeed *ways of living*, it shaped. To these voices we should also add the stream of comments, papers, reports and dissertations that have taken up the theme of OGA with more scholarly concerns. Combined with the recent constitutional case against PPWMs, which provided the occasion for the legal coding of such voices, the array of statements on OGA has formed an inescapable part of the discursive and political contexts in which questions of water delivery are approached in the CoJ.

We begin then within a bi-polar intellectual field characterised radically oppositional accounts[305].

Over the next two chapters I present an account of a specific post-apartheid political '*disagreement'* between government and poor communities – a story best told from its end.

The September 2009 ruling of the Constitutional Court is perhaps such an end, but hopefully also a new beginning. For when the Constitutional Court finally ruled against the applicants, overturning Judge Tsoko and the Supreme Court's previous rulings, it definitively closed what had become an important front in the campaign against OGA and the usage of prepaid meters in Soweto. And while news of the Court's decision sharpened criticism of a "juridification of politics", and renewed affirmations of practices of 'commoning' (in the form of illegally bypassing meters)[306] amongst supporters of the APF's campaign (see *Chapter 6*), it no doubt will also give momentum to the usage of prepaid metering technologies in the delivery of water to the poor (see *Chapter 3*), and tacitly reinforce the canonisation of the Soweto experience. As APF press statements so often proclaim, "the struggle continues", even as an important chapter in it ends.

In looking at different aspects of this 'struggle', I (gratefully) receive a good deal of help from others who have written about this JW and OGA[307], and also no lack of polemical inspiration from those that I register disagreements with. There are, however, two significant gaps in critical accounts of JW and its operation in poor communities. For, where, on the one hand, attention has come to settle on the governmental rationality motivating the shape of it operations, highlighting the issue of cost recovery and the neoliberal inspiration of projects like OGA, the question of resistance has often figured in such accounts as simply a static given or, alternatively a waning phenomenon, with less attention given to how the emergence of resistance, its changing rhythms, unique mutations in different parts of Soweto, and myriad forms, come to

shape the different tactics and moments of the intervention – questions that I take up in *Chapter 6*. On the other hand, while critical analysis of OGA has definitively linked the project to the theme of neoliberal cost recovery, the development of technologies and tactics focused on ensuring payment for water, and, more broadly, to forms of corporatisation of the institutional framework for the delivery of water, such analysis has not always attempted to link the more mundane aspects of the everyday management of water services to the very themes that are a focus of such work. This chapter begins filling in the latter (gap).

Much has been written about iGoli 2002, about the decision to corporatise water services, the management contract and its cancellation, the origins and rationality of the usage of PPWM technologies, and so on. There is little I can add on these questions, and I take a different point of entry. Given the great emphasis that has been placed on understanding the Soweto experience in relation to the evolving (neoliberal) management paradigm for the delivery of basic services, it is surprising that not much has been said about the public motivation for OGA, that is the problem of Unaccounted for Water (UFW or UAW). I focus in on this question, which has turned out to be deeply productive for my discussion of struggles over water services in Johannesburg, as well as the different mechanisms enlisted in establishing a specific apparatus[308] for 'rationalising' the circulation, delivery, and we should add, consumption, of water in the city.

There are many more good reasons for beginning with the problem of UFW, not least of which is the great emphasis placed by JW on this question. Nevertheless, the implicit (and at times explicit) assumption of critical work on OGA has been that JW's representation of this problem (and the difficulties and ambiguities that arise in attempting to give an accurate account of its different components in the Soweto context) is something of a cover for a more urgent imperative of getting a handle on Soweto's problem of non-payment, and shoring up an orientation to neoliberal cost recovery. In so doing, however, it tends to pass over the deeper complexity of this problem, which has remained in the shadow of research focused on technology of prepaid meters (see for instance Von Schniztler 2008; Ruiters 2005; 2006; and to a lesser extent Harvey 2007). Not only did this mean that JW's representation of UFW, and its relationship to human consumption was for the most part allowed to stand without substantial challenge, but important aspects of the evolving management paradigm for water have escaped critical scrutiny. Moreover, even beyond the context of OGA, as municipal managers become ever more attuned to the challenges of 'demand management', an understanding of this issue also throws new light on the imperatives and tactics that, more broadly, are shaping

governmental approaches to the delivery of water to the poor (tactics that we might add, not only embrace the usage of technologies such as prepaid, but also go beyond it).

5.1.2. Best Foot: OGA on OGA

From its beginning in Orange Farm in 2002, to the crises and political storms that have followed it, JW has had no shortage of occasions for developing, adapting and presenting a representation of itself and it operation in Soweto. In real terms, a substantial portion of the OGA's financial and human resources was devoted to this task (whether properly coded under the corporate principle of 'branding', the more political principle of 'consultation', or even the seemingly more numerous forms of OGA intervention that tended to render these principles indistinct). Moreover, given the many presentations on the project that were made, directed at a wide spectrum of different groups, it is neither surprising that such presentations became more pointed, and targeted to specific audiences, nor that they respectively came to evince a certain economy (in the rhetorical sense). There is not one, but many representations of OGA, which, although sharing a broad set of themes, are adapted to different social and political contexts. For JW's operation in Soweto alone for instance, a wide array of presentations on OGA were developed, ranging from ones designed for scholars and youth, to others targeted at 'community' and 'political audiences'. While it is interesting to trace both the way these particular themes appear in different presentations on the project, as well as the disjuncture among them, I want to simply collect the project's stated objectives, by focusing on the representation of the project to JW's peers in the domestic prepaid services market.

In 2006 JW walked away with the 'Innovation Award' at the '5th Annual South African prepayment week' for its project, OGA[309]. Entered in the project award category of the competition, the short, six-page overview of the project submitted as part of JW's entry, offers a broad outline of the key features of the project, as well as something of a heroic representation of JW's efforts in undertaking these. Its best foot, so to speak[310]:

> Operation Gcin'amanzi is a …multi-phased project, aimed at covering more than one hundred and sixty nine thousand (169 000) stands in Soweto…As a component of this project a free-pay water meter is installed[311]. The introduction of free-pay water meters is to correct problems caused by inaccurate water readings and billing, i.e. to address the

structural weakness inherent on the deemed consumption billing method. The free pay meters also enable customers to get their 6kl Free-Basic Water (FBW) every month (JW 2006: 2).

As was often the case with JW's presentations on OGA, the innovation award presentation begins with an account of the problem of UFW as the basis for the intervention. Attributed to Soweto's ageing and corroded water infrastructure, and "defective in-house plumbing fixtures", an estimated "seven billion" litres of water is said have been lost each month in Soweto (ibid). Added to this problem are those related to the 'structural weakness' of the deemed consumption system - through which Sowetans were charged a monthly flat rate, fixed in terms of an estimated ('deemed') consumption of 20kl per month. Since this figure was far lower than the 61kl said to be provided to each house, 41 kl is therefore considered "not accounted for", translating (again) into the loss of "seven billion litres of water every month amounting to R150m per annum" (ibid). In this 2006 account, in all likelihood utilising the data newly made available from JW's prepaid water sales statistics filtering in from the intervention in Phiri, JW point out that "research"[312] indicates that the average consumption (10-15kl) is considerably lower than the 20 kl that Sowetans were previously being billed for. Thus, by making possible a more accurate reflection of individual household consumption (through prepaid meters), OGA represents a "classic win-win solution" for JW and its customers (ibid).

The net cast by the major objectives of the project, however goes beyond this seemingly ambiguous problem of UFW. The innovation award, in fact, listed no less than eight "[m]ajor objectives for the project":

- Reduce the seven billion litres of water lost monthly in Soweto and to ensure a reliable and affordable service to every household in the area;
- Address the water supply and water consumption problem in Soweto;
- Additionally, address the issues surrounding affordability, wastage and loss and therefore create an environment conducive to payment for the services of water and sewerage;
- As a component of this project, a free-payment metering programme is included;
- Reduce the UFW in Soweto from 67% to about 10%;
- Relocating the reticulation system from the mid-blocks to the road reserve thus decommissioning the former;

- Encourage water conservation and responsible use of water;
- To install about 169 000 free-pay water meters by the end of the project. (ibid: 3).

JW also listed the benefits that the meeting of these objectives holds for the 'customer':

- Ownership of water consumption;
- More affordable services and lowering of billed amounts;
- Empower the customer helping them to budget for water consumption;
- Better, more consistent water service delivery;
- Minimising, if not completely eliminating, future arrears amounts;
- Reduction in credit control action;
- Creation of employment opportunities;
- Creation of vending opportunities through SMME's;
- Creation of regional economic efficiencies;
- Creation of a customer relationship between JW and individual users rather than a one-way consumer relationship;
- Installation of free-pay water meters (ibid).

Given these benefits, the majority of Sowetans were said to support the project, with JW even offering 'a quote' from one happy customer who, according to the presentation, wanted to know how to finish her 6 kl free basic water allocation so that she could "purchase water credits like other people"[313] (ibid: 4).

The presentation goes on to outline JW's "intensive structured public participation and consultative process" (ibid: 6) as well its efforts in stimulating local economic development through the project. And it also touches on the question of resistance, narrowly portraying it as misguided if not opportunistic and politically crude[314]. This is, however, described as an "on-going political argument" (ibid), against a perspective said to enjoy little support in the community. Against the claims of organisations like the APF, JW cites the near 80% "buy-in" that the project had achieved by 2006 in Soweto. Whatever initial unhappiness was expressed by residents is therefore chalked up to the teething problems of earlier phases.

This, give or take nuance, contradiction and brevity, was the broad model of JW's representation of OGA.

5.1.2. Soweto's UFW Problem

Many of the objectives of OGA (for instance, "creating an environment conducive to payment") as well as the various benefits it is said to hold for the "customer" (such as "ownership of consumption" or "helping them to budget for water consumption") intersects with what we have said about the trajectory of the restructuring of the delivery of basic services, and the emphasis on the neoliberal themes of 'responsibilisation' and the (entrepreneurial) self activation of the poor. But I want to focus on is the relationship between the broad objectives of the project and the representation of Soweto's problem of UFW.

Part of the challenge of doing so is, however, the ambiguity of JW's characterization of the problem. For where, on the one hand UFW appears as a problem of aging infrastructure, on the other it is shown to be related to the 'structural weakness' of the deemed consumption system (with the same figure of 7 billion litres used to reinforce both aspects). These two dimensions relate back to the sum that details Soweto's pre-OGA water loss problem.

There is a question, however: if we are to accept this account, and concede the benefit to Sowetans of accurate billing, how do we go about understanding the aggressive emphasis of JW on reducing human consumption (since, after all, 10-15kl per household is relatively low by urban standards[315])? Such ambiguities in JW's representation of the problem of UFW are not specific to the innovation award presentation (albeit here mobilised to different effect) and are, in part, related to both JW's usage of the term UFW, and the objective challenges of doing the sum in the context of Soweto before the intervention of JW and OGA - a sum that is not without a political and historical dimension that was generally lost in the power-point-flash-through of the numbers.

Considered in the abstract, the formula that was used by JW is simple enough. *In the context of JW's (public) usage of the term*[316], UFW is calculated as the difference between the amount of bulk water purchased from Rand Water, and the total amount of water the city's residents are billed for (usually expressed as a percentage of the bulk amount). It is important to see, however, that in order for this sum to render a reasonably accurate account of system water losses implies not only the ability to determine the amount of water entering a system, but also a correlation between the amount billed to users and the latter's actual consumption.

The first challenge, then, in establishing an accurate account of UFW, in the Johannesburg context, was that, while the bulk amount (ascertained from Rand Water's bulk meters) was believed to be accurate, Council's billing system is generally thought to be unreliable and therefore does not enjoy the same "confidence level" (Still 2007: 7). Nevertheless at the time of its creation, JW estimated that the extent of UFW for Johannesburg as a whole stood in the region of 40% (Smith 2006).

There is no reason to believe that this figure does not reflect something of the very real historical problem of water losses in Johannesburg (if not the precise proportion) – a problem made all the more urgent when we consider the scarcity of water in the city and the less than politically neutral strategies undertaken in order to address this. In fact, from at least as far back as the 1990s calls have been made for the upgrading of township water infrastructure, as well as tariff models to penalize excessive and hedonistic consumption, and subsidise low-income users (Bond 2002: 127) [317]. In his 2002 offering, appropriately titled *Unsustainable South Africa*, Patrick Bond makes exactly this argument as an alternative to ecologically destructive mega dam schemes like the Lesotho Highlands Water Project, from which a portion of Johannesburg's water is pumped (a fact that, as Bond points out, has only added pressure to the unit cost of water for the city's poor):

> This chapter reflects arguments and advocacy in favour of a wholly different approach termed 'demand-side management', and in doing so, unveils divergent discursive approaches to environmental justice. In short, insist activists from Alexandra township, Lesotho's water should flow along its natural course through the Free State and Northern Cape to the Atlantic Ocean, rather than flowing through Johannesburg townships' water and sewerage pipes--which are riddled with apartheid-era leaks that drain some 40% of the incoming water…Township pipes and taps should be repaired forthwith and Johannesburg's hedonistic corporate and high-income residential water consumers, as well as inefficient Vaal River catchment area farmers, should pay much more for water in the interests of both conservation and social justice (ibid).

Ironically, however, and in spite of underlining the importance of 'conservation', the trajectory of OGA ran in a different direction to Bond's approach to 'demand-side management'. For while JW acceded to the need to repair 'apartheid-era leaks' (albeit it for reasons more practical than an

orientation to social justice), as well as rein in consumption, it wasn't Bond's 'hedonistic corporate and high income' users that were targeted in such a drive, but, instead, Johannesburg's low income township residents. Here, however, the more pointed distinction between the 'physical losses' and the 'commercial losses' dimensions of the problem of UFW is mobilised to highlight Soweto's uncontained water consumption problem.

An internal study conducted by JW in 2001, and cited in JW's answering affidavits to the constitutional challenge brought against OGA, estimated that some 75% of the water pumped into Soweto is UFW (JW 2001; Still 2007: 9). Quoting exactly this figure, the (economic) reasoning of the Constitutional Court frames the implications of the problem in Soweto as follows:

> Johannesburg Water estimates that between one quarter and one third of all water purchased was distributed to Soweto, while only one percent of revenue was generated from Soweto. One of the reasons for the shortfall in revenue was the fact that many residents did not pay the deemed consumption charges. Johannesburg Water estimated that 75% of all water pumped into Soweto was unaccounted for. The water losses in Soweto far exceeded the losses in other areas where water was provided on a deemed consumption basis, such as Ivory park, Alexander and Orange Farm (Mazibuko vs the City of Johannesburg and others, 2009: para. 12).

Leaving aside the manner in which the judgement linked the problem of UFW to the question of non-payment, it is important to note that this 75% UFW volume includes not only water lost as a result of leaks in JW's physical infrastructure, but reflects as well a series of different problems encountered by water utilities that are often differentiated from the former (infrastructure losses) in terms of the distinction between 'physical losses' and 'commercial losses' (or real losses and apparent losses).

Considered in the abstract, the first dimension, physical losses, relates to the amount of water lost in JW's physical infrastructure on its way to a user's meter, the most obvious example being leaks within a water reticulation system. The second dimension, commercial losses, is essentially the difference between the amount of water that reaches users' meters, and the amount for which users are actually billed. While there are a range of possible causes for commercial losses - ranging from usage at unmetered points (for instance, water fountains and fire hydrants), through users bypassing meters, to underbilling and malfunctioning meters – in suburban contexts these take on

dimensions that are different from that of deemed consumption areas.

For metered areas, like Johannesburg's leafy suburbs, where most houses have since the apartheid era received water through metered connections, making such a differentiation proves less of a challenge, a fact that lends confidence to JW's estimates of UFW focused on this category of user. According to JW's 2004 figures - cited in the UN commissioned report written by South African municipal policy researcher, Laila Smith - in metered areas, for every 100kl of water purchased, 91 kl reach users' meters. 9% of UFW is therefore ascribed to physical losses. Moreover, for every 91kl that reaches users' meters, only 81 kl is billed, resulting in 10kl (or 10%) commercial losses (Smith 2006: 18)[318]. In most cases such losses would be attributed to malfunctioning meters, under billing, non-billing, etc. It is important to note, however, that this, the commercial losses dimension of UFW, is not affected by whether a user pays or not, and is simply the difference between what reaches a user's meter, and what is billed, often reflecting, at least in suburban contexts, something of an institutional-administrative problem (however, this might have more specific dimensions as in, for instance, the technical problem of faulty meters).

For the city's townships, like Soweto, which had since the apartheid era been charged for basic services on a deemed consumption basis, clearly separating these two aspects of UFW proves more difficult. Since precisely what had characterised the deemed consumption system was billing on the basis of estimated consumption rather than metered use, establishing a reliable approximation of commercial losses, such that it became possible to differentiate these from the physical losses, presented a real challenge and raises a number of conceptual problems. This fact notwithstanding, the perception of a high level of commercial losses contributing to Soweto's pre-OGA 'runaway UFW' problem, in particular the perception of excessive consumption in the form of household usage over-and-above the 20kl for which Sowetans were billed, was among the stated motivations for building into the project an aggressive demand management component that included both campaigns to reduce household consumption by actively promoting alternative water usage practices, and the utilisation of prepaid meters.

In his affidavit before the high court, Anthony Still, who until 2004 was the executive director of JW, therefore placed first on his list of commercial losses in Soweto "underbilling on deemed consumption customers", along with "non-billing, billing errors, meter calibration errors and theft" (for an area like Soweto, however, meter related problems are not likely to have been a major issue before OGA). Where the high level of UFW underlines as the problem of leaks

plaguing Soweto's water reticulation system, what is consistently emphasised in relation to this question is commercial losses due to what JW officials broadly refer to as 'wastage'. While often explained through anecdotal evidence of running taps and wasteful practices of township users, this aspect of commercial losses has often not been explicitly quantified. However, as we will see, the very possibility of linking the social, and indeed biological phenomenon of human 'water use' (and thereby the category of 'waste' with its normative implications), to the commercial losses dimension of UFW, is JW's representation of the 'structural weakness' of the deemed consumption system – where 'wastage' was ostensibly quantified as the sum of usage over what is billed for. Later in his affidavit, Still sums up the problem of the deemed consumption system and its relation to UFW as follows:

> A further problem [leading to Soweto's high level of UFW] was that the apartheid townships were charged for water on the basis of "deemed consumption". This meant that private properties in Soweto, Alexandra, etc. were not metered and consumers were simply charged a deemed consumption amount for a flat rate consumption of 20kl per household per month, no matter how much was actually consumed. This meant there was no incentive for consumers to understand household consumption, reduce usage or to detect any on property leaks. Although a flat rate of 20 kl was being billed, average actual "consumption" (including wastage and leaks) was 67kl (Still 2007).

What Still's account highlights is the ambiguity of JW's description of the problem of UFW, since, with his 67kl per household ("wastage and leaks") figure, a whole set of very different issues pass into each other, becoming the justification for a programme that simultaneously addresses the physical, "public"[319] infrastructure problem, the "private" household leak problem, and the "social" human consumption problem.

One of the criticisms that emerged around JW's characterisation of the problem in Soweto has thus been the questionable nature of its assumption about the extent of commercial losses as a consequence of consumption over the 20kl deemed consumption volume. For instance, Harvey correctly points out that before the introduction of metering it would not have been possible for JW to quantify the extent of commercial losses, nor to differentiate these from physical losses (at least not on the basis of a desktop audit), going on to offer a quote from JW's 'Customer Executive' that admits as much: "[b]ecause Soweto does not have meters it is difficult to detect leaks there. We don't know what is lost in the pipes and what is used but not paid for by the

customer" (Lotthe in Harvey 2003: 167). This fact notwithstanding, JW consistently emphasised the issue of commercial losses over physical leakage, and insisted on linking the former to wastage.

Even in Laila Smith's account, who, in spite of her stint at Johannesburg's Contract Management Unit (CMU), has often been a critical voice advocating pro-poor municipal policy, the poor's wasteful practice, and lack of (consumer) education, is bound to the problem of UFW:

> For the past decade water consumption in [Alexander, Diesploot, Ivory Park, Orange Farm and Soweto] has been billed on a "deemed consumption"…these amounts did not necessarily reflect actual consumption, which in many cases was either far lower – for example in businesses and child care centres – or much higher. Poor consumer education about conserving water further compounded this unreflective billing. Open communal taps with water running all day and night has been a common occurrence in these areas. This has been particularly true for Alexander and Soweto with estimates of average household consumption patterns of 65 kilolitres per month. (Smith 2006: 18).

To her credit, in the very next paragraph Smith does attempt to break up the question, however in a manner that will simply reinforce JW's account of the problem in Soweto. Using figures provided by JW, said to be extrapolations from "three pilot studies", it is suggested that for every 100kl that enters water reticulation systems in deemed consumption areas, 89 kl reaches the boundary of people's properties, while users are only billed for 31kl. Thus UFW is said to be 69%, of which some 58% is attributed to commercial losses versus only 11% to physical losses. Moreover, in terms of the 65kl per property figure (a proportion that recurs throughout JW's public elaboration of the UFW problem in deemed consumption areas, and that of Soweto in particular) 58kl is said to be what actually reaches the boundary of a user's property, making the 20kl flat rate 38kl shy of actual on property usage[320]. To this end, Smith offers the following graphic representation, taken from JW's presentations on the problem in deemed consumption areas.

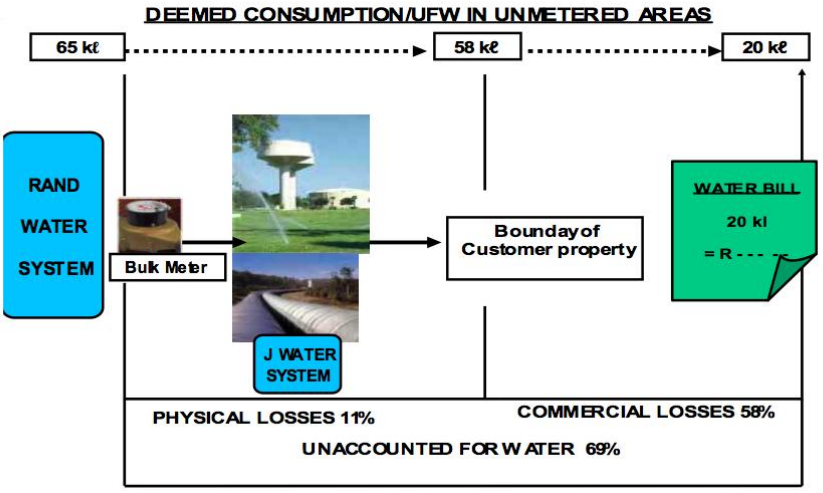


Figure 2 - Source: Smith 2006

In spite of noting that in unmetered areas, commercial losses include on-property leaks (such as at toilet fixtures or taps, which are considered usage on a private property), while physical losses relate only to JW's infrastructure, the fact that Smith never clarifies the likelihood that household fixtures are likely to be a far greater source of commercial losses than 'wastage', the image of running taps and rampant consumption, is allowed to dominate our conception of the commercial losses dimension of UFW. It is also important to note how the problem of distinguishing physical from commercial losses is resolved in the absence of metering. As Smith's account illustrates, in this case a distinction is made between losses that occur on the user's property and those that occur before it reaches the boundary where the property begins (where the latter is considered physical losses). There are however very real problems in so neatly separating JW's infrastructure from that on the 'other side' of the boundary with the user's property, which I return to later.

With little further motivation of these figures, or elaboration of the caveats that ought to accompany their public circulation, Smith offers the following tabular comparison of the problem of UFW in metered areas vs that of deemed consumption areas:

	Physical losses	Commercial losses	UFW
Metered areas	9%	10%	19%
Unmetered areas	11%	58%	69%

Table 3 - Source: Smith 2006: 19; based on information provided by JW to CoJ CMU

Given such a characterisation of the problem of UFW, JW's public motivations for the shape of OGA insisted on the fact that "commercial losses are higher than the physical losses", therefore representing the "greatest margin for turnaround" (Still 2007: 5).

While Smith's paper (which is otherwise not altogether uncritical in its account of JW) offers something of a more nuanced perspective on the motivations for the shape of OGA, with respect to the problem of UFW it simply reproduces JW's account of its various dimensions. That Smith - whose vast knowledge of the operations of JW is attested to by the detailed profile her paper offers of the utility (and which, no doubt, was built up during her time at Johannesburg's now defunct Contract Management Unit (CMU)) - should so blindly accept JW's characterisation of the problem of UFW in deemed consumption areas, is an indication of the complexity of this question[321].

One of the reasons I have chosen to take some time to tease out the somewhat mundane sum of UFW in this section, is that, when JW presented OGA to the community of Phiri, the commercial losses dimension of the problem of UFW more sharply appears as the motivation for a demand management strategy that targets household consumption, and, along the same line of argumentation, the public motivation for the usage of prepaid metering technologies. Not unexpectedly then, the content outline for Gcin'amanzi's community workshop – the main axis of its "public consultation" strategy - begins with the problem of UFW, which is here clearly distinguished (albeit unquantified) in terms of its commercial and physical losses dimensions. However, after a brief account of the latter, the presentation offers just two bullet-pointed causes for commercial losses, which end up at the same place - the wasteful practice of Sowetans:

- Wastage due to people not being billed for actual water consumption
- Eg. Soweto washing machine (common behaviour of leaving the tap running whilst washing is in a bucket while the person is busy with other activities) (Nemai Consulting [2003] 2007)[322].

Leaving aside the fact that the contexts of the latter practice are never considered or elaborated on (in spite of it recurring as an 'example' of waste in JW's – and also Smith's - representations of the problem) or even, for that matter, the fact that the post Gcin'amanzi foreclosure of this practice[323] will have the immediate effect of increasing women's reproductive labour in the household (see *Chapter 6*), what is clear is that the OGA's representation of the problem of UFW worked as the

pretext for demand management strategies and a conservation message that actively sought to reshape the forms of household water usage.

Here we should note the ambiguous mobilisation of the high, 68kl per household per month, figure to justify the 'multifaceted' character of the intervention, generally running together the perceived problems of waste in the form of human practice, and those due to infrastructure deficiencies.

After outlining an average household consumption figure of 68kl[324], for instance, JW's power point presentation for "political audiences" represents the objectives of the project as, on the one hand, addressing the 'water supply problem', and on the other, addressing the 'water consumption problem' (JW 2007z). But, if the water consumption problem is, in no small part, shown to relate to the problems on the users' side of the property boundary (household leaks and wastage), the very nature of the pre Gcin'amanzi built environment will, as we see later, blur the line between the two problems. Ironically, this context-imposed ambiguity is what is mobilised when, in presenting on the problem of UFW, physical losses are run together with commercial losses and on-site leaks are run together with excessive consumption, becoming the rationale for a wide-ranging set of interventions that will simultaneously target the built environment and human practice.

Although it is clear that OGA's framing of the commercial losses dimension of the UFW in Soweto in terms of excessive consumption, operated as the motivation for 'interventions' to alter the water usage practices of Sowetans, this perspective was not expressed without ambivalence. A good example can be found in the Gcin'amanzi reference manual, a fifty-one-page outline of the project distributed to project officials and community facilitators, including standard responses to commonly asked questions and concerns expressed around the project. And, as in Still's and Smith's accounts, the problem of UFW again appears inseparable from the problems associated with human practice. Under the heading of 'the objectives of Gcin'amanzi', the manual makes its cases as follows:

> Current water purchase figures from Rand Water indicate that water supply per individual resident is 60kl per month. Survey results have pointed to defective plumbing, leaking mains and *inefficient water usage by residents as contributing factors to the high consumption figures.* (JW 2007y: 26; my emphasis)

On the previous page of the manual, however, survey results offered something of a different picture. Here, in motivating for why Soweto and Phiri were respectively at the top of JW's list for its battle against UFW, the manual says:

> Soweto has the highest volume of UFW in Johannesburg and it therefore makes the most sense to begin Operation Gcin'amanzi in Soweto. Phiri has been chosen because this is the area where the water network is currently at its worst. A survey conducted in Phiri in Soweto has revealed that 30kl/household/month (k/h/m) are lost and actual consumption is an average of 8kl/h/m. With 6kl/h/m free water, this means that residents should only be paying 2kl/h/m, compared to the deemed consumption of 20kl/h/m. So monthly water bills could be reduced to around R11 from over R100 (JW 2007y: 25).

The ambivalence then is precisely between an image of Sowetans as excessive users of water, a usage that needs to be contained (not altogether unlike the leaks on their properties), and that of Sowetans as beneficiaries of the project in terms of reduced bills that more accurately reflect low household consumption. This ambivalence, and the tension between these two images, is precisely what is highlighted if now we revisit the innovation award presentation's reference to Gcin'amanzi's "win-win" solution for all. While the deployment of this notion, derived from game theory, which postulates a mutually beneficial outcome for "service provider and customer", is not at all an uncommon feature of representations of OGA, the coordinates of the 'strategic situation' described here are worth pausing over:

> Research has indicated that actual consumption per household is between 10 & 15kl per household, implying that households are paying for an additional 5 to 10kl of water per month due to structural weakness in the deemed consumption billing method. The intervention by OGA therefore represents a classic "win-win solution" for both JW and its customers (JW 2006).

So, in this account of the "structural weakness" of the deemed consumption billing method, the customer shares appears to share in the (commercial losses) costs of the system's inefficiencies[325].

5.2. Soweto's Water Losses and the Shifting Paradigm of Water Auditing

5.2.1. Graphing Water Losses

The contradictory accounts of Soweto's UFW problem forces us to ask both about the assumptions that informed such accounts, as well as the 'real' pre- OGA water loss situation. On the one hand, this means paying attention to how the problem comes to be identified, as well as the rationality that determines the tactics deployed in addressing it. On the other, it means literally doing the math (i.e. checking JW's calculations, and as far as possible also the sources of its numbers).

We start, then, with the concepts that give us 'the bottom line' of water losses.

What kind of concept is UFW?

To be sure the concept is concerned with a 'technical' reality. However, it is important to see that such a concept is not simply a product of the technical paradigm of the field of engineering, but more immediately relates to a 'managerial' one. UFW is a 'performance indicator', whose specific parameters are, in part, dependent on how it is calculated. Part of the difficulty of describing these, except on the basis of a specific utility and its mode of water auditing, is that "there is no universal definition of the term and it varies from country to country and even from one water services institution to another within the same country" (Seago and Mckenzie 2007: 6).

In the South African context, the concept reflects a shift in domestic regulatory frameworks, the assumed priorities of water managers, and conceptions of international best practice. Today, in fact, managers tend to speak more of non-revenue water (NRW) than UFW.

Generally, what UFW in its different forms, and the concept that succeeds it, attempts to figure is the 'water balance' of a particular system. In an analogous manner to the concept of a water balance in hydrology - which attempts to describe the flow of water into and out of a particular natural system - UFW relates to the water balance of a specific reticulation system: a system for accounting for the flow of water into and out of the built infrastructure for the delivery of water. But, what is at stake in different auditing forms and equations for quantifying system losses, are the political priorities for the management of reticulation systems, that also more broadly speak to the ideological grounding of an orientation of conservation (in its broadest sense[326]).

UFW and NRW values have an explicitly political-institutional significance. Such values, disclosed by public utilities, are not only markers to help orientate managers towards interventions to cut down on system losses, but are also considered broader 'performance indicators' with respect to the management of utilities. High water losses (especially commercial losses), are often thought to speak to the failings of state managed water delivery frameworks, becoming the pretext for different forms of privatisation (see, for instance, Kingdom et al. 2006), whether through the full transfer of water infrastructure to the private sector, or various forms of public-private partnership arrangements.

In the case of Johannesburg, for instance, infusing the management of water services with "international best practice" (Smith 2006: 15) in order to reduce UFW losses, was no small part of what motivated the City in establishing its PPP with JOWAM, aspects of which were directly tied to the 'incentive compensations' promised in the management contract (ibid: 15-16) that handed over the day-to-day operation of water services to the consortium.

Leaving aside the context specific sense of UFW, and how it has come to be figured in South Africa, in its broadest and most general form, UFW is calculated by establishing the amount of "water supplied into the system and subtracting the authorised use" (Seago and McKenzie 2007: 5), where the latter ('authorised use') is a technical term collecting together a number of different categories of water consumption[327]. One of the central problems that has motivated a shift away from UFW internationally, is that its value is affected by how authorised use is defined, and more generally, the different methods used to calculate it, therefore making comparison between systems with different ways of defining the 'authorised use' imprecise. Moreover, where categories of authorised use are not metered, as is often the case, UFW values become susceptible to what Seago and Mckenzie call "subjective manipulation" through the ways values are estimated for such usage (ibid: 6-7)[328].

The problems that potentially emerge with differences in the way authorised use is defined, is clearly illustrated in the Soweto context before OGA, since it is not immediately clear how to characterise usage over the 20 kl for which Sowetans were billed. Since managers, in the absence of more intensive research, have no way of ascribing a value to this volume of water, except on the basis of estimates, there is a sense in which it is 'unaccounted for'. On the other hand, as Seago and Mckenzie point out, since the consumer is not technically stealing in such cases, this use should be considered authorised.

The advance of the concept of NRW is thought to be that its value is not affected by how authorised use is defined. This methodology, which is supported by software distributed by the International Water Association (IWA) on its website, aims at providing an alternative system of water auditing (for the annual audits undertaken by utilities), that not only includes the usage of more rigorous indicators of system losses, but, as its name suggests, also evinces a far more explicit emphasis on the revenue function of utilities in assessing their 'performance'. Moreover, the global usage of such a model would enable the comparison of different systems according to established "best practice" principles for water auditing. Alan Lambert, a member of the original IWA water task force that outlined the 'international best practice standard' for NRW auditing, thus insists that where alternative auditing practices are used, "its component should be reordered into the IWA standard approach before attempting international performance comparison" (Lambert 2003: 50).

In comparing the NRW balances of different systems, however, what is being measured is not simply their differences with respect to how well a particular technical infrastructure is functioning, or even the attentiveness of water managers to the rigours of accounting for volumes of authorised use and identifying points of unauthorised consumption within a system, but, more precisely, how well these aspects of the water balance are managed in relation to the revenue function of water delivery frameworks. It is therefore not at all surprising that the IWA's NRW balance counts amongst its promoters the World Bank, which, in a recent paper counsels private sector involvement and market orientation as key to NRW reduction strategies in developing countries (Kingdom et al 2006: 2). In fact, the thrust of the authors' motivation for private sector involvement, in which the management contract model features prominently, places the problem of NRW at the "heart of the failing of public utilities in developing countries" (ibid: 1). Noting the very real technical challenges in undertaking water loss reduction programmes, which are compounded by what appears in the report as a lack of capacity and political will, as well as the more general inefficiencies of public sector management principles, NRW reduction is said to be unpopular in developing countries[329]. However, for the World Bank, getting at the problem of NRW entails not only sourcing of the appropriate technical capacities, and even focusing the management principles of public utilities on the problem of system losses, but, more importantly the creation of the appropriate "enabling environment" that engenders modes of 'incentivising good practice', which appears here in a form reinforcing a neoliberal governmentality:

> Most of the… challenges [involved in reducing losses] can and do apply to both private and public utilities, but (in general) private operators have incentives to reduce NRW because this can generate more revenues and reduce operating costs, in addition to specific contractual targets in several cases. It is, however, more difficult for publicly managed utilities because they often lack an adequate enabling environment and proper incentive framework for performance. Recent findings suggest, however, that the right incentives can be put in place in a public utility within a broader framework of encouraging autonomy, accountability and market and customer orientation (ibid: 7).

And since the developing world lacks the capacity to "efficiently implement on their own an NRW reduction programs…the obvious source of assistance (sic)" here is the private sector, who, it is said, are able to bring the appropriate framework as well as new technologies and know how, better performance indicators, creative solutions to the design and implementation of programs, qualified and flexible human resources, and even investment "under certain conditions" (ibid: 8-9).

The emergence of the NRW balance as an 'international best practice standard' for water auditing is interesting for the ways it is illustrative of the mode of development for governmental norms in a globalised context, and more generally in the context of what I have called processes of neoliberalisation. And what is important to note here is that the standards and practices that characterise NRW auditing do not emerge 'ready-made' from institutions such as the World Bank or the IWA, which are then taken up (or imposed) unaltered in different national and regional contexts. In the case of NRW, its local genealogy is more complex. The specific auditing practices that characterise NRW were initially developed within the specific context of the United States and then standardised by IWA as a best practice approach to annual water audits[330]. The role of institutions such as the World Bank, as well as other international development agencies, is the endorsement of such practices, often ensuring their local implementation by appending the promotion of such practices to forms of assistance offered to developing countries and cities (see below). Moreover, while the IWA articulated a generalised model, as it is implemented in different national and regional contexts, it can be amended to better fit the specificities of those contexts. These new models can also now act as a template both for the redefinition of the international standard, as well as a model that can be transposed into contexts with similar local characteristics (not so much a one-size-fits-all model, as Tomlinson remarks on best practice suggest, but increasingly models re-tailored to fit 'different sizes).

An obvious objection at this point is, what, if anything at all, does the question of NRW have to do with JW and Soweto's UFW problem? After all, UFW and NRW are by no means the same thing. It is therefore necessary to clarify what the key difference between these two concepts is. At one level, as we have noted, the introduction of the concept of NRW and its accompanying water balance marks a move towards the standardisation of water auditing. As such, the broad framework of the NRW balance clarifies a set of "benchmarking indicators" for measuring and reporting on losses, and systematises their integration into the NRW water auditing process. In some respects these indicators mark real advances in recording and managing system losses. However, there is nothing that would prevent such indicators from being integrated into an UFW audit, and as such, the key difference between the two concepts comes down to how each relates to the question of authorised use.

As we have noted, in the case of UFW, auditing practices tend to deduct authorised use from the bulk amount entering the system, both billed and unbilled, often making recourse to estimates and default values where measured volumes are not available. UFW values are therefore affected by how authorised use is defined and estimated (see above). As we saw, one of the reasons NRW is thought to represent an improvement over UFW as performance indicator is that its value is not tied to how authorised use is defined, since all forms of unbilled use are here included in the NRW volume. In a Water Research Commission (WRC) report on UFW in rural systems, Janet Ross-Jordan thus characterises NRW as follows:

> [T]he volume of water that is not recorded by a domestic, or consumer, meter and therefore does not generate revenue. In systems where metering is not universally available the concept of NRW is less relevant and hence UAW is more useful (Ross-Jordan, 2006: 6).

The inappropriateness of NRW to unmetered contexts notwithstanding, there is in fact little difference between JW's characterisation of UFW and the sum used to determine NRW:

> Non-revenue water is the difference between the volume of water put into a water distribution system and the volume that is billed to customers. NRW comprises three components: physical (or real) losses, commercial (or apparent) losses, and unbilled authorised consumption. (Kingdom et al 2006: 1).

The most important difference between JW's usage of the concept of UFW and the World Bank's clarification of the term NRW, is that JW collapsed all forms of authorised consumption into commercial losses[331]. It should also be clear that refocusing the management of water from UFW to NRW (from "authorised use" to billed amount), in which programmes to reduce losses can potentially take aim at all forms of unbilled authorised consumption – whether used for public works, fire fighting, or household consumption – now work to reinforce the neoliberal principle of "user pays".

5.2.3. Auditing the Lie

While it is important to trace the emergence of NRW auditing practices in the specific context of South Africa, moving from the conceptual clarity facilitated by the above discussion I want to first revisit the question of losses in pre-OGA Soweto.

The first problem with JW's representation of UFW in the sums that I reproduced above, is the formula used to calculate losses. That is, if we are correct, and the formula used by JW to calculate 'UFW' is the same as the formula for NRW, then it should be considered inappropriate to understanding the question of water losses in the area. This is related to what JW has called the structural deficiency of the deemed consumption system, i.e. under this system, consumption bears no relation to the billed amount. At best, in such a context, the difference between the bulk volume and billed volume draws our attention to the proportion of disagreement between these two amounts, but tells us little about the state of the built infrastructure for the delivery of water (that is, the formula for NRW is only a meaningful gauge of infrastructure losses if we are able to assume a correlation between the amount consumed and that which is billed). This is in fact exactly the reason that Janet Ross-Jordan insists that in the unmetered context it makes little sense to use the NRW balance, and advocates an audit focused on UFW (understood there as the difference between the bulk volume and authorised use, with the implication that utilities should take steps towards quantifying the latter). Simply put, in the context of Soweto, the difference between the bulk amount and the billed amount, speaks only to the issue of financial losses with little to say about its different components. As an indicator to orientate utilities to the issue of water conservation in this context, its value is at best questionable.

Secondly, given JW's usage of the term 'UFW', what Seago and Mckenzie called 'subjective manipulation' seems to run in the opposite direction. For in calculating 'UFW' as the difference

between the total billed volume and Soweto's bulk water purchases, a whole range of categories of "authorised use" are not included. If we leave aside categories such as fire fighting and public works – which, given the fact that Soweto is larger than many cities with a population of over a million people, and so unlikely to be negligible – we might note that the township is also the site of a number of informal settlements of varying size, and often supplied with water through (unbilled) communal standpipes. As with water consumed on an individual property and billed on the flat rate, water consumed at communal standpipes can be considered authorised use. In fact, Seago and Mckenzie's breakdown of Soweto's water balance estimates that no less than 5% of the total water pumped into Soweto is consumed at unbilled standpipes (Seago and McKenzie 2007)[332].

However, before getting back to the heterogeneity of (authorised) unbilled water use in Soweto, it is worth pointing to an interesting inconsistency in JW's auditing practices. Ironically, where representations of the problem in Soweto leave off consideration of many categories of use, it is indeed telling that in the water balance prepared for JW's quarterly reports, it does in fact include an 'account' of forms of unbilled consumption for Johannesburg as a whole, and subtracts such use from the bulk volume entering the system (JW 2006b: 67-68). The water balance table contained in the quarterly report thus includes a column for volumes of water "Not billed & accounted" (JW 2006b: 68), along with "Metered & billed" and "Not metered and billed" as the components of water accounted for[333]. I assume that while there was a cause for inflating losses in the Soweto context in order to motivate the shape of OGA, in the quarterly report, the interests of JW were better served by adjustments in the opposite direction, where the management team needed to show a reduction in losses in order to qualify for incentive compensations.

A further problem with JW's representation of 'UFW (in particular in its tabular comparisons of the difference between the 'UFW' situation in deemed consumption areas versus that of higher income metered suburbs), is its usage of percentages. While the usage of percentages rather than the actual amount is often understandable when one is forced to deal with such large, unwieldy numbers, potentially running into the trillions, in relation to water losses percentage values can be extremely misleading. In fact, the usage of percentage values in order to represent water losses are associated with the worst water auditing practices, and are generally discouraged in the literature on these questions.

In order to illustrate the problem of percentages, consider the following hypothetical example. If, for instance, we were able to ring-fence a block made up of 25 connections in a low income area,

such as Soweto, and do the same for a high income one, like Sandton, and then found that physical losses were the same in both segments, even without any commercial losses, these percentages are likely to be different. In this limited example, if we assume average actual consumption to be 15kl in the low income area, and 60kl[334] in the high income one, with real losses of 100liters/connection/day (which is a standard measure for representing physical losses), then, while 'UFW' is 20% for the low income area, it is only 5% for the high income one, in spite of the fact that the real/physical losses are exactly the same in both cases.

	Total Annual Consumption	Total Annual Losses	'UFW'
Low Income area	4500kl	900kl	20%
High income area	18000kl	900kl	5%

Table 4 – My formulation

This is because percentages tend to be affected by per capita consumption and bulk amount figures, which tend to increase with income. Thus, on their own, that is, without other indicators of system losses, 'UFW', represented as a percentage of the bulk amount, should not be used in comparing different systems. This is especially true when comparing water reticulation systems of high-income and low-income areas, as for instance Smith does in the figures that we have cited above (and also used in other presentations made by JW on the 'UFW' situation in Johannesburg)[335].

Ironically, in offering such a narrow representation of the problem of water losses, Smith's paper gives practical proof of one of its key arguments, that is, with the exodus of technical management capacities from the City to JW, the CMU often lacked the know-how to do anything more than blindly accept the information fed to them by the corporatised utility. If, however, it is clear that percentages are a poor means of representing and comparing losses between systems whose users have different economic profiles, I would argue, that in the Johannesburg case, even in comparing two deemed consumption areas, such values expressed as a percentage of the bulk amount tend to mask the specificities of respective systems[336].

Finally, there are real and we might add, also historical, reasons to question how JW (and Smith) have proceeded to separate infrastructure losses and commercial losses in the Soweto context, reasons that go to the heart of the structural transformation undertaken in realising the objectives

of OGA. If, as we have seen, what had defined deemed consumption areas was unmetered billing, making difficult the separation of commercial losses from physical losses, in JW's and Smith's accounts this problem is overcome by separating JW's infrastructure losses from those that happen on a user's property. However, the postulation of a boundary that neatly separates JW's infrastructure from that on a *private property,* beyond which all consumption (usage and leaks) above the flat rate might be considered 'commercial losses', is, in the context of Soweto (pre-OGA), highly questionable.

As we saw in *Chapter 4*, the development of Soweto proceeded within the context of severe housing shortages and strategies aimed at addressing this crisis, with large parts of the area laid out through site and service schemes. As a 1992 survey on Soweto's secondary mains highlights, part of the legacy of this history was an ad hoc approach to the development and management of the area's reticulation systems. In this context, in order to achieve the "maximum economy" Soweto's secondary mains "were laid along mid-block boundaries", thus eliminating the need for connecting pipework as latrines and standpipes were located close to the water mains (Soderlund & Schutte 1992: 1). Moreover, not only did houses sometimes share connections, or had pipes running through compartmentalised structures, but on a mid-block system that had, over the years, evolved into a "haphazard system of interlocking pipes", making such a distinction between public and private infrastructure very difficult, if not impossible. In fact, one of the reasons the mid-block system proved a challenge in maintaining is that work on the secondary mains could only proceed on the basis of access to people's properties. Additionally, given that physical losses in water reticulation systems often occur at connecting points within a system (such as the joints connecting secondary mains to users' piping), in the Soweto context it is unclear how we should go about characterising losses where (as was the case before Gcin'amazi) these occur at the connection between individual fixtures and secondary mains. These kinds of problems are given further dimension in relation to shared connections, for instance where (as was the case in parts of Soweto) houses collect water from a shared tap, since it becomes unclear where responsibility for a leak should fall[337].

In highlighting these issues I am less concerned with (pedantically) refuting JW's characterisation (since forms of abstracting and separating out aspects of a particular problem are always possible), than with throwing light on the historical basis of the problem with Soweto's infrastructure and how it is related to issues of neoliberal governmentality. As I note below, cost recovery was not sustained as a major priority for the apartheid government, and in fact often came to be mediated

by broader security concerns. This fact is, in part, attested to by Soweto's infrastructure. Rather than a system designed for individual metering, the built infrastructure in Soweto had evolved out of almost a century of sub-standard, crisis driven, housing and site and service schemes, broadly geared to the mass delivery of only the most basic levels of service – an approach reflected in the very organisation of the reticulation system. Moreover it should not be forgotten that much of this development was undertaken within a paradigm in which Africans were only allowed to own property in the Bantustans, and, as such, were tenants of the state owned housing in Soweto (responsibility for which fell to a number of different institutional bodies at different times throughout the township's development). In such a context, the distinction between commercial losses and physical losses, which assumes a particular environmental context, and set socio-political relations that enmesh the production, circulation and consumption of water in Soweto, could have found little meaningful content.

The identification of such problems does not, however, give us any deeper insight into the 'real' water loss situation in Soweto. To sum up, part of the ambiguities of JW's characterisation of the problems inherent to Soweto's circuits of water delivery are related to the challenges of estimating system leakage and differentiating these losses from on property leaks as well as human consumption. As we note above, JW's response to this challenge has often been to simply run these together, citing incontestably high per property consumption figures as proof of a multifaceted problem, whose solution will therefore take aim at all aspects of the water balance, including the human consumption/wastage 'problem'. Significantly, when estimates of the different dimensions of 'UFW'[338] in Soweto have passed into the public realm, these have tended to place the bulk of losses on the users' side of an imagined boundary separating JW's infrastructure from that of an individual household, more often than not emphasising human wastage along with leaks to explain these high commercial losses. For the most part, however, these breakdowns never clarify how they arrive at such estimates, often making only vague, and sometimes contradictory, references to "research" or "surveys", inevitably reinforced by anecdotal evidence of running taps and excessive consumption.

Further ambiguity is fostered by the figures themselves, varying, in the case of 'UFW' from 67% in some presentations to 75% in others, and from 65kl to 81kl in terms of per property consumption amounts. This kind of variation is also found in characterisations of the different dimensions of the problem, from Seago and McKenzie's 50/50 commercial-physical losses split in deemed consumption areas, to the less conservative, and seemingly unrealistic, 84/16 split in Smith.

Some of these variations are not difficult to explain, even if this does not necessarily detract from the questionable nature of such figures. Less contentiously, variations in both 'UFW' values and property consumption figures are to be expected given that these represent reflections on different periods where bulk purchases are likely to change.

However, these values are also affected by estimations of formal erven in Soweto. Thus in JW's 2001 discussion paper on 'UFW', the high 81 kl per property figure should be read in the context of the relatively low estimate of formal properties - just 113 225 stands. This figure might, for instance be compared to the lower 68kl/property/month amount, whose sum is outlined in the presentation for political audiences. In this case, where the annual bulk purchases are in fact higher (12300ml vs 11000ml) the lower per property consumption figure is a result of a higher estimation of the total formal erven, there 151 000 properties. Such estimations also affect 'UFW' volumes, since JW evidently arrived at the total billed volume of water by simply multiplying the flat rate amount (20kl in Soweto) by an estimate of the number of properties billed on the flat rate. And we might note that from its 2001 75% 'UFW' estimate, the total number of properties used to make JW's calculations have climbed from 113 225 to 169 000 (in the 2006 innovation award presentation), reflecting an 'UFW' volume of 67% and a household consumption figure of 61kl/month.

While it is not unreasonable to assume natural growth in the country's largest township, nothing would suggest that over this short period, between 2001 and 2006, the number of formal properties in Soweto has grown by 55 775 stands, which is almost half of the 2001 estimate. Still, as we have noted elsewhere in this dissertation, one of the challenges facing municipal officials was the generally poor quality of data on the population (see *Chapter 2 and 3)*, and less than up-to-date billing information, especially with respect to poor communities living in apartheid townships. It is also clear that during the roll-out of OGA, JW officials were often forced to amend their work schedules in relation to more accurate information about the number of properties needing intervention after completing technical surveys on each of the intervention sectors (or superblocks). It seems likely that the 2006 estimate of 169 000 properties, which is broadly in agreement with Seago and McKenzie's 168 103 figure (determined from information supplied by JW), is based on the compilation of data collected from these surveys. However, the fact that JW's 'UFW' volumes are based on estimates of total formal properties, that have left off any discussion and evaluation of Council's billing system, should lead us to raise serious questions

about the auditing practices that informed JW's characterisations of Soweto's 'UFW' problem. These seem in the main to have been instrumentally directed to proving that all aspects of so called 'commercial losses' were inherent to problems on the user's side of the imagined property boundary, leaving off analysis of a whole range of institutional-administrative problems, such as, non-billing, billing errors, poor records, etc.

It is possible to account for some of the discrepancies in 'UFW' volumes and per property consumption figures. More puzzling is how JW went about assigning values to the different categories of losses, as, for instance, in Smith's reproduction of figures provided by the utility. In the latter case the data is said to have been made available by JW to the CMU, based on extrapolations from three pilot studies. In other cases, as in the Seago and McKenzie report, it is clear that default values are assigned, based, as we will see, on assumptions about the population. Considering that Soweto's infrastructure before OGA resisted a neat auditing framework, a reliable account of the situation in Soweto is potentially unreachable. OGA can thus, in part, be seen as a project to enable accurate auditing and the management of revenue losses as a result of leakage (and indeed aspects of the project, like the creation of water control zones, have precisely this aim). Moreover, in the absence of any independent audit of water services in Soweto, the figures that JW have passed into the public realm are likely to be the only means for developing a perspective on Soweto's 'UFW' problem. Nevertheless, the politicisation of these figures, and more generally, JW's motivation for the shape of OGA, necessitate that we establish something of the basic outline of Soweto's water balance, as well as the shape, if not the exact dimensions, of the various problems it reflects.

For this discussion, I want to give some privilege to JW's 2001 'Soweto Discussion Document', already cited in this chapter, which, although obviously flawed in various respects, also collects the results of a set of pilot studies that shed light on surprising details of Soweto's water loss problem, ironically running against the grain of the argument and figures presented in the body of the report. Our consideration of this document is, however, motivated by a number of other reasons. First, in Still's 2007 affidavit, not only is the report cited as the source of the Soweto's 75% 'UFW' volume (quoted in the Constitutional Court's final judgment), but it appears as the stated basis for JW's decision to focus on Soweto, and is in fact the only properly technical report included amongst the City and JW's substantial answering papers to the constitutional challenge to OGA and the decision to install prepaid meters in Soweto. Secondly, while system leakage often appears in JW's presentations as unmotivated estimates, the discussion document has the advantage of the

inclusion of a study conducted in Senaoane that not only outlines the methodology used in accessing system leakage, but which all evidence suggests is the only real attempt made by JW in ascertaining the true extent of Soweto's system losses, such that it could be differentiated from other aspects of the water balance. Finally, given that the report collects the results of the various pilot studies on 'UFW' undertaken in deemed consumption areas, we should ask if the figures shown to CMU, and reproduced by Smith – said to be extrapolations from three pilot studies - do not refer back to results collected in the Soweto discussion document[339] .

What is most remarkable about this report is the inescapable contradiction between the overall picture offered in the body of the document and the actual results of the pilot studies, whose detail is collected in its annexure. And not surprisingly, the body of the report reinforces the perception of runaway 'UFW', where significant leakage is nevertheless overshadowed by commercial losses, here characterised as "volume consumed not billed" (JW 2001: 4). If it is clear that this document played a role in shaping OGA, or at least helped motivate its shape internally and to the city[340], it should stand as a major indictment that figures provided in the main section of the paper are deeply, and, we should add, obviously, flawed. We have already discussed one aspect of the problem with these figures, that is, the fact that, the formal erven/property estimate for Soweto cited in the report, and used to make JW's calculations, is a gross underestimation (almost a third shy of the more accurate figure that JW makes use of in its 2006 estimate). Rather than a singular, or isolated issue of an inaccurate datum, this underestimation has the effect of contaminating virtually every aspect of JW's calculations that are presented in the main section of the paper. As worrying are the apparent errors in actual calculations - which, given that they are based on simple maths, and have not only gone uncorrected, but were resubmitted as part of the JW's legal defence - begins to suggest that what is at stake here is more than simple negligence.

In order to be precise, I will reproduce JW's table in full:

Description	Ivory Park	Soweto	Alexandra	Orange Farm	Total

Properties per Township	15 482	113 225	14 031	40 728	183 466
Estimated Population	80 000	1 050 000	280 000	195 000	1 605 000
Flat rate billed consumption	5kl	20kl	10kl	5kl	* [20kl]
Volume supplied	3 435 961	110 000 000	10 177 224	5 900 000	129 513 155
Average Water Supply Input per stand	18kl	81kl	60kl	12kl	*
Volume Billed	928 920	27 174 000	1 683 720	2 443 680	32 230 320
Estimated Leakage	437 124	15 000 000	1 526 583	885 000	17 848 707
Volume consumed, not billed	1 548 118	57 826 000	6 966 920	2 571 320	68 912 358
UFW	73%	75%	83%	59%	73%

Table 5 - Source of Data JW

This table, which gives the broad outline of the 'UFW' situation in Johannesburg's deemed consumption areas, reflects volumes of water supplied and consumed over a period of 12 months, forgoing percentages expect when rendering 'UFW' volumes. Given that these figures run into the hundred millions, the vast majority of people reading these numbers would have a slim conception of their proportions, nor, we might add, the ability to quickly test the accuracy of their implied relations. For this reason, the authors also include a graph "compiled from the table" [341]:

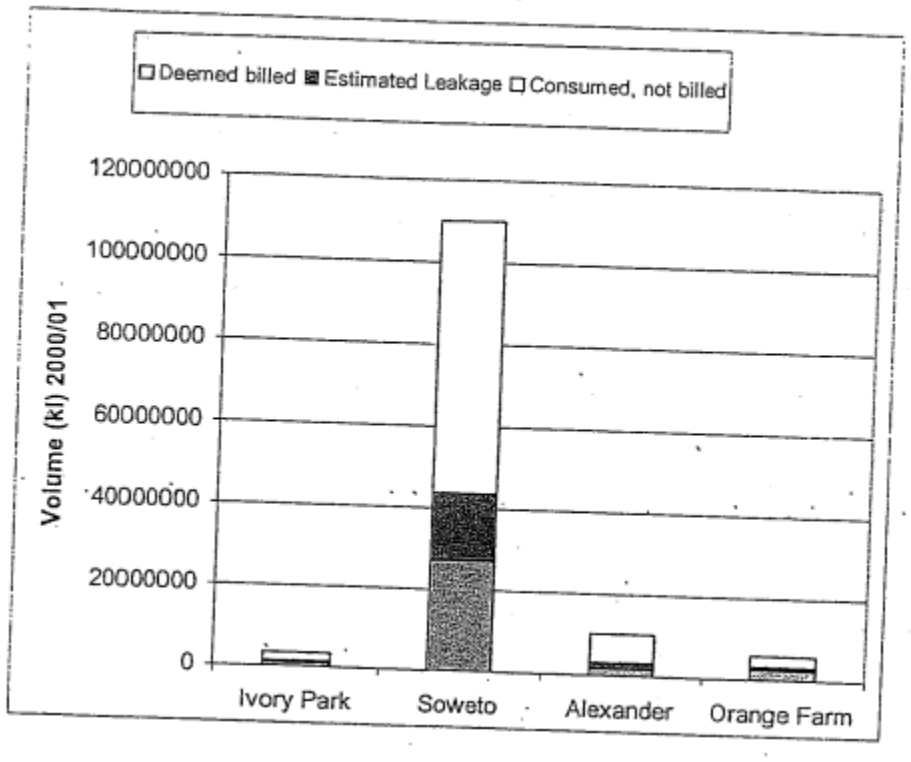


Figure 3 - Source: JW 2001

What is immediately apparent in this graphic representation is the extent to which the "consumed, not billed" bar (ostensible commercial losses) dwarfs leakage, standing almost 4 times taller. However, if we actually test the maths given in the table, and upon which the graph is based, an error in JW's calculation becomes immediately apparent, both in the case of Ivory Park and that of Soweto. Moreover, since the totals, collected in the final column of the table, were arrived at by simply adding horizontally, these figures reproduce the error. From the graphic representation, and our discussion thus far, it should be clear that there are three components of "total volume supplied" as it is represented here; the volume billed (the flat rate volume), "estimated leakage" (physical losses), and "volume consumed, not billed" (commercial losses). And indeed, in the case of Orange Farm and Alexandra this is in fact the case. However in the case of Soweto, as if a zero had somehow gotten lost in calculation, 10 000 000kl of 'UFW' is indeed not accounted for in the table. And in the case of Ivory Park, again some 521 799 kl will disappear in calculation. Rather than being negligible these errors represent, respectively, 9% and 15% of the total volume supplied. However, if we take a ruler to JW's graph, measuring each bar, this 10 000 000 kl does reappear, and not surprisingly it is given to the "consumed, not billed" bar.

It is difficult to know what to make of such an error, which is carried over into the totals column

that details the global picture of 'UFW' in deemed consumption areas. Although this error does not affect the actual 'UFW' percentage, when combined with what we said about the document's underestimation of formal properties (or even the fact that the table makes no attempt to estimate unbilled standpipe usage volumes), it is more than enough for us to dismiss these figures. Crucially, however, the results of the pilot studies provide something of a different picture, not only with respect to what is collected in the table and on the graph, but indeed, in relation to much of what JW has said on the question of Soweto's 'UFW' problem. Broadly the problem in Soweto has been represented in relation to three components, albeit with some variation in emphasis; general infrastructure leakage, household leaks, and household consumption over-and-above the billed volume (generally represented as wastage). While I would argue that the causes of Soweto's high UFW volumes are wider, two of these pilot studies speak explicitly to these problems, each of which comes to be taken up by OGA.

We can begin with the project on household leaks, since it is the study about which the least detail is given. Essentially comprising a household leak repair intervention focused on sections of townships around Gauteng (including Soweto, Odi, Thokoza, Tembisa, Sebokeng and Kagiso - which are areas of a similar economic profile), the study involved monitoring the effect of household leak repairs on on-property consumption amounts. While the full scope of the study's findings are not included in the discussion document, its most telling result is cited as proof of the practical and financial viability of targeting household leaks in order to address losses in deemed consumption areas:

> During the execution of the above projects domestic consumptions have been reduced by up to 36% and the projects achieved payback periods of between 5 and 12 months, whilst creating 350 temporary jobs (JW 2001: 15).

The success of this initiative, boasting reductions in household consumption of over 30% in some cases, and therefore able to pay for itself over a relatively short period of time, was one of the reasons a 'once off' leak repair and retrofitting component was built into the OGA. In fact among outcomes of the study outlined in the discussion document is the recommendation that such an intervention would ideally be "co-ordinated with the upgrading of midblock secondary reticulations", and "happen concurrently with the installation of meters" (ibid:15). Crucially, however, the final caveat highlighted by the study, concerns the project's relationship to the community – "them" who later ambivalently appear as beneficiaries of OGA:

> The process will probably not be successful without buy-in from the Community, launching a public awareness campaign, and empowering them by involving local labour (employment creation), training and transfer of skills. A partnership is actually required with them (ibid: 15).

While the leak repair study was broader than Soweto, the problem of defective, leak prone, household installations was a particularly serious one in Soweto. A major problem was outside (chain) 'toilet cisterns', which in some cases were 40 years old, and according to JW often impossible to repair (ibid: 12). Since the better portion of Soweto's housing stock were the 2 and 3 room council houses (Morris et al. 1999; see also *Chapter 4*), these leak ridden cisterns would have been the standard for many Sowetans[342] unable to upgrade household toilet fixtures.

It is clear that household leaks represented a major source of water losses in Soweto. These were, however, surpassed by leakage from the midblock mains, at least if the results of the Senaoane pilot project are to be believed. Given what we have said about the challenges of calculating 'UFW', and more generally system losses in the absence of a fully metered system, the methodology used for the Senaoane project is worth pausing over. In its barest outline the study involved a comparison of the performance between two ring-fenced water districts (Districts 3&4)[343] of the Senaoane reticulation, after the upgrading of secondary mains in one of the districts. The results of this study are potentially extremely important in assessing Soweto's pre-Gcin'amanzi water loss situation , since not only does it seem to be the only study conducted by JW on leakage from Soweto's midblock mains, but the methodology used in making comparisons between the two districts allows us to separate losses from household leaks and secondary mains from the volume of water used for human consumption. Moreover, rather than being specific to one segment of the township's reticulations, the conditions in Senaoane, both with respect to the built environment (both housing type and water infrastructure) and the population, are, in the words of the study, "very representative of most other townships in greater Soweto" (JW 2001).

In real terms the study involved upgrading the midblock mains to street mains in District 4 (421 properties), and comparing its performance to the neighbouring system in District 3 (475 properties), using the minimum night flow readings of each system (that is the volume entering a system when human demand is at its lowest). Comparing these volumes to overall consumption figures also allows one to estimate how much water reaches users for every-day consumption. The

annexure detailing the project outlines its key results as follows:

> The total supply per erf in District 3 is 2,46kl/day (that is 74kl/month). However from the high night flow [41kl per hour] one can assume that that the consumer only gets an effective 0.45 kl/erf/day (that is 13,5kl/month or 18%). The balance is lost due to leakage from the secondary mains, connections and house installations. The total supply per erf in district 4 is 1,38 kl/day (that's 41, 4 kl/month), of which 0.75 kl/day is effectively delivered to the consumer (that is 22,5 kl/month or 54%) (JW 2001: 14).

If this is correct, and we assume that the Senaoane situation is representative of the rest of Soweto (as the study suggests we do), it places Soweto's pre-OGA reticulation in the lowest possible technical performance category for developing countries according to a recent proposal for international ILI (Infrastructure Leak Index) standards (see below). The table below, which collects the results of this study, gives the lie to JW's public discourse on Soweto's UFW, clearly highlighting that physical losses from the midblock mains were by far the greatest contributor to Soweto's high 'UFW' volumes. Moreover, if using this data we calculate the average actual (human) consumption across both systems, we get a figure of 17,72kl per household/month. And, indeed, this not only agrees with what has been generally assumed about the consumption of low-income urban households, but it is almost exactly the average household consumption of Ivory Park (18kl according to the results of the third pilot study), which enjoys the unusual boast of being one of the few township reticulations under JW's management that is not in need of a complete overhaul.

District 3 (Midblock mains)	District	District 4 (Upgraded Street Mains)
475	**Number of Stands**	421
74kl/m	**Supply per Stand**	41.4 kl/m
35 150kl	**Total Volume Supplied per Month**	17 429.4kl
45kl/property/month	**Leakage From Midblock Mains**	-
15kl/property/month	**Leakage From Connecting Infrastructure and Household Installations**	18.9kl/property/month
13.5kl/property/month	**Human consumption**	22.5kl/property/month
20kl	**Flat rate (volume/property/month)**	20kl
9500	**Total Billed Volume**	8420
25 650kl (72.9%)	**'UFW'**	9009.4kl (51.6%)

Table 6 - My calculations based on JW's data

If these are indeed the pilot projects to which Smith refers in her paper, it is difficult to see how extrapolations from these studies could have yielded the conclusions and figures she cites there[344]. This is especially evident given that the study suggests that not only is the 65% reduction in physical losses realised by upgrading the mains "equally applicable to the other townships of Soweto" (JW 2001: 14), but it emphasises, in 'emboldened' text, the relative accuracy of the flat rate billed volume:

> These delivery figures (13,5 and 22,5kl/month) should be compared to our flat rate billing of 20kl/month. **This tells us that if we could eliminate loss from leaks, the consumption would be relatively close to the billed amount.** (JW 2001:14; original emphasis).

Further nuance might be given to this picture by contextualising the very indicators used by JW in publicly elaborating on Soweto's water loss problem[345]. It should also be kept in mind that while

per property volumes and 'UFW' percentages are indicators - whose utility and meaning is conditioned by an understanding of their relationship to a whole range of factors – when taken outside their proper context (for instance, when taken outside of the framework of water auditing, leakage management, and comparative technical assessment), they can take on meanings inappropriate to what these indicators actually measure. The same caution should also be extended to a word like 'consumption', or even that of 'wastage', which often takes on meanings within the technical paradigm of water loss management whose coordinates are not altogether the same as that of our everyday usage of these terms.

It is this very play of signification that was mobilised by JW in its elaboration of the situation in Soweto. The heading, for instance, under which the discussion document presents the findings of the pilot projects – "…Case Studies Confirming *Excessive Consumptions & Wastage Reduction*" (JW 2001: 14; my emphasis) – here signifies something different (especially when read in the context of data collected by the studies), from what these very words will come to mean in the public motivation of the shape of OGA. The danger here, however, runs far deeper than subterfuge or even manipulation. It is that the normative frameworks of a management paradigm, ever more religiously orientating to the principles of the market, come to be reflected on the language and normative forms of everyday social reproduction, increasingly rendering them indistinct. This danger is in fact the very *point* of neoliberal governmentality.

5.3. The Securitisation of Water Delivery in Soweto

5.3.1. The Apparatus

"It's a remarkable piece of apparatus" (Kafka 2002[1948]: 185). So begins Kafka's 'In the Penal Settlement' (or 'In the Penal Colony'), which tells the story of an explorer visiting a colony where he encounters an elaborate torture device, or apparatus. But, as the careful reader will tell you, it is not the explorer who visits the colony who is the protagonist of the story, nor for that matter is it the officer who guides him through the intricate operation of the apparatus. The subject and real protagonist of Kafka's story is in fact the apparatus itself. And if we begin our acquaintance with it through an encounter with a device that corporally gives its judgement on the body of a subject, we soon realise that this is just a part, an element of what was once the "perfect" (ibid: 187) organisation of the colony itself.

As with Kafka's story, the protagonist of this chapter (and in a sense, this section more generally) is not JW, 'UFW' or for that matter prepaid meters. The *lie* means little until we explain the motive hidden beneath it. And although we come to these questions by way of the specific struggle over the prepaid meter (a device whose *functional form* comes to light in its operation on the bodies of the poor), and discover their breadth by passing through the mundane sums of the bookkeeping regime of the manager-mechanics that motivate the device, it is ultimately only for the place of these in the apparatus being established, that their proper significance to this critique is realised. It is the apparatus that matters here, not simply this or that device (however central it might turn out to be), or the pipes and taps that it appends itself to, nor even the discursive assemblages that organise and rationalise an approach to each of these elements, but instead the very relations that are established between all these elements.

This is already very close to the terms that Agamben, in a recent essay called 'What is an Apparatus' (dispositif), offers for this concept, characterised as a "decisive technical term in the strategy of Foucault's thought" (Agamben 2009: 1). Although, in his writing, Foucault did not define the concept, preferring instead to focus his attention on specific apparatuses, the centrality of this concept in his work is well established. In his essay 'What is a dispositif', Deleuze characterises Foucault's philosophy as an "analysis of concrete social apparatuses" (Deleuze 1992: 159). For Deleuze, the apparatus, which takes on the function of distributing the visible and invisible, of structuring affirmations and negations, is in fact what makes us "see and speak" (ibid: 160) in particular ways.

In an interview conducted in 1977, and in response to a question on the "methodological function" of the term 'apparatus' (dispositif) in his work, Foucault gives the following characterisation:

> What I'm trying to pick out with this term is firstly a thoroughly heterogeneous ensemble consisting of discourses, institutions, architectural forms, regulatory decisions, laws, administrative measures, scientific statements, philosophical, moral and philanthropic propositions – in short, the said as much as the unsaid. Such are the elements of the apparatus. The apparatus itself is the system of relations that can be established between these elements. Secondly, what I am trying to identify in this apparatus is precisely the nature of the connection that can exist between these heterogeneous elements. Thus a particular discourse can figure at one time as the programme of an institution, and at

> another it can function as a means of justifying or masking a practice which itself remains silent, or as secondary re-interpretation of this practice, opening out for a new field of rationality. In short, between these elements, whether discursive or non-discursive, there is a function which can also vary very widely. Thirdly, I understand by the term 'apparatus' a sort of – shall we say – formation which has as its major function at a given historical moment that of responding to an urgent need. The apparatus thus has a dominant strategic function…(Foucault, 1980: 195)
>
> …I said the apparatus is essentially of a strategic nature, which means assuming that it is a matter of a certain manipulation of relation of forces, either developing them in a particular direction, blocking them, stabilising them, utilising them, etc. The apparatus is thus always inscribed in a play of power, but it is also always linked to certain coordinates of knowledge which issue from it but, to an equal degree, condition it. This is what the apparatus consists in: strategies of relations of forces supporting, and supported by, types of knowledge. (ibid: 196).

Reflecting on this very set of statements, Agamben summarises Foucault's characterisation by way of three points. Firstly, the apparatus is "a heterogeneous set that includes virtually anything, linguistic and non-linguistic under the same heading: discourses, institutions, buildings, laws, police measures, philosophical propositions, and so on. The apparatus itself is the network that is established between these elements" (Agamben 2009: 2-3). Secondly, "the apparatus always has a concrete strategic function and is always located in a power relation", and finally, for this very reason "appears at the intersection of power relations and relations of knowledge" (ibid: 3). The crucial point, however, of Agamben's reflection on the place of the apparatus in Foucault's philosophy, is the place he gives it in relation to Foucault's disavowal of a study of the "universals". As we saw, Foucault's investigation into power proceeds by side stepping or bypassing the question of universals (such as the state or sovereignty) in the name of a "bottom up" analysis of the concrete mechanisms and strategies of power (see *Dossier on Government and Sovereignty*). According to Agamben, this does not, however, mean that there are no "operative concepts" in Foucault's work that take on a general character. The significance of the concept of the apparatus in the strategy of the Foucault's work is to be what takes the "place of the universals" (ibid: 7) such as the sovereign or the state.

5.3.2. Water: The Quasi-Public

I want to use the 'grid of intelligibility' opened by this discussion of the apparatus to begin tracing out some of lines uncovered by my research on the post-apartheid management of water services and the problem of 'UFW'. To be sure, however, in relation to the delivery of water in Soweto, the apparatus is not simply fashioned off an idealised blueprint or diagram, but takes its form precisely with the 'changes in direction' and 'drifting' of the different lines that compose it in the very attempts to install this or that diagram[346].

The "cartography" of the apparatus begins by tracing out the shifting of these lines within a particular socio-historic context. In what follows I focus on the emergence and transformation of contemporary water auditing practices. This is not to imply an exact equivalence between the transformations of auditing practices and those that characterise the apparatus installed around the circuits for the delivery of water in Soweto more generally. If anything, such practices relate to what is only an element, but one which I show gives an illuminating entry point for thinking about successive attempts at coordinating the relations between the various elements of this apparatus.

As a point of clarification, today the principal performance indicator in usage by JW is NRW. This was confirmed when I interviewed Mbalie Matiwane, JW's physical losses manager:

> Currently, we are calling it NRW … We are reporting as NRW, basically the difference of the water that we have in the system (bought from Rand Water) and the difference in the sales [to] our customers connected to the system. So, the difference there will be NRW. The UFW term has been done away with nationally (Matiwane, interview, 21/10/2011).

However, when I called in trying to get statistics on JW's NRW, I was informed that they had not shifted to NRW and still calculated UFW. No statistics were made available to me.

While there has been a clear, and well documented shift in international norms for water auditing practices and the management of reticulation systems, how such changes have shaped the South African contexts is neither a simple matter of external imposition nor indigenous development. Part of what we have to explain, then, is how we came to adopt this term and associated auditing practices. And, although the status of the term 'UFW' is questionable, we still need to explain

why JW used this concept if they were doing something else from as far back as 2001[347]. After all, as we note above, no small part of what motivated the corporatised shape of the utility, and the City's contract with JOWAM, was the desire to infuse international best practice into the management of water delivery in the city. While it is of course possible that since the elaboration and canonisation of the IWA's guidelines on NRW auditing occurred relatively recently, JW simply wasn't yet up on the 'latest fashions in development thinking'[348], or 'best practice', even where it had already begun to reflect something of these shifts in international practice in its 'style' of its operation. However, the fact that JW officials and consultants participated on the steering committee of the Seago and Mckenzie study on NRW (published in January 2007), while even today seemingly continuing in their usage of the term UFW, suggests that something other than trendiness (or a lack thereof) is likely to be what is at stake here.

More broadly, however, it is worth noting that forms of water auditing and explicit rationalisations of the problem of losses in terms of the concept of UFW, were not a regularised practice in the apartheid era, let alone the distinction between physical and commercial losses. For instance, while the Urban Foundation's 1980 study of the development situation of Soweto, and Planact's 1989 Soweto survey in the context of the rent boycott, highlight the issue of water losses, neither reflects the contemporary terminology or methodologies for presenting these problems. In the case of the Urban Foundation, where the report shows an affinity with the contemporary paradigm of water managers (both with respect to its representation of the problem in Soweto[349] and approaches to addressing these[350]), there is no mention of UFW, even as it attempts to render a rudimentary water balance. Significantly here, the unit of focus is not the individual household, but the individual as a member of the broader population of Soweto. Using a 1977 population estimate of 1 000 000, the Urban Foundation calculates average consumption to be 180 litres per person per day (Morris & Cilliers, 1980: 97), and contrasts it with the consumption of the white suburb of Mondeor (figured in the same terms) to highlight the high rate of usage in Soweto. Implicit in such calculations and comparisons was, however, the assumption of lower consumption norms for blacks[351].

That water services were not the subject of intensive planning and monitoring until the late apartheid era is supported by the perspective of a comprehensive 1986 publication on the sector produced by the Department of Water Affairs (DWA), which initiates the task of communicating and facilitating an orientation to (amongst other things) 'demand side allocations'

of water resources. Reflecting on the context that the publication sought to rehabilitate it notes that:

> In the past our water resources have been developed largely on an ad hoc basis – projects were designed and executed to meet clearly established immediate needs but with an inadequate rational basis of the determination of priorities and the optimal scale and sequence of development projects (DWA 1986: 1.31).

The new 'national water management strategy', whose development the publication champions, therefore prioritised both more thorough planning in the development and management of water resources – in the words of the DWA, "weighing of all the benefits…against the associated costs" (ibid: 1.31) – as well as monitoring and research (especially in urban contexts) "into all aspects of the conservation, utilisation, reuse, desalination, and storage of water" (ibid: 1.32)[352]. It is in this context that the publication reflects on the importance of utilising a water balance to understand and intervene around the hydrological system that services the country's water needs:

> The national water management strategy being refined by the DWA incorporates a decision support system based on principles of scarce resource management using data from a water balance model which records availability and demand in each catchment. Evaluation of the economic and socio-economic returns on water allocated to each user group will assist in promoting the optimal long-term use of water (ibid: 1.32).

Significantly, the perspective presented in the DWA publication already shows a move in the direction of what is described today as Integrated Water Resource Management (IWRM). It is important, however, to point out that its conception of a water balance is still predominantly focused on the natural water cycle and figured around the river basins that serve the water needs of different areas, even if it is just a short step from such orientation to the rationalisation of questions of supply and demand with respect to specific reticulations. What, however, makes the emergence and attempt to give discursive representation to such perspective an important moment in the genealogy of the paradigm of contemporary water management practices, is precisely the ways in which such a shift takes place against the backdrop of an emerging neoliberal political rationality for the water sector.

The preface of the DWA publication in fact begins by setting out the reconceptualisation of the

status of water *viz-á-viz* government and the economy. Under the "Water Supply Economy" the DWA suggests that water ought to be classified as a "quasi-public good", standing between "pure private goods" and "pure public goods" (ibid: xx). The preface, however, also notes that previously "water supply infrastructure in South Africa fell primarily within the definition of a public good", where "little direct cost recovery from users was attempted" (ibid). In such a context, according to the publication, waterworks were undertaken to "promote irrigation", "constructed as welfare projects" and used to stimulate development in contexts defined by "irregular rainfall, unemployment and economic recession" (ibid). If we are able to recognise in the latter an approach to water services and public works that resonated with the ethos of the welfare state (albeit within the deeply racialised South African context), what the publication aims at is precisely a shift towards a paradigm in which "the growing needs of a diversifying economy" reorientates the state's relationship to the provision of water services, and "government's supply side allocation" gives way to an "allocation based on market demand" (ibid). And it is in this regard the publication notes:

> Demand side allocation through market forces requires an effective relationship between the supply authority and water users and implies that waterworks must be financed and operated on commercial principles aimed at the full recovery of the cost of those services (ibid).

And here, while the DWA hesitated to conceive water as a 'pure private good', recognising the continued need for public investment in the sector, it is emphatic that such resource allocations should not "upset market mechanisms unduly, but have as neutral an effect as possible" (ibid). No doubt however, in the case of Soweto, and the political contexts of the 1980s rent boycotts, this vision of full cost recovery was eclipsed by the concerns of managing the insurrectionary mood of the township.

It is, however, clear that in the late apartheid era there emerges an emphasis on the economic value of water.

Notwithstanding, it is telling that until the 1990s there seems to have been little done to ascertain the extent of water losses in Soweto as a whole, or the different townships that comprise it, nor is there any evidence of any earnest attempts at surveying the state of Soweto's reticulation system before this. This, and the general paucity of information on service delivery in Soweto, was in fact

one of the explicit reasons for the Urban Foundation undertaking its own research on the area within the political contexts that followed the 1976 uprising (Morris & Cilliers: 1980; see also *Chapter 4*).

This is not to say that apartheid era managers were oblivious to the problem of UFW, even if the emphasis of water management tended to fall on supply side issues. In this context, however, UFW audits do not have the same sense as generalised performance indicators for the management of reticulation systems, and as such were not as standardised, nor a prominent part of reporting regimes of municipalities. Crucially as well, in the South African context UFW was calculated according to the generic formula given above as the total volume supplied less total consumption. And where in metered contexts this implied the total metered volume supplied to consumers, in unmetered contexts it was calculated by multiplying the estimated per capita consumption by the population of the area (Wilks: 1987: 3) (as is done in the Urban Foundation report on Soweto).

It is from the mid 1980s into the 1990s, however, that there comes to be a more concerted orientation to problems of UFW and a shift towards the systematisation of auditing and reporting. A 1997 report published by the WRC notes that in 1989 H. C. Chapman, then chairperson of the WRC, attended a conference hosted by the International Water Supply Association at which he became concerned that South Africa was "lagging behind world trends in UAW control" (Vallier and Broadhurst 1997: 3), prompting the influential local body to direct attention and resources towards this problem. While a limited number of studies had been undertaken before this[353], in 1991 the WRC approved the funding of a project to develop a more holistic picture of UFW management in South Africa. Among the results of this study, collected in the Vallier and Broadhurst report, was confirmation of an ad-hoc approach to water loss management and auditing[354]:

> Most Local Authorities in South Africa employ passive rather than pre-emptive leakage control measures, i.e. only reacting to reports of leaks and bursts and consumer complaints regarding metered consumption. Furthermore, because of the relatively cheap cost of water, most local authorities compensate for revenue losses by increasing tariffs rather than implementing procedures for the control and reduction of all components of UAW (ibid: 4).

While the situation was somewhat better for parts of larger municipalities such as Johannesburg (ibid: 23), this was not the case for townships such as Soweto. For the latter, even in the most detailed studies from the early 1990s (see Hollander 1992a; 1992b; Soderlund and Schutte 1992) – which were still being utilised in JW's post 2000 accounts of the situation in Soweto - no mention is made of the concept of UFW, even where such reports explicitly speak about the urgency and importance of constructing the water balance for the system. However, it is worth pointing out that the water balance is here figured in terms of a generic formula for UFW, that is understood as a comparison between "the total water entering the Soweto …[and] the consumption in supply zones" (Hollander 1992a: 2).

However, if these studies, undertaken in 1992, evince a move towards contemporary auditing practices, with respect to Soweto's reticulations, they also attest to the fact that forms of monitoring and surveillance with respect to the built infrastructure, and which would have enabled the drawing up of a water balance for the area, were not yet present. Even beyond the absence of a working system of consumer metering in Soweto (which was given considerable discussion, see Hollander 1992a; 1992b), a number of other issues constituted a blockage with respect to the possibility of an audit of Soweto's water usage, and the extent of losses in the area. The first of these problems was the fact that the feed mains which supplied different zones of Soweto overlapped municipal boundaries, making it impossible to accurately determine the bulk amount entering and being consumed within an individual municipality. In order to rectify this situation, additional bulk meters were installed and older ones reconditioned in 1990, thus making it possible for Soweto to "determine accurately the bulk incoming water supply to its municipal area" (Hollander, 1992a: 1). In spite of this, however, these meters were seldom read. The 1992 report on metering cited "staff shortages and financial constraints" as the cause of this neglect, and goes on to note an appeal made to the Central Witwatersrand Regional Services Council (CWRSC) for funds "to appoint consultants to undertake this task" (ibid).

In addition to the need for what was virtually a complete overhaul of Soweto's reticulation system (see Soderlund & Schutte, 1992), these reports also highlight the necessity of the creation of water control and leak detection districts (requiring both a rationalisation of the reticulation system and the installation of additional bulk meters) in order to better monitor the performance of the system (and we might add consumption) through, for instance, regular night flow studies.

While it is clear that the historical basis for these problems was the systemic neglect and state racism, officials have often ascribed the managerial challenges presented by black areas to legacies of the political contexts of the 1980s. For instance, after noting that impossibility of developing a reliable account of the global UFW situation in the South African context, due to the widespread absence of information and the varied auditing practices from one municipality to another, the Vallier and Broadhurst report suggests that "the situation has been further exacerbated by a culture of non-payment of services and the virtual collapse of local authority governance in some of the former black areas" (1997: 24). Moreover, with the collapse of influx control and the rapid process of urbanisation that followed it in the 1980s, the growth of the population in cities is said to have strained the capacity of local authorities to "meter and monitor new consumers", and also led to an increase in illegal connections to network on newly 'invaded' land (ibid). It is, however, clear that many of these issues - both with respect to those aspects of the work identified in the series of reports from the early 1990s as necessary for the rehabilitation of Soweto's reticulations and to enable better monitoring and management of the system, as well as the issues highlighted by the Valliers and Broadhust study, would have to wait for the OGA intervention in order to be finally addressed.

5.3.3. Standardising Practice

It is only on the other side of the transition that there will be a move towards the standardisation of water auditing practices and the legislative coding of the imperative for water service authorities to conduct annual audits to reconcile issues of supply and demand in the form of a water balance of specific reticulations. The Regulations Relating to Compulsory National Standards and Measures to Conserve Water, published in 2001 (GN R509 in GG 22355), thus require that, in addition to the inclusion of a "water services audit" in its annual report, all water service institutions must, within two years of the publication of the regulations (that is by June 2003), prepare monthly a "water and affluent balance" and determine the extent of water losses. According to the regulation, such would include, as a key component, a determination of "the quantity of unaccounted for water", and it also stipulates both the need for records of such calculations to be kept as well as the imperative of water service institutions taking steps to reduce such quantities. However, UFW is here defined not as the difference between the bulk amount and the billed amount, or for that matter the difference between the bulk amount and total authorised use, but instead as a comparison (or the difference) between "the measured quantity of water

provided to each supply zone with the total measured quantity of water provided to all user connections within that supply zone"(ibid).

One of the sources of this definition was in fact the Vallier and Broadhurst study, whose brief included the compilation of a "comprehensive UAW manual…for use by water distribution authorities" (Vallier and Broadhurst 1997: ii; see also Vallier 1997)[355]. However, this study ran parallel to the development of the South African Bureau of Standards (SABS) Code of Practice (CoP), and it was thus decided to combine the two initiatives whose eventual outcome was the publication of the SABS's 1999 standard, '*The Management of Potable Water in Distribution Systems'*, which aimed to standardise norms for conducting a water audit of specific reticulations and their management[356]. The SABS standard defines UFW as:

> The difference between the measured volume of water put into the supply and distribution system and the total water measured to authorised consumers whose fixed property addresses appear on the official list of the water service authority (SABS 1999: 6).

The operative term in this definition is 'water measured'. In suburban contexts, i.e. contexts characterised by universal metering, there will in fact be little difference between the results obtained from the different ways of quantifying losses - whether WSAs use the generic definition of UFW, the NRW formula, or that of the SABS standard (excluding of course the presence of high volumes of other categories of unmeasured and unbilled authorised consumption, such as water used for fire fighting and public works). These different definitions do produce different values in unmetered contexts. Setting aside this problem, these three definitions attest to differences in the assumed priorities in the management of reticulation systems. And while all three definitions evince a concern with physical losses, as well as issues related to meter errors and poor records, how each relates to different forms of consumption is what becomes significant .

In the first case, that of the generic formula for UFW, the priority is on reducing all forms of unauthorised use (examples here would include illegal connections or unauthorised usage of water at fire hydrants). In the case of NRW, as we have noted, the emphasis falls on reducing all forms of unbilled consumption (both authorised and unauthorised). In the case of the definition offered by the regulations and the SABS, in addition to unauthorised usage, the emphasis now falls on reducing all forms of unmeasured consumption. And, indeed, the SABS standard begins its

discussion with the maxim "to measure is to know" (SABS 1999: 1).

This emphasis in the regulations and the SABS standard must be read in terms of the post-apartheid governmental priority given to measuring volumes of water consumed and the objective of moving to a system of universal metering of all service connections (see *Chapter 3*). The standard thus emphatically asserts that the "use of unmetered water shall not be tolerated by any water service authority" (ibid: 64). Such an approach does pose something of a difficulty for conducting audits for reticulation systems without systems of metered consumption (as was the case in Soweto before OGA). Given this definition one could suggest that all water, including that within the 20kl flat rate ought to be considered UFW. For this reason the SABS standard devotes a section to measuring and quantifying authorised use in unmetered contexts:

> In cases where unmetered water is delivered, unaccounted-for water can be drastically reduced by the simple expedient installing of consumer, group or mini-bulk meters upstream of the unmetered consumers. For each case an inventory of the consumers shall be done and an estimate made of the expected consumption, based on the number of residents. Monthly meter readings are then compared with this estimate to determine wastage or leakage. If the actual consumption exceeds the estimated consumption by more than 20%, the water services authority shall immediately establish the reason and take any remedial measures necessary. A minimum night flow rate test will indicate the likelihood of leakage. (ibid: 65).

The SABS standard shifts back in the direction of the generic formula of UFW, and ways of quantifying the extent of authorised use, albeit with emphasis that such values be based on a rigorous process of quantification or estimation based on appropriate methodology and standardised norms[357]. However, at the very moment when the norms outlined in the SABS standard were to become a regulatory requirement for WSAs, another shift was taking place in the paradigm of water management in South Africa. In this respect while an emphasis on conservation and demand management can already be seen in the 1997 Water Services Act, after 2000 these issues increasingly coincide with, and are coded within, the framework of what DWAF, following international best practice calls 'Integrated Water Resource Management' (IWRM). And while many of the management principles that characterise IWRM, like the name itself, are not necessarily new, the ways in which these principles come to be systematised and 'integrated' within a particular approach to the management of water resources, and coded within the South African context, are worth pausing over.

While a number of definitions have been offered for IWRM, there are a number of challenges in presenting an easy account of the term, no small aspect of which is the disjuncture between discursive representations of IWRM approaches and the forms these take in '*actually existing*' initiatives and IWRM practices. Moreover, as promoters of IWRM insist, there is "no universal blueprint" (Agarwal et al 2000 : 6) for such an approach, but instead a set of principles that often take on unique forms in specific contexts. In South Africa, where an orientation to IWRM is seen as being reflected in the 1998 Water Act (DWAF 2004b: 1), IWRM has been defined as:

> A philosophy, a process and an implementation strategy to achieve equitable access to and sustainable use of water resources by all stakeholders at catchments, regional, national and international levels, while maintaining the characteristics and integrity of water resources at the catchments scale within agreed limits (ibid: vii).

The problem with this somewhat idealised conception of IWRM, beyond its underlining of the multi-scale aspect of such an approach, is that it still leaves a lot to be defined and tells us little about what is involved in such processes. Although losing nothing of its idealised image, we do move closer to understanding what is at stake in such an approach in the definition DWAF gives for the mode of planning that characterises this management philosophy for water services, what the ministry calls 'Integrated Resource Planning':

> A holistic way of analysing the change in demand and operation of water institutions that evaluates a variety of supply side and demand side management measures to determine the optimal way of providing services (ibid: vii).

In fact, IWRM involves reworking the relationship between all elements involved in the management and consumption of water, from issues related to its production, circulation and delivery to an end user, as well as its return into the system. It attempts to reconcile issues related to supply of water with those related to demand in specific systems, coordinating these at different levels of scale, in order to "optimise" the operation of the entire circuit for the delivery of water, and the ways its different elements relate to every other. According to DWAF, IWRM comes to facilitate a mode of integration across "two basic categories": the "natural system" upon which the availability of and quality of water resources is dependent, and the "human system" that determines "the resource use, the production of waste and the pollution of the resource, as well as setting the priorities for development" (DWAF n.d.). It will therefore involve and concern itself, both with

the natural systems and the built environment, both with structural elements and measures and non-structural ones[358], both with institutional contexts as well as the broader social contexts in which the latter establishes itself and functions.

This perspective is seen by its promoters as a shift away from a sectoral approach to questions related to management and allocation of water resources, in favour of one prioritising the correct "enabling environment" characterised by modes of decentralised integration and the designation of the appropriate institutional roles in the management of water resources, as well as the development and employment of the specific 'management instruments' (such as for instance those used in quantifying losses within a system). DWAF's resource website for IWRM carries the following diagram, adapted from the literature on the paradigm, illustrating its basic, cross cutting points of intervention:

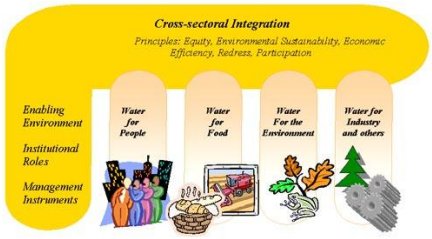


Figure 4 - Source: ibid; see also Agarwal et al., 2000

An online 'Water Encyclopaedia' defines IWRM as a "practice of making decisions and taking actions while considering multiple viewpoints of how water should be managed" adding later, IWRM "considers viewpoints of human groups, factors of the human environment and aspects of natural water systems"[359]. A key word for the IWRM perspective is "optimisation". This ideal is here by no means ideologically neutral, however. This in fact becomes clearer in relation to what are often presented as the "guiding principles" of this approach. For instance, in a popular publication produced by the World Bank sponsored 'Global Water Partnership'[360] IWRM is characterised in relation to four principles[361]:

> I Fresh water is a finite and vulnerable resource, essential to sustain life, development and the environment.
> II Water development and management should be based on a participatory approach, involving users, planners and policy makers at all levels
> III Women play a central part in the provision, management and safeguarding of water.

> IV Water has an economic value in all its competing uses and should be recognised as an economic good (Agarwal et al 2000: 13-14).

As the authors of the publication note, these principles are not static and come to be reworked in different contexts. It is, however, often the fourth principle – 'water as an economic good' – that will come to stand as the kernel of the approach, (over)determining how priorities are assigned and the ways in which the first three principles are interpreted. And, to the extent that IWRM comes to focus on risk, attempting to identify the threats facing fresh water supplies, such threats inevitably come to be counted in a calculus focused on 'economic costs'. IWRM, for instance, diagnoses the cause of "past failures in water resources management" as the fact that water was viewed as a "free good" with the consequence that it was often "allocated to low value uses" (ibid: 18). Not surprisingly then, IWRM advocates an approach based on the full cost recovery for water, which, it is said, will (among other things) ensure its appropriate allocation and create incentives for conservation (ibid). Indeed, such a perspective fits neatly with much of what we have said about neoliberal governmentality, here applied across the full circuit of water resource management.

A telling example is the IWRM perspective on large-scale capital projects. For instance, if a mainstay of neoliberal management has become warding off state contributions to rising inflation, the authors of the global water partnership publication cautions against large scale state driven capital projects for their perceived negative long term macroeconomic effects. Specifically, the authors suggest that such projects create "increased demand for goods and services in non-water sectors caused by capital inflows, [which] raises their price and leads to inflation" (ibid: 27). Moreover while IWRM emphasises demand management under the banner of conservation, it is precisely through economic instruments that it undertakes to realise this goal within a paradigm that allocates water to high (economic) valued uses (an approach that translates into a range of conservation distortions and socially detrimental consequences).

Within the South African context, it is precisely this approach that gives the paradigm for DWAF's 'Guidelines for Water Conservation and Water Demand Management', set out in a recent series of publications. And significantly while the paradigm of IWRM comes to articulate with the already well established imperative of realising the objective of full cost recovery, and helps bring other aspect of the circuit of water delivery in line with this goal, it is also within this broad paradigm that DWAF has recently argued in favour of a shift from UFW to NRW.

> Total "unaccounted for" water as defined in SABS 0306 is a simplified administrative indicator, which is useful for showing a historic trend line, but is too coarse for WC/WDM [Water Conservation/Water Demand Management]. DWAF now prefers non-revenue water (NRW) as a single measure of water loss (DWAF: 2004a).

Such an approach is supported by the specialist development of this methodology to fit the unique circumstances and challenges of the South African context. In this respect, what the WRC report by Seago and Mckenzie (already cited in this chapter) aims at, is not only giving a preliminary audit of NRW in South Africa, but more crucially of adapting the NRW balance for usage by managers in the South African context. In fact, the significance of this report, jointly funded by DWAF and the Water Research Commission (beyond the somewhat more nuanced account of Johannesburg's water balance offered here), is that it emerges out of a research process whose steering committee comprised representatives from institutions such as DWAF, Rand Water and Johannesburg Water (and included Mike Rabe who oversaw the initial stages of the implementation of OGA in Soweto), and is representative of the direction of current thinking amongst water managers, and demand management specialists on this question. Thus, amongst the broad objectives of the study is counted the task of providing "generic guidelines and recommendations on how to address the various elements of non-revenue water in a form that WSAs [water service authorities] can easily understand and use" (Seago & McKenzie 2007: 2). And indeed, in its most recent systems for monitoring the performance of WSAs, DWAF's 'key performance indicator' for 'water use efficiency' is NRW[362].

When JW's Mbalie Matiwane explained the directive to take up the NRW balance, it came, according to her, from DWAF: "They said they are the regulator; so they have informed all metros and municipalities all over the country we are now using NRW" (Mbalie Matiwane, interview, 21/10/2011). Speaking about this shift, Enoc Mutau suggests that "it's just an issue of the industry evolving; and the fact that you find yourself in the industry of water and you also interact internationally with other people, where you come up with best practices and you want to be common in terms of the language that you use everywhere" (Enoc Mudau, interview, 2011-11-03). (Nevertheless, both officials were unable to explain to me why it was that JW often used the term UFW when they were using the NRW formula.)

It is also important to point out the crucial role-played by international agencies in such a shift. While the promotion of IWRM approaches is already well grounded in pedagogical structures for

the training of water managers, its practical uptake and development in the South African context has often been sponsored by international agencies. In this respect, the series of publications published by DWAF on IWRM, equipped with a wide range of protocols and tools for implementing such an approach, comes out of capacity building and assistance programmes undertaken by the Danish government's international mission in Southern Africa (under the auspices of DANIDA/DANCED). If developing countries (like South Africa) struggle to meet the financial and capacity challenges of developing and rolling out access to water resources, and thus have little choice but to accept the assistance of such agencies, the adoption of the tools and ideological principles that characterise them is often the price paid for such munificence.

More generally, however, what IWRM and its approach to demand management comes to represent is a self-consciousness in intervening at the level of what we have called the apparatus, conceived as the broad formation in which the production, circulation and consumption of water resources are rationalised. Its key challenge, however, is security:

> WCDM are most often driven by security of supply considerations, i.e. the existence of a threat of water shortages and rationing. In this context there is a tendency to think a drought situation and it may be that availability of raw water for source(s) is the limiting factor. There is, however, a chain of infrastructure between the source and the consumer and it is essential to determine the weakest links in that chain in order of capacity, since one or more of these may be controlling factors either now or in the future (DWAF 2004b: 15).

The scarcity of water in the South African system is well known. What the above reflection highlights is the ways in which, within this paradigm, ensuring the security of water comes to extend well beyond 'supply side issues'. And if the ideals of optimisation, efficiency, and conservation, with their specific ideological tint, come to focus intervention on demand side questions, identifying the weak links (or risks) on this side of the chain increasingly implies not only an emphasis on the physical infrastructure, but human usage as well, and its optimal, efficient, integration within the shifting orientation of the chain as a whole.

5.3.4. Mechanisms of Discipline and Security

What is perhaps most remarkable about the paradigm of IWRM and the question of demand management in the Soweto context for our discussion of the apparatus, is the ways it intersects and resonates with Foucault's own outline of the apparatus of security. In his course *'Society Must Be Defended'*, Foucault outlines three features of the biopolitical modality. He highlights the fact that biopolitics focuses on the subject of the population and the aleatory phenomena that characterise it, and shows how it is focused on "installing" mechanisms of security around these "aleatory elements inherent in populations" (see *Dossier on (bio)Power*). However, as Foucault clarifies in the course, *Security Territory Population*, mechanisms of security, do not replace disciplinary and juridical-legal mechanisms but instead "dovetail" and come to be embedded in previously dominant modalities (of power) (see *Dossier on (bio)Power*). And indeed, in both IWRM generally and the specific contexts of Soweto, the tactics that are deployed in rationalising the management of water services collect both juridical-legal and disciplinary mechanisms within a broader approach to ensuring the security of water resources.

In illustrating this connection, and what I believe to be important aspects of the emerging approach to the delivery of water services to the poor, I want to develop some of the issues that have emerged from our discussion of Soweto's problem of 'UFW', as well as to clarify what is at stake in the modes of addressing these. There is already a strong case for connecting Foucault's work on disciplinary mechanisms to issues emerging out of the delivery of water services to the poor, perhaps most prominently in Greg Ruiters's work on 'disciplinary commodification' (2005; 2007. See also Von Schnitzler 2008).

In a pair of essays written in the mid-2000s, Ruiters draws explicitly on the work of Foucault to illustrate ways in which an approach to service delivery, 'serves to govern', before going on to sketch the complex institutional-spatial systems emerging for "remaking disciplined subjects" (2005: 4). The tremendous advance that Ruiters's paper (first presented in 2005) makes over much of the critical literature on the neoliberal restructuring of basic services is to focus attention on molecular processes and tactics, what Foucault called a microphysics of power, and in so doing illustrate the ways in which processes of commercialisation and commodification are supported by and articulate with the introduction of new modes of governing sections of the national population. For Ruiters, a critical analytic of power focused on basic services is

motivated by the fact that as much as such services can be considered "engineered forces of production, they also have implications for social relations" (ibid: 4).

The analysis that follows should be seen as capillary to Ruiters's work, albeit in a way that shifts the emphasis from disciplinary mechanisms to those of security. And, while Ruiters's essays have tended to focus on the issue of prepaid meters and 'Free Basic Water' (FBW) allocations (see *Chapter 4*), I attempt here to extend and develop this analysis by refocusing it on the organisation of water infrastructure more generally.

As we have seen, one component of Gcin'amanzi involved the upgrade of the existing infrastructure of old and leaking pipes. This was necessary not only to deal with pressure problems and water loss, but also in order to reconstitute the way services get delivered and the social relations that underlie it. The latter can in fact be illustrated in relation to a problem already touched on in this chapter and which OGA's technical team were forced to confront in the roll-out of the project. While resistance, especially during the initial stages of OGA, was the source of a number of delays in the timetable the project had set itself, as its project reports attest unanticipated technical challenges slowed the progress as well. For instance, during their intervention in Superblock 7, JW discovered that not only did many connections not have gate valves, but stands often shared 'yard connections' that had to be separated before households could be individually metered (JW February - March 2006[•]). In a different area households shared a single compartmentalised structure with a single connection often running through the structure, complicating its individuation.

Leaving aside how these problems are dealt with, what this highlights is the difference between the present approach and that which developed under apartheid. Where the present tends towards the individuation of households as discreet consumer units, the apartheid model emerged out of the crisis-driven mass delivery of only the most basic levels of services, and often resisted this form of organisation (as we note above, this is one of the reasons it makes little

[•] These reports, although regularly prepared, were not dated with a consistent method. In the text I refer to each report with the 'best date' information available, generally referring to, at the very least, both the month and year of preparation. In the bibliography the reports are listed as "Operation Gcin'amanzi Project Progress Reports" 2003-2006.

sense to separate losses on a private property from those that occur within the general public infrastructure before OGA). In this context, shifting from the midblock system, to road reserves reflects more than a simple infrastructure question, and comes to imply the constitution of a new set of social relations, configuring a new relationship between "household" and "public" infrastructure, and thus the state, through the very organisation of the pipes which now evince a disciplinary rationalisation of spatial relations.

At a technical level what we find in imperatives highlighted by the above problems, and more generally the need to be able to determine accurately individual household water usage, is the necessity for 'ring fencing' individual household consumption. OGA, however, also undertook forms of ring fencing at wider levels of scale that are explicitly rationalised as a means of better monitoring the system as a whole (for instance through what they call the creation of leak detection districts). It is in fact not difficult to see in these imperatives, and indeed in the very grid like organisation of the piping network, a form of rationalisation characterised by the 'enclosure', 'segmentation', 'individualisation' and 'function coordination'[363] of space within a broad system of surveillance, that was for Foucault, precisely what exemplified mechanisms of discipline (see *Dossier on Government and Sovereignty*). Moreover within this grid, metering - whether with respect to individual prepaid meters installed at the level of the household, mini bulk meters installed within leak detection districts, bulk meters surveilling the consumption of individual townships or Soweto as whole - function to establish a "field of visibility" for Soweto's water usage, casting 'light' on consumption and usage patterns both at the level of the individual household and wider levels of strictly demarcated scale.

Within this 'diagram' individual household prepaid meters come to assume the added function of retraining bodies and bodily processes. As Ruiters, following Foucault, highlights, what is at stake in disciplinary mechanisms is not simply an externalised set of relations. Instead, such mechanisms work to interiorise social relations and modes of control. The meters thus come to stand as the centrepiece of wider pedagogical processes, articulating with JWs public water usage campaign in order to inculcate modes of self-control and regulation, remaking bodily processes by forcing a regime of water consumption based on cost benefit calculation and household fiscal restraint, compelling residents to develop what Von Schnitzler calls their "calculative agencies" (Von Schnitzler 2008). And where on the one hand, the very grid of pipes works to ring fence household consumption, the meters now facilitate a process of their 'social ring fencing', taking aim at previously existing modes of social solidarity and cooperation amongst different

households, and indeed even within households. Moreover, these meters, whose "silent disconnections"[364] allow power to be exercised with a form of 'discretion', work to limit the "exteriorisation" and visibility of relations of power and thereby their potential to provoke resistance (for instance, in automating disconnection). Indeed, the apparatus, with the meter standing at its very intersection with, and site of capture of, 'beings', works at the level of the detail of bodies and what they do, assigning them a space and consumptive allocation, setting each in it proper (social) place, in order to ensure their constant subjection on the articulating axes of "docility and utility" where the latter relates precisely to particular conceptions of 'efficient' water use. The apparatus itself works to hold these bodies in-place, thereby maintaining the lines of visibility and allowing for a constitution of a body of knowledge that can now be "accumulated and centralised" (see *Dossier on (bio)Power*; see also Foucault 2004).

The idealised and rigorous forms of the auditing practices that contemporary management practices aspire to, do not, however, stand apart from or are secondary to, the lines of visibility that are part of the composition of the apparatus, but instead are directly functional to it. In Deleuze's terms, they are among the sources of 'light' that allow us to see in particular ways. And in this respect, the ways these practices articulate with the very organisation of the physical infrastructure allow for not only the detection of leaks within the system, or even for that matter, simply for the mapping of consumption patterns, but also enhance the capacity of managers to identify deviations, changes and abnormalities with the system. For instance, audits conducted at the level of leak detection districts allow JW officials to identify the possibility of illegal connections in the area (for instance where the amount of water entering the system deviates from water sales statistics beyond established norms or expected volumes), triggering the deployment of officials to the area to search for points of unauthorised use or leaks and bursts.

Our exposition has up to now remained close to Foucault's elaboration of mechanisms of discipline. Discipline is, however, insufficient in accounting for the specificity of the mechanisms being installed around the circuits of water delivery in post-apartheid South Africa. In fact, the disciplinary organisation of the network increasingly comes to be inserted in and made functional to the securitisation of water delivery.

As I have already noted, biopolitics is concerned with the subject of the population, and attempts to master the aleatory elements within populations and the milieu in which its social existence unfolds. And it is through mechanisms of security that interventions are made at this

level. Moreover, where mechanisms of security set to work on the aleatory elements that characterise this or that milieu, for the (neo)liberal mode of government, it is exactly in view of the comparative (economic) costs of procedures that the mode and extent of intervention is determined. Such an approach is clearly operative in IWRM and contemporary demand management approaches. For instance, if leaks in a reticulation system are a central problem that such an approach is concerned with, it by no means aims at completely eradicating leaks from the system, even if such were possible. In this respect, leak management increasingly implies a balancing act between a staunch principle of conservation and comparative costs of intervention. In this respect, WSA are advised to adhere to appropriate benchmarks and intervene when leakage exceeds these. By way of an example, while leakage in distribution systems is often difficult to eliminate completely, even in newly constructed systems, this is not the case for concrete structures used for the storage of water. Nevertheless, this does not imply that WSAs should undertake intervention upon detection of leaks in these. The DWAF distributed guidelines on water loss outlines the question as follows:

> Technically, leakage losses from concrete water retaining structures can in most cases be eliminated altogether, and therefore the whole amount represents potential for water conservation. The cost of locating leaks in storage reservoirs and tanks can be considerable, however, and may have high cost benefit ratio. (DWAF 2004b: 60).

The implication in this case is that WSA should only attempt intervention if such can be shown to be cost effective (that is if the comparative cost of intervention is lower than the cost of not doing so), unless the structural integrity of the reservoir is such that it presents a danger and therefore a safety concern.

In the context of leaks within a distribution system, which is a more immediate concern of the present chapter, the same principle applies, albeit within a more complicated technical context since in many cases it is impossible to eliminate leaks completely. In such cases, deciding if intervention is necessary, or, as the DWAF publication puts it, if "a potential for water conservation" exists, is the subject of considerable research over the appropriate targets to aspire to, which, in general, will vary depending on local contexts. For instance according to the DWAF publication:

> Although it is technically possible to construct a leak free system, existing underground systems are rarely that. Consequently the concept of a "background loss", being the accumulation of minor seepage at joints, etc. *that cannot practically be detected and repaired economi*cally, has been accepted. It has also been recognised that it is virtually impossible to keep leakage down to background loss only, since new detectable leaks are occurring all the time and at any given moment there will be a backlog of such leaks awaiting location and repair. Determining what is an appropriate and realistic target level of leakage management and relative impact of several factors of influence has been difficult to quantify (DWAF, 2004b: 61, my emphasis).

The factors contributing to leaks within systems vary widely, from the soil types within which systems are imbedded, through the rate of supply pressure, to the number of connections and types of pipes used in the system, all of which, to different degrees would ideally have to be factored into the determination of the optimum level of leakage allowable for any system. However, cost of intervention remains the key-determining factor. Even in earlier formulations, such as the 1999 SABS, it is advocated that WSA attempts to determine optimal "economic level of leakage" by evaluating "the costs of increasing water loss control activity against the benefits to be derived from such activity" (SABS 1999: 36). The SABS standard thus offers the following simplified table as a guide to WSA:

1	2
Costs	**Benefits**
Cost of reducing leakage Select appropriate water loss control techniques Increase water loss control activity until costs equal benefits	Cost benefits from reducing leakage Reduction in maintenance/operating/treatment costs Financial benefits of deferred capital construction

Table 7 - Source: ibid

Given that such cost evaluation exercises can themselves be time consuming, benchmarks are used, derived from comparative analysis of different reticulation systems to determine the optimal ranges for background loss and acceptable system leakage. Both the Seago and McKenzie report and DWAF publication endorse the infrastructure leak index (ILI) standards (whose advance consists in the fact that it takes "connections, mains and pressure into account"

(Seago and McKenzie 2007: 17)). In relation to background losses, a set of formulae have been developed, and calibrated against what has been found in different systems (ibid: 62), giving a value for what is referred to as Unavoidable Annual Real Losses (UARL). However, although the authors suggest it should be used as a guide to WSA, they hold up a benchmark of 50 litres/connection/day as a realistic UARL volume to work with in the South African context. UARL values are also used in order to calculate ILI scores which indicate whether a system requires attention. ILI scores are calculated by dividing Current Annual Real Losses (CARL), expressed as well in liters/connection/day, by the UARL value for that system (or CARL/UARL). The resulting score (depending on system pressure levels) indicates whether intervention is required.

The table below, developed by the IWA water loss task force, represents the band of ILI values and is followed by interpretive guidelines:

Technical Performance Category		ILI	Litres/connection/day (when the system is pressurised) at an average pressure of:				
			10 m	20 m	30 m	40 m	50 m
Developed Countries	A	1 - 2		< 50	< 75	< 100	< 125
	B	2 - 4		50-100	75-150	100-200	125-250
	C	4 - 8		100-200	150-300	200-400	250-500
	D	> 8		> 200	> 300	> 400	> 500
Developing Countries	A	1 – 4	< 50	< 100	< 150	< 200	< 250
	B	4 – 8	50-100	100-200	150-300	200-400	250-500
	C	8 - 16	100-200	200-400	300-600	400-800	500-1000
	D	> 16	> 200	> 400	> 600	> 800	> 1000

Figure 5 - Liemberger & McKenzie 2005: 6-7

Category A: Further loss reduction may be uneconomic unless there are shortages; careful analysis needed to identify cost effective improvement

Category B: Potential for marked improvements; consider pressure management; better active leakage control practices, and better network maintenance

Category C: Poor leakage record; tolerable only if water is plentiful and cheap; even then, analyse level and nature of leakage and intensify leakage reduction efforts

Category D: Horrendously inefficient use of resources; leakage reduction programs imperative and high priority

(Liemberger & McKenzie 2005: 6-7; see also Seago & McKenzie 2007)

Doubtless the differentiation in standards between developed countries and developing ones (with higher levels of losses and lower tariffs) speaks precisely to the differential cost-benefit ratios of intervening within these two categories of systems.

Certain deviations from established norms might be permitted if adherence to these have "bottom line" implications or increase the risks WSA attempt to manage. This is, in fact, the case for the problem of household leaks, and doubtless also the reason that projects such as OGA have attempted to address these. As we have seen, from the perspective of water managers, the responsibility for leaks occurring on the other side of consumer meters, or alternatively the boundary that separates public infrastructure from that of a private property, is, thought to rest with the consumer. However, since such losses, especially in areas with high levels of nonpayment, find their way into the unrecovered costs of water, DWAF proposes that authorities find ways of addressing this question:

> The standard water balance treats internal plumbing losses as the consumption, i.e., billed metered or billed unmetered. In historically disadvantaged areas, generally where water is either unmetered and/or the account is based on a fixed monthly tariff and/or there is a culture of non-payment for water services, the internal plumbing losses may exceed legitimate consumption many times over. Technically these are real losses, but that are within the consumption component as far as the water balance is concerned. The important point is that the WSI need to take "ownership" of such losses, since the financial losses are born by the WSI, and to develop a suitable action plan, where there is no incentive to do so (DWAF 2004b: 20)

This is one of the reasons WSAs have often undertaken retrofitting interventions in such areas (as was a component of OGA), or introduced rebates to consumers for timeous reporting of household leaks as an incentive for users to do so. As we will see there is, however, a deeper reason for WSA to be watchful over household leaks and prevent these from inflating charges beyond a certain threshold. However, as the trajectory of OGA illustrates, if authorities see a rational basis for taking (temporary) ownership of leaks in poor areas, such an exception is made only in order to create a 'normal' state of affairs where ownership can be handed back to the consumer.

These details illustrate well Foucault's observation that what mechanisms of security aim at is particular optimisation with respect to various phenomena, attempting to determine the probabilities of their occurrence and endeavoring to install mechanisms of security around the "risky or inconvenient" within a calculus that weighs the cost of minimising the latter against the costs of tolerance. And again, what becomes important in such contexts is not the complete elimination of a particular phenomenon, but instead the optimal arrangement of the 'things' that mechanisms of security set out to manage:

> [Firstly, T]he apparatus of security inserts the phenomenon in question…within a series of probable events. Second, the reactions of power to this phenomenon are inserted in a calculation of cost. Finally… instead of the binary division between the permitted and the prohibited, *one establishes an average considered as optimal on the one hand, and, on the other, a bandwidth of acceptable that must not be exceeded.* (Foucault 2007: 6; my emphasis).

In this work Foucault places a good deal of emphasis on the difference between pure disciplinary mechanisms and those of security. Here he argues that, where pure disciplinary mechanisms presuppose an empty, formless space or context, and set out to bring about its ideal organisation for the control of a particular multiplicity, elaborating and enforcing precise and externally defined regimes for the bodies it take holds of to conform to, security is more concerned with the reality of actually existing contexts, attempting to elaborate a form of organisation that is made to articulate with 'naturally' occurring features and processes, and expected changes in circumstances.

In order to illustrate this point, I want to focus on the important example of emerging approaches to the consumption of the poor and perhaps also offer something of an answer to a question that has lingered throughout our discussion of Soweto's water loss problem, that is, why insist on the need to reduce household consumption if what we are concerned with is 'UFW'? After all, even if consumption was excessive, which it clearly wasn't, the introduction of metering would eliminate the possibility of the high consumption translating into 'UFW'. Or does it?

Although the answer to this question is implied in JW's internal, non-marketing representations of itself (albeit indirectly), the best articulation is perhaps to be found not in JW's characterisations of its operation in Soweto, but significantly enough, in the Netherlands Chamber of Commerce (SANEC) survey of the local water sector, ostensibly prepared in order to identify opportunities

for companies in the emerging water services market in South Africa. The report thus gives both a broad overview of the sector, as well as an outline of approaches for undertaking potential ventures, including everything from tips for orientating operations to the country's BEE framework, to the opportunities and risks inherent to the sector. With respect to the latter, and as is often the case for the entrepreneurial imagination, the principal opportunity identified by the report is also the subject of the primary threat facing prospective ventures: that is, the "culture of non-payment".

After noting the growing usage of prepayment metering technologies (represented in the body of the report as a response to the culture of non-payment), the first opportunity listed in the tabular summary of the water services market is "the provision of systems and technologies to help combat the non-payment culture" (SANEC 2005: 55). The other side of this opportunity, however, gives the central threat facing capital entering the sector, that is a "non-payment culture" (ibid), characterised in the report's discussion of the problem as an "ingrained...unwillingness to pay for services" (ibid: 25). The latter is, however, compounded by what is identified as one of the major weaknesses of the sector, i.e. "many members of the South African society are unable to pay for water services" (ibid: 55).

In clarifying the danger represented by the economic vulnerability of many South Africans to the investment in the water services market, the report ironically makes use of the results from the Public Citizen's 'Nothing for Mahala' survey, as well as its sister report by the Coalition Against Water Privatisation, titled 'The Struggle Against Silent Disconnections'. Based on the results of this research, the SANEC report notes the large percentage of the population in townships (56%) with a reported income, (according to the Orange Farm survey) of R500 or less. Noting that water purchases are in the region of R31,20 and therefore averaging 6% of household income, the report highlights the World Health Organisation's suggestion that, "if water services represent more than 5% of a household's income, most households will stop using or paying for services" (ibid: 22)

The outlines of the same rationality are apparent in JW's 2006/7 Business Plan's tabulation of the risks facing the utility in rolling out and upgrading water services to the city's poor, which, as in the SANEC report, gives pride of place to this problem. The first listing on its table of risks marks out the problem of affordability and its potential impact on JW's operations:

> Upgrading of households from LOS2 to LOS3 resulting in massive capital outlay being

> required for the procurement of prepayment meters and the inability of households to pay for services as a result of upgrading/high water service level provision (JW 2006: 37).

And here the question is immediately related to the problem of illegal connections, with the Business Plan linking the two and noting the increasing occurrence of this phenomenon. Since illegal connections are, as we have seen, a contributing factor to commercial losses it should be clear that between the problem of affordability in deemed consumption areas and the management of 'UFW' is a relationship that is a subject of concern for municipal managers. What both these articulations point to, however, is the need to ensure that the poor's household consumption (whether as a consequence of normal usage, or for instance as a result of household leaks) do not exceed a 'bandwidth of the acceptable'.

Just as we have seen in currently fashionable approaches to demand management that there is a move towards quantifying an optimal level of leakage that managers should aim at, figured as a benchmark to aspire to, there is increasingly a push towards defining the optimal consumption for the poor. However, given that there is generally a correspondence between areas with large concentrations of poor households and those with high rates of non-payment there is considerable overlap in the approach of managers to these issues. This fact notwithstanding, and given that the ways these governmental problems are conceptualised within demand management strategies are still in formation, with a number of tactics and technical solutions being experimented with, explaining the ways these are understood and tackled requires some care. We should, however, begin by clarifying how consumption benchmarks are used.

Generally, consumption benchmarks allow managers to identify problems within the system as a whole. For instance, by comparing actual consumption against ideal benchmarks managers believe it is possible to identify the existence of problems that might require intervention (for instance household leaks, what is referred to as wastage, and in some instances the probability of leaks in public infrastructure). Broadly a number of factors are thought to affect consumption: costs and "tariff structures", "affordability" and "economic wellbeing of households", the number and nature of household appliances, "climate and extent of external use for gardening and irrigation", and, critically, as we will see, "policy and practices of water service providers in respect of unauthorised consumption and non-payment" (DWAF 2004b: 67).

In its IWRM guidelines, DWAF insists that "it is necessary in planning a WCDM programme to

analyse consumption against benchmark figures for typical or normal consumption" (ibid). However, the publication also suggests that there "needs to a be particular focus on any properties that are not metered or where non-payment has removed any financial incentive to conserve water" (ibid: 68). The reason for this focus is in part illustrated in how the publication represents the problem of illegal connections, since there is a close relation in how questions of consumption are conceived in relation to this problem and that of non-payment. The DWAF publication notes that:

> Unauthorised consumption is likely to include a high proportion of waste, since consumers from illegal connections face no financial penalty for leaving running taps and not repairing leaks, etc…After legitimising an illegal connection the remaining authorised consumption will usually be significantly lower than the initial unauthorised consumption. Although it is difficult to assess, it is important to estimate the difference between the resulting authorised consumption amount and the total unauthorised consumption. For example, if it is estimated that the actual consumption in an area is 40 kl/month/connection and the residents of that area are being billed a flat rate tariff based on a use of 10 kl/month/connection, the unauthorised consumption (or unbilled authorised, either term is applicable) is 30 kl/month/connection. If the consumers are moved into a system where their accounts are based on their actual consumption, it is normally found that consumption drops significantly to levels in line with other similar areas which are already being charged on a consumption basis (DWAF, 2004b: 21).

Beyond the fact that the publication treats all forms of usage over the flat rate billed volume as unauthorised (not unlike JW has done in this regard), the point to note is the assumption that, as with JW's reflection on the situation in Soweto, usage in the absence of the convention and enforcement of reflective billing is likely to be characterised by a high degree of wastage and will drop significantly as such is introduced. This is in fact the reason that in suggesting "default values" to be used in quantifying real loss and apparent losses in deemed consumption areas, Seago and McKenzie suggest a 50/50 split in the absence of more reliable information. Moreover, given the assumption that consumption drops significantly with the introduction of reflective billing the authors warn against assuming current consumption figures will translate into an equal quantity of revenue water (2007: 50)[365]. In articulating a benchmark for deemed consumption areas, that is, areas characterised by high concentrations of poverty and non-payment, Seago and Mckenzie base their suggestion on the decreased consumption values found in these areas where reflective billing

was introduced and non-payment eliminated. In this respect the authors forward a monthly consumption value of 12 kl per property as the optimal volume for WSA to aim at "in low income areas where people are not paying for water" (and 35 kl in medium to high income areas) (Seago & McKenzi 2007: 42).

If this 12kl volume is close to the consumption amounts found in post OGA Soweto, this is by no means coincidental since the significance of prepaid water meter projects such as OGA and Mogale City is precisely to stand as models for demand management and usage norms in poor communities after non-payment has been dealt with, and it seems clear they were used in deriving the Seago and Mckenzie benchmark. As we note above, such benchmarks are then used in order to ascertain whether further investigation, and possibly intervention is necessary. Implicit as well in the authors approach is that such a benchmark is a guide and should be appropriately adjusted as new data become available. Tellingly, however, Seago and McKenzie argue that "it is not necessary to target areas using higher than these advised volumes where payment is being received" (Seago & McKenzi 2007: 43). And indeed, in its summary table of areas requiring further investigation for possible NRW and demand management intervention, even in cases where consumption volumes were relatively low (for instance below 20 kl), where usage exceeded 12 kl in previously disadvantaged areas (that is poor black townships), the report counsels looking at levels of payment to determine if intervention is required.

This suggests that current demand management approaches focus almost exclusively on impoverished townships, that is, on the poor (a designation that in SA articulates with race), working to reduce their consumption to economically optimal levels, while sanctioning hedonistic consumption by the rich. This is not only practically confirmed in relation to JW's practice, but if Smith's paper on the utility is to be believed, was in fact confirmed by the head of JOWAM as well. Smith reports that the latter indicated in a personal communication that "JW would be foolish to reduce the income stream of the company by trying to promote water conservation from households that actually pay their bills as this is where, at present, the bulk of the company's water revenues come from" (Smith 2006: 29).

What this discussion of approaches to the benchmarking of the consumption of the poor illustrates is the specificity of the biopolitical norm in opposition to that found in pure disciplinary mechanisms. For rather than the imposition of an externally established norm, upon which a division between the normal and the abnormal is then enabled, divisions here take the

form of an "interplay of differential normalities" where the norm is established in relation to the actually existing life of a population and the interventions that are made with respect to it, enabling now a division between the favourable and unfavourable. In this regard Foucault says:

> In the disciplines one started from a norm, and it was in relation to the training carried out with reference to the norm that the normal could be distinguished from the abnormal. Here, instead, we have a plotting of the normal and the abnormal, of different curves of normality, and the operation of normalization consists in establishing an interplay between different distributions of normality and [in] acting to bring the most unfavourable in line with the more favourable. So we have something that starts from the normal and makes use of certain distributions considered to be, if you like, more normal than others, or at any rate more favourable than the others. These distributions will serve as the norm (Foucault 2007: 63).

It is also important to see that reducing the water usage of the poor to such basic levels of consumption is one of the "urgent needs" to which technologies such as prepaid water meters are directed. However, it is just as important to remember that prepaid meters are just one technological solution that managers are experimenting with. For instance, in a paper presented at the 2007 South African Revenue Protection Association (SARPA) Convention, Graeme Tuck outlines the results of a study conducted in Tshwane "to evaluate the efficacy of a cross-section of technology solutions in an effort to reduce non-revenue" (Tuck 2007: 1). To this end, the study involved the selection of six devices and the comparison of their performance in reducing household consumption, tested according to the study "under real-life conditions on consumers that were already subjected to restrictions due to delinquency and non-payment" (ibid). Devices used in the study included both different flow rate restrictors (what are often called tricklers) and electronic dispensers. Comparative analysis of consumption over a nine month period showed that flow restrictors, set to dispense 400litres per day (12kl/month), was the most successful in reducing household usage and preventing consumers from devising ways of getting around the imposition of restrictions. And, not surprisingly, the presentation emphasises the fact that in spite of the greater financial costs of such technologies, their usage is motivated by their effectiveness, which therefore allows for "capital redemption within a single year of implementation" (ibid: 4). Significantly, rather than prepaid meters, similar electronic dispenser technologies are currently being used in poor communities in Cape Town.

Perhaps the most interesting aspect of the presentation is however its outline of the different imperatives that should be assumed in undertaking restrictions with respect to "consumers who can afford to pay for water" and those, who according to the study, "genuinely cannot afford to pay", referred to as "indigent households" or the "poorest of the poor" (ibid). As we have seen, such a distinction is by no means novel in the political contexts that characterise post-apartheid municipal services delivery, and is abbreviated as the opposition between "the can't pays" and "the won't pays". What is interesting about the Tuck presentation is thus not so much this distinction (which is all too common) but how it figures the imperative of demand management with respect to these two categories. In the latter case, that is of the won't pays, the presentation suggests that authorities should attempt to "inconvenience the consumer to the point that they will make payment for services", what the presentation calls "punitive restrictions" (ibid). In the case of the 'can't pays' the presentation counsels what it calls "cooperative restrictions":

> In the case of indigent households, the most important aspect of water service delivery is not inconvenience, but to ensure that they are unable to overuse water. Failing this, consumers get caught in the "Debt Trap" cycle where [use] exceeds affordability for several months before action is taken and insurmountable debt is already incurred by the time remedial action is taken. The ONLY method to prevent this scenario is to use a Water Dispenser which accurately provides daily allotment of water which is negotiated with households as part of the Municipality's Free Basic Water policy (ibid).

Leaving aside its euphemistic characterisation, such a formulation demonstrates the critical importance given to the task of the *'foreclosure'* of the possibility of indigent households consuming more than the designated 'benchmark' set for them. Moreover, such an approach also takes us beyond the decision over the appropriate technology to be deployed in realising this imperative, and draws within its strategic approach social interventions such as FBW and municipal indigent management frameworks, attempting to ensure the articulation of these measures in realising the securitisation of water delivery.

There are of course many needs the apparatus is responsive to. In the case of Johannesburg, the amendments to the city's indigent management framework and FBW policy (see *Chapter 2 and 3*), should, in part be, read in this light. And indeed, where FBW and indigent management frameworks can be shown to take on a function with respect to "urgent need" that the apparatus responds to, and which targets the consumption of the poor to the exclusion of the middle class

and wealthy, this is also the case for the very tariff structures in place. Patrick Bond, has, in numerous essays, pointed out that current tariff structure for water in post-apartheid South Africa, place far greater burdens on the poor, and at the lower end of the consumption scale, a fact confirmed by a recent study focused on Durban, and cited by Bond, showing much higher price elasticity among low-income people (Bond 2009: 14).

The apparatus is thus not just the meter, but collects a wide range of elements. It takes in its fold the full circuit of infrastructure; pipes, meters and monitoring technologies, the management practices and auditing regimes that characterise the activities of contemporary officials, the regulations, tariffs and public interventions focused on water, as well as social interventions such as FBW and indigent management policies, attempting to bring about the optimal articulation of all these elements with every other in rationalising an approach to the neoliberal securitisation of water delivery.

The critical point, however, and indeed also a key point of differentiation between disciplinary procedures and those mechanisms of security, relates to the target of power. For, where the disciplines fix on an individual body, mechanisms of security are concerned with the life of the population as a whole – 'a global body' that was for Foucault characterised by a set of overall processes that power attempts to affect. This is not, however, to say that the individual ceases to be a factor in the strategies of power, and indeed as we have seen, mechanisms of security will often make recourse to (disciplinary) tactics directed at individuals, but only to the extent that such procedures are able to create effects at the level of the population as a whole. Thus, rather than the individual, what becomes central to the tactics of power is precisely the milieu, and the global mass that belongs to it; that is a population, understood precisely as a "multiplicity of individuals who fundamentally and essentially only exist biologically bound to the materiality within which they live" (Foucault, 2007: 21; see also *Dossier on Government and Sovereignty*).

For Foucault, the milieu, as the very materiality within which the biological life of the population is grounded, comprises both natural givens and the human fabricated environment. For instance, with respect to IWRM, and the mechanisms of security that characterise the management of water services, intervention in the milieu means both a concern with the natural hydrological cycle (questions of rainfall and the river basin system for example), as well as the whole chain that composes and affects the circulation of water within the built infrastructure for the delivery of water (from the facilities for the catchment, storage and transportation of water, through the

regulations and political arrangements that in one way or another shape its circulation, allocation and usage, to the very contexts of its eventual consumption as the un-substitutable condition of human life in any location). And if the milieu is the medium through which biopolitical procedures attempt to affect human life at a distance, a field of cause and effect for making intervention at the level of the population, it is exactly the apparatus of security that works to create articulations between the different elements found in the milieu in order to provoke desired effects.

As I have shown, however, the apparatus sets out to realise a particular optimisation of the processes it comes to direct. Yet it is not the processes of any particular individual that are centrally at stake, but that of the population as a whole. In such a 'diagram', however, optimisation of the life of the population will often come to mean limiting, foreclosing or 'abandoning' this or that life, or even that of this or that section of the population.

Conclusion

There is a final question that we have set ourselves and which I purposefully left for the end. Indeed, given what has already come, it is on the surface a mundane one, seemingly without potential for provoking any profound insight about the present. Yet, this question, that takes us back to the murky places of JW's self representation and the rationality of its public discourse, is, for this very reason, possibly what holds the key to discovering the lines of escape already forming within the apparatus. And if our journey began with the problem of the ambiguities of JW's representation of UFW, it is fitting that this is also where it should end, that is answering the question of why say UFW when they were really concerned with is (non) revenue (water)?

Here, there are no secret documents, no repressed pilot studies that hold the answers to our question, just an observation as mundane as the question itself. In the Seago and Mckenzie report the authors note that there is a real reluctance amongst South African managers to adopt the term NRW, or at least openly. Given this reluctance, the authors counsel not a complete substitution of the term NRW for UFW, but instead "an adjustment in the volumes of water reported and discussed" (Seago & McKenzie 2007: 9). Simply put, what the authors suggest is a paradigmatic shift without necessarily any corresponding semantic variation. Although the report never clarifies the source of such reluctance, we would not be unjustified in relating this back to the politicisation of the questions of service delivery in the wake of post-apartheid struggles against cost recovery,

struggles in which language itself increasingly appears as a strategic terrain. For what threatens the apparatus is the (political) subjectivities that emerge within it, that is the potential of and for politics.

Dossier on the Diagram and the Apparatus

What is the relationship between the diagram and the apparatus?

Although neither Deleuze nor Foucault considered such a relation, I want to suggest that, if we extend and generalise from their work, it becomes possible to think of the diagram as abstract forms that are correlated with concrete apparatuses[366]. Seen in this light, the work in this thesis can, in part, be described as a consideration of the dynamic relationship between these two levels, and more specifically, how resistance shapes the movement from the one to the other. Along these lines I want to propose a set of theses.

I

A particular abstract diagram (for instance, a panopticon) might correspond with multiple concrete apparatuses (with respect to the school, the barracks, the prison, the factory…)

II

Although Deleuze limits his count of the diagrams in Foucault's theory of power, I want to suggest that there are potentially as many diagrams as there are possibilities for the 'arrangement of elements' in order to affect conduct.

III

Diagrams can be both singularity and multiplicity. There can be diagrams within diagrams (for instance disciplinary diagrams drawn into diagrams of security). This is necessarily true of apparatuses as well.

IV

Viewed synchronically, the diagram is the model for the apparatus. The problem with emphasising the synchronic perspective on this relation is that it wrongly gives priority to the diagram, and identity follows in a unilinear way from pure form (diagram) to concrete articulation. Emphasising the synchronic perspective means falling back onto a Platonic ontology of the apparatus. However, viewed diachronically the diagram is drawn with the drifting of the lines that compose the apparatus. That is to say the diagram is modelled off the historical development of concrete apparatuses. We are now very far from Plato. Now the movement and tension between the diagram and the apparatus indexes a becoming[367].

Chapter 6: Water Warriors, the Apparatus & the Everyday

Introduction

Chess, it has often been said, is a game of the State. The external form of a chess piece attests to an "internal nature and intrinsic properties" (Deleuze & Guattari 2002: 352) that give each piece its principle of movement. A bishop will move only diagonally, a rook vertically or horizontally. The position of any piece, and its relative power in play, always refers back to this nature. In chess the coming together of the different pieces in a determined constellation is the game's "form of interiority" (ibid).

Go is different. Go pieces have no intrinsic nature. They are "simple arithmetic units", stones that might stand in for anything. ""It" makes a move. "It" could be a man, a woman, a louse, an elephant" (ibid: 353). They are the basic elements of what the schizoanalysts call a "non subjectified machine assemblage", whose only properties are "situational ones" (ibid).

To be sure, both chess and Go are games of war. Chess, however, is "instutionalised, regulated, coded war" (ibid), where every confrontation opens up a front within a milieu in which the relative 'power' of each piece is conditioned by the place of every other. Go, on the other hand, whose pieces know only "a milieu of exteriority", is war, but war without a front, "with neither confrontations nor retreat" (ibid). With a single move a Go piece can destroy an entire constellation; in chess, a piece can do so only "diachronically" (ibid).

Chess pieces always function structurally, working to control as many spaces of the board with the least number of pieces. In Go, where movement is no longer "from one point to another" (ibid), structure is only one aspect of the contingent dynamics of strategy. Go is "pure strategy". Chess, by contrast, is "semiology":

> The smooth space of Go against the State of chess, nomos against polis. The difference is that chess codes and decodes space, whereas Go proceeds altogether differently, territorialising or deterritorialising it (make the outside a territory of space,

> consolidate that territory by the constructing of a second, adjacent territory, deterritorialise the enemy by shattering his territory from within, deterritorialise oneself by renouncing, by going elsewhere…) (ibid).

This chapter is about a particular struggle - what has been called 'The Soweto Water War'. This struggle did not, at least not in the first place, unfold as a structured confrontation on the terrain of civil society, with its already constituted 'form of interiority', with its rules of engagement and ethics of action. Instead, it belonged, first, to a space where principles of movement indexed always-contingent questions of strategy.

6.1. Prototyping

6.1.1. Setting the Stage

The 'institutional' forms of the Soweto water war have a common point of origin: iGoli 2002 (see also *Chapters 2 & 4*).

At the one end of this history is the formation of the APF, as a resistance to the political rationality seen to be embodied in the plan and which the APF described as 'neoliberal privatisation'. And, while it had begun as a campaign initiated by workers, students and middle-class city-based activists, the APF quickly transformed into a movement of the poor and unemployed, whose struggles unfolded in local townships.

At the other end of the story, and as many have already detailed, is the formation of JW as a corporatised utility owned by the City. In the institutional account of the genesis of JW, everything, in fact, begins when in March 1999 the executive committee of the City adopted the iGoli 2002 plan, which included the establishment of a new water and sanitation utility (CALS October 2005). The business plan that was drawn up for the new utility also raised the possibility of "contracting a private sector company to assist in the detailed setting up and routine management of the utility" (Office of the City Manager, quoted in CALS October 2005). After the selection of an advisory board and a 'transition manager', a five year management contract was awarded to the Johannesburg Water Management Company (JOWAM), a consortium led by the French Suez group. In the new institutional architecture that emerged after iGoli 2002, JW

stood as a corporatised utility (albeit wholly owned by the City) under a thirty year 'contract' to provide water services. JW, in turn, had a five year management contract with JOWAM. It is clear that corporatisation (and the management contract model) was seen as a politically softer option to 'full privatisation' (especially in the context of the resistance to privatisation that I discuss in *Chapter 4* (see also Smith 2006)). Nevertheless, the upshot remained a market centred orientation to the delivery of basic services.

In explaining the decision to go the management contract route, Smith underlines the City's desire to import 'best practice':

> The City wanted to ensure that the new water and sanitation utility was infused with 'international best practice'. As such, the City chose to seek an international management contract for a five year period at the initiation of the new water and sanitation utility. The aim of the contract was to provide management expertise in critical areas of the company and to transfer human resource competence to JW. The intent was that the management contract should enable the utility to give the JW board the option of running the utility as a stand-alone entity after the end of the contract (Smith 2006: 15).

The formation of JW throws light on a series of extremely interesting threads: the terms of the management contract and the performance of JOWAM over its course; the range of problems that needed to be resolved (from billing systems to infrastructure maintenance); the rationality of its more controversial decisions (such as the usage of PPWMs); and so on. In this chapter, I focus only on OGA, and then too, only very specific aspects of it that were shaped by forms of resistance.

We take up the story, then, in January 2003[368], when Anthony Still invites Brian Hlongwa (a member of the Mayoral Committee) to consider a tour of three existing prepayment meter projects. In the letter sent to Hlongwa, while upholding the merits of prepaid meters, Still warns that the adoption of the technology has "far-reaching" consequences requiring "careful consideration prior to implementation as well as a strong commitment to the use of the technology" (Still, quoted in CALS October 2005: 6-7). From the start JW seemed to have been aware of the 'political sensitivity' of the utilisation of prepaid meters (Van Rooyen et al. 2009: 60), and enlisting committed support for the project in council, was therefore a real priority. In

fact Hlongwa and Parks Tau, are remembered to have played important roles in "convincing the councillors of prepaid meters" (ibid: 57).

Around the same time that Hlongwa was beginning to make arrangements for the council delegation's tour of prepayment projects (which took place in June), JW was also going through the motions of 'the environmental impact assessment' that had to precede its intervention in Soweto. To this end, a first public consultation meeting took place at the Phiri hall on the 9th of April 2003 and was followed by a second at Phiri primary school on the 14th of April, both facilitated by Nemai Consulting (CALS October 2005; Nemai Consulting 2007 [n.d.]).

> The aim of these sessions was to comply with the requirements of the environmental impact assessment to inform the community and to obtain the opinions regarding the project. In compliance with the legislation, an advert was placed in the local and national newspaper and on site notices placed giving notice of the above. An advertisement was placed in the Sowetan and various onsite notices were installed. (Nemai Consulting 2007 [n.d.]: 1).

While these initial public meetings seem not to have been well attended, it is interesting to note that already in this first set of engagements, it was the issue of the sufficiency of the basic allocation and concerns about prepaid meters that featured most prominently in the issues that were raised by participants. Summarising the mood of the response these meetings received, the Nemai Consulting report notes:

> It was clearly indicated throughout the workshops that the aim of the project was purely to address the problem of UFW in the area and that it is not a punitive measure. The workshop participants generally saw the need for the rehabilitation of the infrastructure however they expressed concern for the installation of the prepayment water meters. There was general concern that prepayment metering could prove unaffordable for those large and poverty-stricken families where unemployment was a real issue. (ibid: 4).

Not surprising, then, at the centre of the struggle that emerged, was the issue of PPWMs.

OGA of course went ahead, and prepaid meters turned out to be a non-negotiable component of the project. It is important however to clarify how much was staked on the Soweto project.

In his affidavit detailing JW's rationale for OGA and the introduction of the new technology in Soweto, Michael (one of the architects of Gcin'amanzi) remarked that:

> [T]he biggest impact (newly created dimension) that prepayment can have on a service provider is the effective creation of customers and therefore the focus of the service provider becomes one of offering customer service rather than continuing in a paradigm which considers the end-user to be only a 'consumer' who is not entitled to a relationship with the service provider (Rabe 2007: 20.2).

If Rabe felt no compulsion to reflect on the social costs of PPWMs here, or the problematic ways in which they worked to transform the relationship between the state, service provider and the end-user (consumer/customer), it was because, as we have seen, within the discourse of JW, there was none - prepaid represented a "win-win" solution for all.

Where prepaid meters came to represent, for the APF, the focus of its objections to OGA, for JW it represented a "technology that empowers and enables [both] the service provider and the customer" since the latter will "for the first time own their consumption" (see also *Chapter 5*). As Greg Ruiters has pointed out, such discourse highlights an important aspect of the local idiom of neoliberalism: motioning simultaneously towards "basic needs empowerment" and the principle of "user pays", the idealised figure of municipal policy was often the "heroic figure of the empowered citizen as customer" (Ruiters 2006: 7). And we should add that this figure, what Ruiters calls "the sovereign customer", is imagined as always acting on the basis of economic reason, a subject who always makes rational decisions, pays for services and never uses more than she can afford. Economic reason and cost benefit calculations here become the basis of alternative life strategies and forms, engendering new forms of calculability (see Von Schnitzler 2008)[369] and control.

If such an account presents a picture of an indifferent surface, and a natural integration of new logics of 'best practice' and 'customer service' into existing institutional and political contexts, in fact (as I show in this chapter) attempts at making this subject involved a far more violent transformation. In fact, not only did it seem to require a significant transformation in the milieu to which human life is bound (including the built environment of pipes, houses and fixtures (see

Chapter 5)), but JW also had to mobilises tremendous violence in installing mechanisms to inculcate new conducts.

OGA was the name of a project for effecting this transformation in the milieu and the subjects that belong to it. It was, however, precisely in confronting the obstacles and struggles that emerged with it that its finer details clarified. What I try to show in this section, is how a *diagram* of an intervention emerges in relation to the development of strategies for overcoming the many problems that were encountered in the early phases of the project, especially with respect to forms of resistance. I therefore focus not just on the flows of JW's programmatic rationality, but also on its many silences and blockages - and on the political struggles spawned by the myriad strategies and the techniques mobilised in attempting to usher in this figure of the "sovereign customer".

6.1.2. The 'Formation' of Resistance to OGA

When the APF embarked on its campaign against prepaid water meters in Soweto, it had already gone through a previous battle with JW operating under the banner of OGA. In Orange Farm, the introduction of OGA helped catalyse the formation of the Orange Farm Water Crisis Committee (OWCC).

The development of the campaign in Orange Farm can be linked to earlier resistances to attempts at introducing cost recovery in this settlement. Although, as in many other areas, initial resistance to cost recovery remained muted by being subsumed within the structures of the ANC and SANCO, in 1996, Orange Farm residents protested about water services by marching to council offices where "women undressed to show their disrespect" and to shame authorities (McKinley and Veriava 2005: 38). In 1999, another protest, also predominantly made up of women, established a blockade of the Golden Highway, again in relation to water. The intensification of practices of cost recovery in the early 2000s, as well as the introduction of prepaid metering technologies, presented the context for attempts at organising such resistances into a community movement.

In the early 2000s, a group of residents from Orange Farm, already attending APF protests and meetings[370], began organising around electricity issues in response to Eskom undertaking cut-

offs within the area. At a meeting called to discuss residents' problems around electricity, a decision was taken to establish the 'Orange Farm Crisis Committee':

> We initiated this Crisis Committee because of the experience we had fighting apartheid… We were fighting against the standard of development that was introduced by apartheid, and we thought that we don't want this kind of development because it was discriminating against blacks … but now, after the so-called liberation, we discovered that the houses are even smaller than they were under apartheid, and they were introducing outside toilets and prepaid meters … We realised that the crisis we were against during apartheid was still existing. The RDP promises were not in place. People were promised houses, free water and electricity, and jobs for all, but after 1996 the government introduced the GEAR policy and we experienced lots of problems (Bricks Mokolo interview, 2004; see also McKinley and Veriava 2005: 39).

This quotation from Bricks Mokolo, one of the leaders of the crisis committee[371], illustrates well how a shift from the RDP to GEAR is symbolically linked to a particular idea of wrong, figured in relation to a re-membered past and the injustice of apartheid (see *Chapter 2*). As I have already pointed out, this narrative of betrayal has tended to operate as an account of the motive for the formation of new social movements (sometimes retrospectively), imagined as an act of defence against the selling out of the aspirations of the people in the struggle for liberation. More significantly, however, it was also with respect to reconnections and a politics of self-valorisation that this new 'crisis committee' attempted to establish a political campaign. Already then, at this first meeting, the crisis committee resolved to inform Eskom officials that they intended to encourage people to illegally reconnect electricity. And like the SECC, the emphasis fell on the 'making public' of this act; in the words of Mokolo, affirming the crisis committee's programme of illegal reconnection of electricity, "[t]his is not going to be a secret thing … You, as Eskom, you can send the bill to the government"[372].

JW's entry into Orange Farm in 2002 and the establishment of OGA shifted the emphasis of the crisis committee, which had in fact just been formed. The principle target of mobilisation now became the newly corporatised utility and its ambition of rolling out prepaid water meters. Reflecting this shift, it now called itself the Orange Farm Water Crisis Committee (OWCC). For the newly redubbed Orange Farm *Water* Crisis Committee (OWCC), this new emphasis did not

mark an abandonment of its previous campaign against electricity, but rather embraced the latter as well. In the reasoning suggested by Mokolo[373]:

> Water is life. If they privatise water, what do we do? Our lives are being privatised. In South Africa, we are no longer citizens. We are all customers now. And that is why we are fighting privatisation. (Mokolo, interview, 20/06/2003).

It is, then, as if the commodification of water stands as the symbol of a wider 'privatisation of life', and which gives the formative basis of a political struggle (against neoliberalism, GEAR, privatisation, corporatisation, commodification, cost recovery, etc.). Although this political reasoning was not uncommon in the APF, and has real similarities with how its activists saw the question of privatisation more generally, in the case of the OWCC there was perhaps also a strategic reason for emphasising water over other aspects of the municipal crisis that help catalyse its formation.

An aspect of social movement politics that is often ignored is the strategies the poor mobilise in eliciting support from elite publics[374]. Community groups are often able to establish new points of leverage by winning middle class support for their struggles, which also potentially open up access to both political and financial resources. My own outsider sense of the OWCC's decision to underline water - when their formative struggles necessarily pointed to a more diverse field of political struggle - was that it was also motivated by the fact that water was a far better 'single campaign' for enlisting support from within civil society (with its line item specific frameworks of solidarity and funding)[375].

The decisive front in the struggle of the OWCC was not, however, within elite publics, but on the dusty streets of the settlement. By all accounts, including that of the City, JW's roll-out of PPWMs in Orange Farm was marked by confusion amongst residents on the nature of the initiative, putting into question the utility's claims to having consulted within the community (Fiil-Flynn and Naidoo 2004). Focused only on one section of the township, Stretford Extension 4, in which residents previously had no proper sanitation[376] and collected water from standpipes, OGA was presented to residents as primarily a project 'to install flush toilets' (see Fiil-Flynn and Naidoo 2004). The initial thrust of the campaign was thus mobilising residents, in part, by showing up JW's deception:

> We had to fight against a lot of misinformation … our municipal councillor and clique were telling people that the water was 'prepaid' (already paid) by the government and when Johannesburg Water technicians came to install the prepaid meters, they also lied to the residents, telling them they were installing sanitation. (Mokolo, interview, 15/07/2004; see also McKinley and Veriava 2005: 39).

One of the first 'moves' of the OWCC was to request a meeting with JW. Before even getting started, however, the meeting at the local Catholic church grew antagonistic:

> They came in numbers, lots of cars. We recognised many of these people. They were ANC members who were employed on the project. We told them that we wanted to meet JW alone, but JW said, 'These are the people who are recognised in the community' … We responded that, 'This is a political party, this is the ANC, and we want JW. If you want to bring the ANC on board then we are not going to say anything to you'. We were told that they were going to introduce prepaid meters, like it or not … Then a fight broke out between OWCC members and JW … We tried to move everyone outside because we were also trying to respect the sanctity of the church. We asked JW people to leave, and told them, 'We are not going to talk to you because you bring these gangsters'. (Mokolo, interview, 15/07/2004; see also McKinley and Veriava 2005: 49).

This initial engagement and the antagonistic turn it took, set the character of relations between, on the one hand, the OWCC, and, on the other JW, the council, and the local branch of the ANC.

For Alina Mahlangu, then ANC Ward Councillor for Stretford Extension 4, JW's project was every bit the success that its supporters hoped it would be, and the resistance of the OWCC was the place of an opportunistic deception of residents:

> The project in Extension 4, it was a community project…the community did go and ask the government for the project…They [The OWCC] know [that] fact…it was not really the community of Stretford [Extension] 4 who were toyi-toyiing or who were against the project. It was only those individuals who wanted to benefit for themselves… The project is very smooth…the government has promised the community that they are

> going to get free basic services which is 6000 kilolitres free, that is 30 drums of water…most of the people in Stretford 4 are not buying water at all…unless [they] are wasting water …but the community are so much happy with that project, because people were very very tired of the pit latrine toilets…people are now flushing … I mean those who are still staying in a shack, they are putting the toilet right inside the shack, which is very wonderful…very wonderful… (Mahlangu 15/07/2004).

For both Mokolo and Mahlangu it was on the other side that you found deception, lies and violence. And in both, the possibility of a non-antagonistic outcome was already foreclosed by the other. While Mahlangu complained about the OWCC's lack of discipline and being personally intimidated (Mahlangu, interview, 15/07/2004), OWCC members speak of state repression. Mokolo, for instance, describes how local marches were routinely declared illegal while he was personally approached by the National Intelligence Agency (NIA).

It is of some significance that the campaign that was unfolding in Orange Farm coincided with the mobilisations of the APF against the WSSD. These two sets of mobilisations dovetailed with each other. The APF, for instance, invited international activists to attend OWCC meetings where the problems of cost recovery and the commodification of water through the rolling out of prepaid meters were highlighted. On the other hand, not only did the attention the WSSD mobilisations threw on the struggles against OGA assist the OWCC in building its campaign, the growing confidence of the structures of the APF also emboldened the OWCC. It was in fact at this time that OWCC activists, through nightly graffiti expeditions, popularised the slogan of the APF's campaign against OGA and prepaid meters – 'Destroy the meter Enjoy free water.' A high point of the OWCC's campaign was a march held in September 2002 when the project was officially launched by Ronnie Kasrils, then Minister of Water Affairs. However, the fact that the project failed to progress beyond Stretford Extension 4 led to the false assumption that resistance had managed to halt the roll-out of prepaid meters.

To be sure, the campaign mounted was a relatively passive resistance. The primary forms through which it expressed its antagonism to the project were marches, statements, and graffiti. The OWCC also lacked real grounding in Stretford Extension 4, where the project was being rolled out. Moreover, the fact that the system was introduced in an area in which residents had previously enjoyed a lower level of access to services perhaps also explains why there was not greater opposition to OGA. I should also point out that while it coined the beautifully militant

slogan 'Destroy the meter Enjoy the water', in 2002 this never progressed from the representation of an antagonism to actual acts of illegal reconnections of water or sabotage of meters and infrastructure. This was perhaps because, in 2002, it was not in the repertoire or disposition of the OWCC to do so. Rather than resistance having dissuaded JW from extending OGA, JW did in fact seem to read the Extension 4 project as a success that motivated the roll-out of prepaid meters to the other Johannesburg townships that it supplied, beginning with Soweto.

6.1.3 The Phiri Prototype

In the first months of its intervention in Soweto under the banner of OGA, even before a single meter had been installed, JW met some of the fiercest resistance it encountered throughout the entire project. Not only was this resistance the cause of major delays in the completion of this phase of the project, but it also had a significant effect on the cost of the intervention.

For APF activists the difficulties JW was experiencing as a consequence of the campaign on the streets of Phiri was a real source of pride. In the Ngwane and Veriava essay that I first quoted in *Chapter 1*, these difficulties are cited as proof of the effectiveness of the initial mode of resistance:

> A test of any tactic is it effectiveness and the best judge of effectiveness is the other side. A look at the minutes of the City Council's Municipal Services Entities Committee reveals that the project in Phiri has been seriously delayed by resistance and is months behind schedule. A standing item on every agenda is 'opposition from adversarial pressure groups'. The minutes also show that, in the many months that JW has been in Phiri, they have only managed to install meters in one of three blocks (Ngwane & Veriava 2004: 140)[377].

The particular naiveté of this statement was not just the admission (a few pages later) of the un-sustainability of the early tactics of the campaign in the face of the force arrayed by JW to curtail them, nor even the fact that, for all the difficulties the utility experienced in these early months, it did little to shift JW's resolve on the need for the project.

What the APF failed to understand was how resistance actually operated in the context of the Phiri phase of the project; that is, not as external to the apparatus being established but, instead,

as something seen as inextricably bound to the context and the relations that belonged to it, something JW had to work upon, and find ways to adjust to. To grasp this point, it is important to understand what role the intervention in Phiri played in relation to the project as a whole.

In JW's terms, the Phiri phase was a 'prototype' for the wider project. As the 'Close Out Report' for this phase made clear, however, the meaning of the term 'prototype' here should in no way be confused with a "feasibility study", that seeks to ascertain whether the wider intervention was viable or desirable:

> [The Phiri] prototype project was not seen as a feasibility study for the larger project, but rather the development of a methodology to tackle the macro project as a natural progression from the prototype. The planning and design of the macro project will be based on this pretext (JW 2005: 3).

According to the utility, in order to "facilitate a logical and technical approach" in its design of the intervention in Soweto, the sprawling township was divided into 13 "super-blocks". Interventions in each of the super-blocks in fact took the form of - and operated as - a discreet project, overseen by a separate project consortium and with its own tender process (ibid). However, the initiative in each of these super-blocks, which was rolled out in phases, also had to follow a standardised model, characterised by a common approach to both the 'social and technical' objectives of the project. The significance of the Phiri prototype, then, was precisely to be that heuristic device for "the development of a methodology" for what JW called "the macro project" (ibid) – that is, it allowed JW to work out a model for its intervention. Thus, after clarifying that the Phiri prototype was structured to try out the "full spectrum of intervention measures" the 'Close out Report' notes:

> The methodology for the primary project has been defined during the planning stage over the past few years. This will be adapted for consecutive phases in accordance with the technical and social challenges encountered…The experience gained in implementing the prototype project will empower the roll-out of the macro phase of the project throughout the Greater Soweto region (ibid.).

The relationship between 'the Phiri prototype' and 'the macro project' is apparent with respect to a number of areas of JW's intervention in Soweto, from how officials approached the recurrent

technical challenges presented by the Soweto network, through the broad marketing strategy adopted, to the approach developed for countering the various forms of resistance that the project encountered. Even for those aspects of the project whose strategy was less self-consciously developed through a phased approach, this relationship, in which the experience of the prototype underlies the development of a systematic methodology for later phases, still seems to apply[378].

Although one might trace the development of many aspects of the project along these lines – that is, from the prototype to systematic methodology - I want to only highlight some of those aspects which have been impacted upon by forms of resistance. To do so, however, we will need to reacquaint ourselves with one of the subjects of this resistance.

In August 2003, when the battle in Soweto was getting started, I was the co-ordinator of the APF's legal subcommittee.

This was a good time in the APF's history. It enjoyed a growing public profile, and was a point of attraction for emerging community struggles and left militants. More importantly, the period is associated with a deepening sense of a distinctly 'APF politics', and, as such, also a new political identity. In 2003 there was both optimism about the APF's future, and guarded unity amongst the heterogeneity of groups and individuals that made up and worked to build the APF. In the expression of a political identity the movement invoked the subject of 'community' - i.e. activists saw themselves as, and spoke about being, a movement of 'community struggles'. And often it was the SECC that was taken as the exemplar of what that meant.

So it was that, sitting in an extended executive committee meeting[379], as the coordinator of the legal subcommittee, I first heard about a battle starting up in Phiri. Trevor Ngwane, then both a leader in the SECC and organiser of the APF, made the report.

The APF's opposition to prepaid meters had already been established, both in the delivery of electricity and in the opposition to OGA in Orange Farm a year earlier.

When the 'Phiri issue' was brought to the APF, the campaign was already underway, and the APF's intervention was sought in assisting with legal costs, and in getting the side of the story of

OGA's resistors into the mainstream. I learned about the first meetings, the resistance mounted, arrests, bail conditions, and an interdict.

Another protest was planned for the coming Monday. Help was needed with legal matters and media.

On the Monday morning in September 2003, I arrived in Phiri for a protest taking place across the road from the municipal complex where JW workers were due to start work. Given the events of the previous weeks, it was anticipated that there would likely be arrests at the action. It was still early and only a handful of APF activists from Phiri were beginning to gather. When a small group from Thembelihle arrived, the singing started.

The toyi-toyi calls. It initiates a protest. The township is waking up. Workers on their way to work offer encouragement. Others join in. The group is getting bigger.

On the other side of the road, there is movement as well. Wozani Security – 'The Red Ants' - kitted out with helmets and crowbars, form a line standing between the protestors and JW's workers. They are ready for a 'riot'. As the workers prepare to begin digging the trenches to lay the secondary mains, I notice a white man, who I assume is a foreman, urgently making calls on his cellphone. It doesn't take long before the police arrive, as well as the sheriff of the court.

There seems to be a caucus going on. Then, the sheriff, flanked by police and Red Ants, approaches the crowd. He takes up a document and begins reading. I realise that it is the interdict Trevor mentioned. But, no one is listening. The singing picks up as if to taunt 'authority'. But, the sheriff is unaffected. When he is done, he simply motions and the police and Red Ants take the front, moving on the crowd.

The crowd breaks. Up the road. Some struggle to get loose after being caught. Most do. A few are not lucky. I notice a policeman pulling a young woman from a yard close by where she had taken refuge. Outside of the safety of the crowd, they got her.

Up the road, the protestors are regrouping and launching rock projectiles at the police and Red Ants. The Red Ants return in kind.

By the time police and Red Ants managed to disperse the protest, seven people are arrested, bringing the count up to thirteen since the campaign began just weeks earlier.

6.1.4. Phiri Concerned Residents

When JW began preparations for OGA, the SECC had no real political presence in Phiri. And when JW's initial public engagements began, there was no obvious vehicle for resistance to the project.

As we saw, already in these first engagements, the issue of prepaid emerged as a source of anxiety and opposition. Although it was said that Councillor Kunene, who facilitated JW's introduction to residents, was initially evasive on the issue of prepaid, it was soon clear that there was little room to negotiate usage of the technology. It was in this context that, as work was starting up on OGA, a group of residents from Phiri visited the SECC's offices, requesting it's assistance (Ngwane and Veriava: 2004).

Officially, JW began the Phiri prototype in July 2003. The first mass meeting called by the SECC in response to the request for assistance, took place less than a month later, in August.

Until then the primary focus of the SECC was electricity. As I discussed in *Chapter 4*, the movement grew out of a campaign organised around the illegal reconnection of electricity, supported by public advocacy for free basic services. However, if water had not been a concern for the SECC, it is because, before OGA, there had not really been attempts at punitive forms of cost recovery for this service in Soweto. What the SECC did have some experience with, however, was the introduction of prepaid meters which had been imposed in the context of Eskom's difficulties with conventional cost recovery mechanisms (in large part because of the kinds of resistances discussed in *Chapter 4*). Its participation in the APF – whose political discourse now explicitly affirmed 'the decommodification of services' - also meant that the SECC was in regular contact with the OWCC and had already attended protests in solidarity with the OWCC's campaign against OGA in Orange Farm.

Among the initial demands that emerged at this first meeting was that the project should be suspended until the community and the Council could reach an agreement around the question of prepaid meters. As we will see, these demands developed over the course of the campaign.

Unlike the case in Orange Farm, there was a real will to resist within the affected community. In the Phiri mass meeting called by the SECC it was agreed that OGA workers, who had just begun digging trenches and laying the secondary mains, would be asked to stop work, and if they refused, to be physically prevented from moving on. On Tuesday, the 19th of August, clashes between JW staff and Phiri residents led to five people being arrested (Phiri residents' memorandum to police 22 August 2003), among them the SECC Organiser, the late Bongani Lubisi.

That same night, after JW and its security escort left, residents remobilised, joined by APF and SECC activists. Residents now came together with spades and picks, digging up the pipes that had been laid earlier in the day.

Over the course of the week more protests followed.

In restoring order, police used force, and were seen by the protesters to be acting at the behest of JW. Along with the SAPS and metro police, JW also enlisted the services of private security. On the 22nd of August, a march organised by a group still calling itself simply, "Phiri Residents", and supported by the SECC, handed over memorandums for both the police and "Councillor Kunene and Mayor Masondo". The demands made to both the council and police are interesting for the ways in which they speak to an emerging political sensibility.

Firstly, then, the protesters demanded of the police that they:

1. Drop charges against the 5 Phiri comrades on bail for fighting for water for all
2. Stop arresting residents fighting against pre-paid water meter (sic)
3. Don't escort the local contractors or Johannesburg Water Company when they install pre-paid water meters in our area
4. Arrest Councillor Kunene and Mayor Masondo for giving our water to the capitalists without a mandate
5. Join and support the struggle for free basic services for all

6. The police must serve the working class not the few rich capitalists (Phiri residents' memorandum to police 22 August 2003).

From the council, they demanded:

1. No pre-paid water meters in Phiri and Soweto
2. Stop the project of installing pre-paid meters in Phiri with immediate effect
3. Johannesburg Water Company must remove its containers from our streets
4. Pay water workers a living wage, no to casual labour and volunteers
5. Johannesburg Water Company and City Council must produce the Water Services Development Plan for Soweto so that residents can comment and give our input
6. Councillor Kunene and his senior management must resign, by agreeing to pre-paid water meters he no longer represents the residents of Phiri
7. No to privatisation of water, electricity and other basic services
8. Provide free basic services for all
9. Put people before profit
10. No to a government of the capitalists, yes to a working class government (Phiri residents' memorandum to Councillor Kunene and Mayor Masondo 22 August 2003).

Many things can be said about these demands. On the one hand, it is not difficult to see how these can often be read as arising out of misunderstanding about the contents of OGA. And of course, some demands were there for rhetorical purposes. Nevertheless, from within the discourses of social movements, they make sense, as a response to the form of attack that OGA and PPWMs was seen to embody: that is, a 'classed' attack in the interests of the bosses.

Of course the impossible chasm in how the project was seen, by JW on the one hand and the emerging campaign on the other, is not so much a misunderstanding as what make this a political disagreement in the first place (see Rancière 2004; 2011).

More interesting for me, however, is the fact that these demands also reflect the distinctly Trotskyist inflection[380] of social movement discourse, and illustrates the ways in which the campaign mounted by "Phiri residents" was strongly shaped by the character of the SECC, whose leadership was influenced by this tradition[381].

One of the things the SECC brought was impetus to organisation. Its previous experience in establishing 'branches' helped shape the establishment of the Phiri Concerned Residents (PCR)[382]. Alongside this organisational experience, the SECC also brought a political aesthetic and a militant disposition for giving expression to it. Reinventing the OWCC's slogan, the campaign that started in Phiri gave a literal sense to 'Destroy the meter Enjoy the water', as it turned to acts of sabotage of JW's worksites, infrastructure and equipment.

> On 27 August at approximately 19h30, a crowd of less than fifty marched to the Contractor's Site Camp and started toi-toiing (sic). They pushed the diamond mesh fence flat. They told the two security guards to disappear, and then smashed the windows of the two site officers. They then threw tyres and petrol bombs into the offices. One portable site office caught fire and all the furniture, filing cabinets and office documentation was destroyed. The angry crowd also set the PVC pipes alight and burnt fifteen lengths of piping. They attempted to set the compressor alight, but weren't very successful. Two chemical toilets were pushed over. (JW 2003: 5•).

Sabotage, in fact, represented an important early aspect of the campaign. Crucially, these events tended to still be public ones (even if JW tended to under-report the number of people involved in such actions), in which song, through toyi-toyi, gave these acts the character of a mobilisation. But, alongside the sabotage, the campaign also included mass meetings, marches and a door to door campaign to raise awareness among residents.

One of the outcomes of the forms of resistance that emerged in Phiri was the intensification of JW's attention to security, which became a regular item in OGA project progress reports. JW, in fact, contracted Wozani Security, known as the Red Ants, to help guard its work sites. A progress report prepared in early 2004, for instance, lists the security force arrayed to protect JW's infrastructure in the first months of OGA:

• These reports, although regularly prepared, were not dated with a consistent method. In the text I refer to each report with the 'best date' information available, generally referring to both the month and year of preparation (except where it wasn't clear). In the bibliography the reports are listed as "Operation Gcin'amanzi Project Progress Reports" 2003-2006.

> During daytime, 16 private security guards, one patrol vehicle and two SAPS Crime Combating patrol vehicles provide protection to the workforce. At night and over weekends, two private security patrol vans and two SAPS vans patrol the construction sites, site camp, the ward councillor's home, the homes of various contractors as well as the Senaoane Administration Office. It is however difficult to provide comprehensive protection of all sites after hours as the construction sites are scattered throughout Phiri. (JW 2004-01-20).

After the march on the 22nd of August, JW (through the law firm, Moody and Robinson) also applied for an interdict[383] against the APF, the SECC and "anyone interfering with the Gcin' amanzi project" (Interdict quoted in Ngwane and Veriava 2004: 137). What the interdict did was to allow JW to police its work site and prevent a wide set of resistances[384]. An APF statement from the 20th May 2004 describes the interdict in following term:

> The interdict bans any 'interference' with Operation Gcin' amanzi and bans the community, the SECC and the APF from coming within 50 metres of any physical work of Operation Gcin' amanzi. The interdict also authorises the "sheriff of the court to engage the services of a private security company to assist" in arrests. Giving the hated Red Ants powers of arrest is an illegal act of privatising law enforcement much in the same way that the installation of prepaid meters is an illegal act of privatising the provision of the most basic resources of life – water.

Leaving aside the dramatic rhetoric of this statement, it illustrates how centrally the APF saw the interdict being used in curtailing protest activities, specifically the power it gave JW in establishing a perimeter order and arresting those who violated it. This is especially important given that JW's work site was literally a shifting one, moving through the very streets and yards of the community members resisting OGA.

When the issue of the resistance just getting started in Phiri was brought to an APF extended executive meeting in late August 2003, it was to enlist the APF's assistance in building the campaign and responding to repression. In relation to the activities of affiliates, the role of the APF was seen as one of support (rather than determining a course of action). The two areas that the APF provided the SECC assistance with, in this initial phase, were media and legal support.

Relatively easily, the media subcommittee was able to assist affiliates by putting out press statements. The committee was also supported by a still functioning Indymedia collective. Along with the Johannesburg Indymedia collective (of which I was also a part), the APF drew together a press statement and flyer for a protest that was planned for the Monday following the extended executive committee meeting in August. It was in fact in this context that the subject of resistance to PPWMs was dubbed 'Soweto's water warriors'.

Repression might have more severely curtailed resistance were it not for the possibilities of the campaign mounting a legal defence of residents who were arrested during initial altercations with JW and its security detail. Although formally the policy of the APF was not to support legal costs, for the extent of this phase of the campaign its legal subcommittee did raise some money for criminal attorneys and bail.

The legal subcommittee of the APF was mobilised by repressive action. From 2002, it was clear that the APF, and social movements more generally, needed a strategy for covering legal costs. The problem was that even if social movements were able to raise funds for their programmatic activities, their work also sometimes led to arrests in which activists were dealt with through the criminal justice system. In such cases, it was far more difficult to find resources within 'civil society', especially given that the charges faced by social movement activists were generally 'criminal' (malicious damage to property, trespassing, public violence, etc.). And, while state prosecutors actually managed to obtain very few convictions (and Soweto was no exception), the punitive form of such procedures were the legal, emotional and temporal costs of the process itself.

The legal support that came from the APF, thus, meant that even after the initial arrests (including that of Bongani Lubisi, SECC organiser, and Trevor Ngwane, APF organiser), the initial campaign unfolded in relation to an ever-increasing antagonism, and in which sabotaging of JW's operation and infrastructure, was a central tactic. By the end of 2003, the total cost of damages as a result of the campaign in Phiri amounted to R240 000 (JW 2004-01-20).

A particularly important outcome of the entry of the APF into this struggle was also its establishment of the Coalition against Water Privatisation (CAWP) as a 'soft front' to build

support for the campaign unfolding in Soweto within civil society. The coalition, in fact, opened up a set of new fronts along which resistances to prepaid meters and OGA in Soweto developed.

6.1.5. The Problem of 'Buy-in' and JW's Integrated Social Development Programme

In his court affidavit on the Phiri phase of the project, Petrus Kunene (the ward councillor for Phiri) summed up the project as "a big success" that "the residents are very happy with" (Kunene 2007: 3). To put into context Kunene's as well as JW's claims that the majority of Sowetans welcomed PPWMs, it should be noted that, before the installation of prepaid meters, the levels of payment for water stood in the region of 10%[385].

But, this does not necessarily mean that 90% of Sowetans weren't paying or that there existed a definable group of 10% of Soweto householders who were good payers. Instead, what emerged in my research is that although many people didn't pay anything toward the flat rate (and this was probably the largest group), others did; some regularly, and some when they could afford to, and then not always the full amount[386]. That is, for many households *payment for services was a strategic decision* (with flexibility over whether to pay or not).

While formally the City charged for water, it could be said that Sowetans had access to water on what was a relatively decommodified basis, in so far as, in practice, people had a choice on when and how much to pay, if not an officially authorised one. And, in so far as the condition of this access to water was the possibility of a household's investment in acts of non-payment, the commodification of water in Soweto required both a foreclosure of the possibility of non-payment and the reconfiguration of household consumption patterns (for reasons that I discussed in *Chapter 5*). To this end, the prepaid meter was an important aspect of JW's strategy. All this is already clear. Allowing the delivery of the City's life-line allocation without compromising the service provider's cost-recovery ambitions, the prepaid meter was an important component of a broader strategy aimed at remaking the strategic field of household reproduction.

And unlike in Orange Farm, the new system did not necessarily imply a higher level of service for residents. The Council-built houses in Phiri (the predominant form of housing) had outside flush toilets and a tap nearby. While OGA did imply an improvement in the quality of service[387], there was nothing else to immediately motivate residents to accept the project. This is especially

because, as I pointed out above, before OGA and prepaid, residents had relatively decommodified access to water.

At the same time, within the discourse that informed OGA, there did seem to be an emphasis on obtaining 'buy in'. What 'buy in' came to mean, however, in the Soweto context, is, at the very least, debatable. Generally, it should be seen as one of the primary objectives the project took on. Practically, it meant getting residents to a point where they signed service agreements and permitted JW to install prepaid meters in their yards.

In securing 'buy in', JW brought to bear a wide set of means.

Part of what characterised the prototype project was JW's deployment of a range of measures as a way of testing their combined effectiveness. This was also true for its approach to getting residents to permit the installation of meters. From the beginning, and right through the various phases of the project, on the non-coercive side of its strategy, JW undertook a media and marketing campaign that coincided with, and even blurred into, what it called its 'Institutional and Social Development Programme' (ISD).

Broadly, JW described its ISD as "implemented to facilitate community buy-in and foster broad-based understanding for the project" (2004-02-24). In its project reports it listed the components of the ISD as "public participation", " public meetings", "door-to-door campaign", "consumer education workshops", "street theatre" and "study tours". As I have already pointed out, in early 2003 JW contracted Nemai Consulting to develop and implement a strategy for introducing OGA to the community of Phiri. The public meetings and workshops, proposed by Nemai Consulting and jointly facilitated by the local councillor, became the first line of engagement between OGA and the community[388]. The resistance that followed these initial public meetings accelerated the development and roll-out of JW's ISD.

On the one hand, the development of ISD initiatives meant drawing on social and pedagogical mechanisms, and amending them to better fit the specific needs of OGA. So, for instance, JW adopted street theatre, which it used to educate school children about water conservation. However, while it adopted a model developed independently of the project, as a 2004 project report attests, it also actively attempted to rework it. Speaking about intial experiments with a street theatre model on water, the report remarks that "[c]ontent is generic and revolves around

the water cycle and water conservation, attempts will be made to include Gcin'amanzi based content for schools in Soweto" (JW 2004-02-24).

On the other hand, the development of JW's programme also meant keeping up with, and working to 'out-do' resistance.

By way of an example, a consistent aspect of JW's interaction with the community of Soweto was its door-to-door campaign, undertaken in order to get residents to sign service agreements. In many ways, however, this campaign had to contend with the door-to-door activism of OGA's resistor:

> The first phase of the door-to-door campaign, initiated in September 2003, yielded marginal support and acceptance for the project. This is largely due to the fact that the APF embarked upon a similar exercise where residents were threatened and initimidated. (JW 2003-11-18).

Leaving aside the characterisation of the APF's door-to-door campaign as a form of intimidation (which works to portray the source of resistance as isolated, opportunistic and violent), this experience of having to shadow the campaign, also prompted JW to begin developing 'contingency plans' if residents continued to refuse giving consent for work on their properties to JW's community facilitators undertaking door-to-door visits. The same report notes that:

> A level of resistance and opposition continues to be experienced in Phiri … confirmed through the door-to-door campaign embarked upon in September 2003 … it has therefore become necessary to conceptualise a contingency plan should access to properties continue to be staunchly refused (ibid).

And, it is, in fact, in this context that JW first contemplates the possible need for a service option aimed at people who it failed to persuade or force to accept the PPWM.

What resistance also did was to provoke a wider and more intense set of ISD initiatives, at the same time as it was catalysing shifts in the very form of the intervention.

While JW developed a wide set of measures which were implemented and tested during the Phiri phase of the project, one of the most extensive was its media campaign. In 2003, JW was one of the most prominent brands in Soweto. The company also ran school competitions, branded taxis, flighted adverts on the local community radio stations as well as popular commercial radio stations like YFM. It invested massively in billboards and other signage. Alongside these more conventional approaches, it also experimented with pedagogical models of street theatre, and new media. The consistent objectives of these media and 'social interventions' came to be brand recognition, stressing the problem of water wastage, the high volumes of water lost in the Soweto network, and also the importance and need to save water.

For instance, one of the more common billboards in JW's campaign depicted, alongside its standard branding, a leaking bucket along with an accounting of how much water was being lost in the Soweto network. Later, as the project progressed, JW also introduced billboards showing a repaired bucket and underlining how much water was being saved as a consequence of the project (see below). It also introduced street murals painted on the sides of people's houses. According to JW: "[a]n additional advantage of this form of advertising is that it allows households to earn some revenue from advertisements placed on their walls." (18/11/2003). Focusing much of its initial media energies on Phiri, by the end of 2003 JW had already raised ten billboards, painted five murals, erected one electronic billboard, and branded eighteen commuter taxis (ibid.). Ironically, for all that it spent on media, its basic brand message in 2003 remained more or less unimaginative: "Joburg Water. We put water in your tap."



Figure 6 – JW billboard.

Not surprisingly, JW's billboards and street murals became a popular target of guerrilla graffiti, which expressed antagonism to JW, OGA and prepaid meters at the same time as it acclaimed the APF and SECC. In such graffiti, the rejection of JW's message of the need to save water was also often prominent, as well as depictions of the importance of water for everyday life (see pictures below). Although the campaign against JW had far fewer resources and never matched the utility in its coverage, it also undertook the painting of independent murals as part of its awareness raising (see picture below).



Figure 7 - JW Mural.



Figure 8 - Phiri Mural.



Figure 9 - Phiri Mural 2.

Another important component of JW's media and social interventions was its marketing of what was then the 6kl universal lifeline as a strategy for allaying people's fears over the potential impact of prepaid meters and, by implication, cost recovery for water services. One of its strategies in doing so was visual displays of how much water 6kl was. For instance, "specifically designed trailers … fitted with thirty 200l water drums" (ibid.) were put on display around Phiri. JW also handed out buckets (that were well used, even by those staunchly opposed to OGA), which set out a basic sum on its side highlighting how much 6kl was (see picture below).

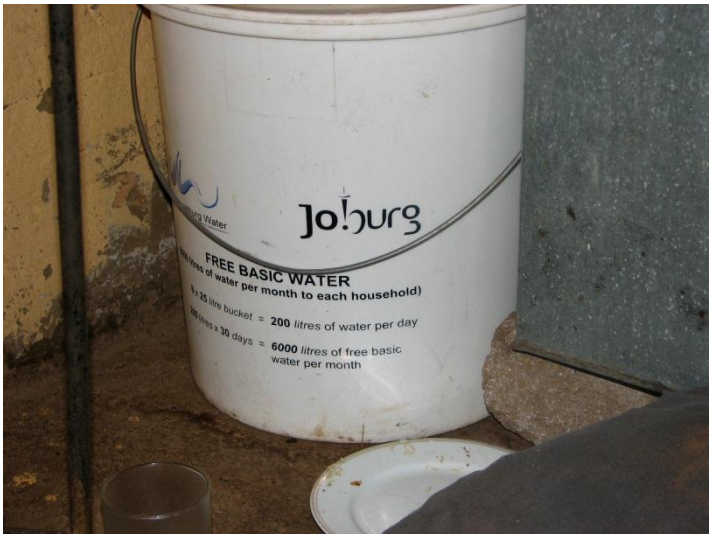


Figure 10 - JW bucket.

Not surprisingly, an important focus of its interventions in transforming the practices of Sowetans was its targeting of the ways in which residents often rinse their clothes – that is, by leaving a bucket under an open tap. An OGA progress report from late 2004 notes, for instance, the initiation of a "big wash campaign to discourage the so-called Soweto washing machine" (JW, quoted in CALS October 2005: 17).

A telling example that explains how JW's marketing of the 6kl lifeline in 2003 was made to support and help popularise prepaid meters, was the very name the technology came to be called in JW's media. Both in Orange Farm and during the first few months of OGA in Soweto, prepaid meters were called just that. Later, as its media campaign intensified in the context of resistance, and narrowing in on opposition to prepaid meters, JW attempted to 'rebrand' prepaid meters in seemingly contradictory terms as 'freepay meters'; according to JW "the proposed name of the project to reflect the inclusion of free basic water" (2004-02-24). Although in its own documents this term - whose usage is first explained in its February 2004 project report in the context of a promotional documentary – is not the preferred one, on the streets of Soweto, this became JW's name for prepaid water meters.



Figure 11 - JW billboard 2.

JW also prominently targeted schools and school children. For instance, it introduced a costume character that it called 'Tappy', which it used to spread its message of the need to save water. It

also ran a school mural competition with primary schools in the area (JW 2003-11-18; CALS October 2005: 10).

JW also made good use of the news and commercial media. In fact, although this was never a primary front in the 'Soweto water wars', both the APF's and JW's respective campaigns had recourse to various forms of 'media'. To the extent that mainstream publics were the target of such tactics, JW's professional media team very much outdid the campaign mounted against their employer. Although the APF's early campaign did get some positive coverage, in the main from international left publications and websites, its press statements and media briefings were not always picked up by local news agencies.

By contrast, JW put significant resources to work in building its brand and making its case in mainstream media. Along these lines, JW also partnered up with various agencies in spreading its message of 'waste and conservation'. For example, JW jointly hosted the '99.2 Car Wash Challenge', aimed at showing the hundreds of informal car wash operators all around Soweto that it was possible to wash a car using under ten litres of water (specifically 9.92 litres as 99.2 was YFM's band and therefore brand) (JW 2004-02-24). More locally, it sponsored a show on water conservation on the local community radio station, Jozi FM, where JW's branding and water saving campaign were prominently featured. At one point, JW even began developing a television drama on water issues (CALS October 2005: 14).

Led by Jameel Chand, JW's media team also insisted in the mainstream media on the positive response to the project from most Sowetans, portraying the APF and those resisting as opportunistic and criminal. In fact, part of its strategy, almost from the start, was to target specific journalists to portray JW in a positive light:

> In addition to a regular schedule of media launches, key personnel at JW will have one on one interviews with selected journalists that constantly reinforce the company's and project's key message. (2003-11-18).

If the resistance to the project, in this early phase, didn't always manage to get its side into the mainstream media, it did manage to mobilise media resources within the left in building the profile of the campaign. Early on, APF activists used websites, like the South African Indymedia Centre and the APF's own website, to give coverage to the struggle against prepaid in Phiri. The

APF's press statements were also sent out extremely widely on a general e-mail list that included not only journalists, but many 'civil society' activists. For some time, the APF also produced, on a small scale, its own newsletter which gave prominence to questions of prepaid and resistance being mounted in Soweto. It is worth mentioning, as well, the short-lived pirate radio station, Rasa FM, which broadcasted a number of shows that were explicitly supportive of resistance to PPWMs.

More generally, both JW and the APF produced a large number of pamphlets, posters, flyers and booklets. Beyond advertising for promotional events, much of this media produced by JW either reinforced the message of conservation or else motivated and explained the prepaid technology. For the APF, when its members weren't calling people to mass meetings and protests, their media was about denouncing JW and prepaid while affirming the agency of the community to 'destroy the meter enjoy the water'.

To be sure, this media, and in particular, the slogan of the campaign, only added to the already existing paranoia over the possibility that sections of the community would bypass meters soon after they were installed. This and the broader need to placate resistance, was one of the reasons that in November 2003 the mayoral committee adopted "an incentive-based debt write-off programme for crude water and sanitation arrears" (CALS October 2005: 11). The condition of the write-off was exactly that residents do not vandalise or bypass meters for at least three years, after which all previous debts would be scrapped.

The fear of vandalism following the installation of meters affected not only the policy framework around the delivery of services in Soweto, but the character of the technical intervention itself:

> In an effort to anticipate possible vandalism of the meters soon after installation, vandal proof lockable steel boxes encased in 150mm concrete up to the lid height will be installed as a means to protect the prepayment meters. Furthermore, the location of the meters has been moved further into the property. (JW 2004-10-20).

In the context of massive resistance to the project, one of the initiatives undertaken by JW was to establish what JW called a stakeholder consultative forum, made up of ward representatives, civic associations, council regional office representatives, council liaison and JW (JW 2004-02-24;

CALS October 2005: 13). These different stakeholders also became some of the targets of JW's various presentations on the project (JW 2004-02-24).

More generally, JW developed a wide ranging campaign to drum up support, both within the local state and within community groups. Summarising a document called 'Operation Gcin' amanzi Community Liaison and Social Facilitation Process', a CALS memorandum prepared in 2005 details some of the measures that were put in place:

> At the Greater Soweto level, a 'Councillor Mobilisation Programme' began in October 2002, with councillors attending workshops and study tours, and receiving 'communication packs' starting in May 2003. A 'Ward Committees Roadshow' involved workshops and follow up meetings with all ward committees; ward committees held feedback sessions with their constituencies. Additionally, CBOs and NGOs were 'workshopped'. JW was 'advised not to engage with political structures as it may create the impression that this is a political project. Instead, JW [was] advised to engage with structures representing community as this is a community based project. Furthermore, JW [was] advised not to engage with civic associations exclusively as these are represented in the ward committee structures'. Public meetings were held in Greater Soweto from November 2002. At the Ward level, local councillors would keep Operation Gcin' amanzi as a standing agenda item at monthly public meetings 'before, during and post implementation of the Project'. Groups such as 'women's forum; youth groups; schools, teachers and parents; pensioners and veterans groups were targeted for information sessions and study tours. (24).

As I have already pointed out, JW's project in Orange Farm was broadly seen as a success. In fact, so keen was JW to show off the pilot project in Stretford Extension 4 that it approached a number of "publications and television productions" in the hope that it could be "showcased as a success story" (2003-11-18). However, for residents in Phiri, the pilot in Orange Farm was made to represent a living example of the virtues of prepaid meters and JW's wider intervention under the name 'OGA'.

One of the interventions undertaken as part of JW's ISD were 'study tours to prepayment projects', the main being Stretford Extension 4[389]. Study tours were effectively guided tours of Stretford Extension 4 where, along with packed lunches and JW paraphernalia, residents received

information on the project and an opportunity to speak with select residents. From early on, the OGA reports speak about targeting these study tours at "members of the opposition" (2003-11-18). It seems, however, that there also became an opportunity for attempting to co-opt 'members of the opposition' by offering them jobs as community facilitators. In late 2003, for instance, the project reports comment on a study tour held on the 19th of September, noting that it included "members of the APF" who are said to have "come back converted and convinced about the merits of the project". It then goes on to note that "[s]ome of them have subsequently become employed as our community facilitators". The strategy of muting resistance by coopting it was an explicit one, and the same report noted earlier that "the strategy adopted in the recruitment [of community facilitators] has been to include facilitators from opposition groups and this has proven to be very successful". Later, in its 'way forward' section, it also lists "targeting of key individuals from adversarial groups and persuasion of the same regarding the benefit of the project resulting in a win-win situation for both consumer and council".

While JW attempted to recruit people who were opposed to OGA (since in Phiri in 2003 such people were not hard to find), seen from the perspective of the APF and the PCR, they counted only one serious campaign activist as having gone over to the other side. In fact, where JW initially celebrated the success of such study tours vis. a vis. 'members of the opposition', in early 2004 they note that a study tour involving members of the PCR "yielded mixed reactions from the group who were initially only interested in confirming their negative impression" (2004-10-20). This statement should be put into the context of a campaign that in late 2003-early 2004 had become more formalised, and thus organised.

Resistance couldn't always be co-opted. Nonetheless, the resistance in Phiri found it difficult, at all levels, to match JW's resources. By August 2004 OGA was employing some 350 community facilitators, part of whose work was going door-to-door promoting the project and attempting to get residents to sign service agreements, or rather, 'to solicit buy-in'.

Still, in these early months of OGA, the campaign against prepaid looked to be gaining momentum, at times outdoing JW's. But, one of the consequences of the upsurge in the campaign against OGA was both to intensify JW's social and marketing campaign and to make JW far more security-centric in its engagements with the community of Phiri. And, in fact, where at one end JW's ISD programme blurred into its more properly marketing campaign, at the other, this programme began to overlap with an emphasis on practical security. This is perhaps

the sense in which we should read the entry in the OGA reports that JW was "planning to contract the local security firm based in Phiri so that more intelligence about the activities that are being planned against JW is counteracted more swiftly" (2003-11-18). The euphemistic language aside, what is being referred to here is the possibility of contracting members of the community of Phiri to spy on the campaign. It is at these points that JW's attempts at securing 'buy-in' shifts from non-coercive means to overt violence.

6.1.6. Coalitions and Refusals

JW's responses to resistance were always deeply strategic.

From the start, OGA drew upon the political framework and authority of the local state. Initially, this took the form of engagements with the ward committee structures and interactions with local councillors. However, when the first wave of resistance struck in Phiri, it became clear that these structures were insufficient for manufacturing consent for the project.

As we saw, one of JW's responses to this was to step up its media and ISD programmes. At the other side of its response, however, was the mobilisation of violence.

The forms of resistance that defined the first phase of the campaign against OGA meant that progress in upgrading the system and installing prepaid meters came to depend on the presence of a large contingent of security personnel. At the height of the campaign in Phiri, on a daily basis the services of the metro police, the SAPS, as well as private security were involved in protecting JW infrastructure. During the week, no less than 20 vehicles and over 50 personnel patrolled Phiri in order to maintain the necessary level of 'order' to secure progress on the project, albeit at a pace far slower than initially planned. The interdict that it was granted and the fact that the last respondent was so vaguely named, and what constituted "interfering" left up to JW, effectively gave JW the discretion to treat as illegal all forms of protests near its work site.

If there truly is a threshold at which a clash of force relations can no longer be transcribed as politics, but only as war[390], in Phiri, it was as if it was passed at the very start.

Many people were arrested and charged with contravention of the terms of the interdict in Phiri alone. JW also attempted to bring a range of other charges against members of the APF (that

ranged from incitement to malicious injury to property). After the withdrawal of several of these cases for lack of evidence (and what was interpreted as a lack of will on the part of the prosecutor's office in prosecuting these cases), JW initiated meetings with the control prosecutor. As a project report for January 2004 shows, a close relationship developed between JW and prosecutor's office:

> Meetings with the control prosecutor are held on a regular basis as an indication of JW's strong interest [in] the matter. In terms of these meetings, the following has been agreed to
> -No case would be withdrawn without first notifying JW
> -All cases that have already been withdrawn would be given back to the control prosecutor upon which a decision will be made on whether to reinstate the cases after taking into account the reasons that led to the withdrawal
> -All the cases will now be put under one control prosecutor to enable ease of monitoring cases.

An early progress report on OGA also details the initiation of "a meeting between the ward councillor, the sheriff of the court, the private security company, the main contractor and the local subcontractors to iron out the way forward regarding the problem of intimidation, work stoppage and vandalism of pipes, and a collective plan was agreed upon" (JW 2003: 6).

One of the important interventions that followed the entry of the APF into the story was the formation of the Coalition against Water Privatisation (CAWP), which was established soon after the first wave of resistance emerged in Phiri. Explicitly spoken about then by APF activists as a soft front to build support for the campaign within civil society, the coalition was a way of reaching out to those formations who might have felt compromised by the tactics of APF campaigns. It should also be said that virtually from the start, the campaign contemplated the possibility of a constitutional challenge to the usage of prepaid meters. In this respect, an earlier UK judgement prohibiting prepaid meters as a violation of a right to administrative justice, was already mentioned in early statements of the campaign. The coalition was thus also conceived as a potential vehicle for a legal challenge along these lines.

Counting up the fronts, then, which were opened as a consequence of the Soweto water war, there were: first, a physical front, constituted in the places in which 'the forces of the campaign

confronted those of the project'; second, there was a front being constituted within the criminal justice system, at the level of the Soweto courts, testing both the competence of the campaign's legal resources and the depth of its legal fund; third, there was a front opened at the level of civil society and mainstream public opinion; fourth, within the coalition there was also emerging the possibility of taking on OGA at the level of the constitution; finally, there was a battle unfolding at the level of the broader community in relation the willingness of ordinary residents to accept OGA and prepaid meters in spite of whatever difficulties it brought, or to resist regardless of the consequences.

In spite of all of JW's efforts, many people refused to sign service agreements that gave consent to the installation of the meters or to allow JW workers onto their properties. Initially, JW explained these refusals as an effect of intimidation of residents by campaign activists. Early on, a message began to emerge that those who did not sign on would eventually be disconnected from water. In reports from January 2004, JW also began to speak of the possibility of having to include a lower level of service for those it failed to persuade, specifically a standpipe with a flow restrictor at the front of the property. A progress report presented to Council in 2004 gives the outcome of the legal opinion that was sought on this issue:

> A legal opinion on this issue found that JW could alter the type of service to customers, provided that access to free basic water continued to be provided. It is further recommended that JW notify such customers in writing and give them the opportunity to represent themselves before a JW panel within seven (7) calendar days of issuing the notice.

Many people were still unwilling to accept either option, a prepaid meter or a downgrade of service in the form of a standpipe. It is difficult to give the exact number of those who refused to sign service agreements because it shifted over the course of the project in Phiri. Nevertheless, it was the implications of continued refusal that convinced most to sign on. In a progress report from March 2004, after noting that a number of customers were refusing both the meter option and the standpipe option, JW states that if "they continue to deny access to their properties they will be left without a connection as the old system will be decommissioned in mid-March".

In 2004, in APF meetings there were reports of some 27 people who initially sustained their refusal of the meters right up to having to confront the reality of being without any connection to water.

Some households, in fact, continued to refuse to sign service options and were forced to collect water in other neighbourhoods and from neighbours. The APF also transported water to these households. At the end of winter 2004, an OGA progress report notes that six households in Block B and fifteen in Block C continued refusing both options JW presented. In Block A, which JW came to refer to as "the stronghold of adversarial groups" (JW quoted in CALS October 2005: 17), 303 households were refusing. Of the six Block B residents, who at this point had already been cut-off and had remained steadfast in their resolve, the report notes that they were "still without a water connection. They continue to obtain water from the neighbouring blocks and from the yard standpipe at the local council administration office." (ibid).

A few days after the system was decommissioned and households cut off, one of the affected residents approached the Human Rights Commission (SAHRC), lodging a formal complaint that his right to water in terms of Section 27 of the Bill of Rights, was being violated[391]. In the mediation initiated by the SAHRC between the resident, a Mr Biya, and JW, the latter argued that:

> Mr Biya's water supply was decommissioned because the old mid-block secondary water supply system, which he had still been connected to, was no longer in use. [JW] had by that stage completed the house connections to the new water supply system from the road. The old system was connected at the rear of the house and this made maintenance of the old and faulty pipes complicated, especially so if the residents had built structures above them. (SAHRC 2004: 3).

The commission concluded that they were "satisfied that the complainant's Section 27 right to have sufficient access to water was not being unreasonably limited by the respondent's implementation of project Gcin' amanzi" (ibid: 4).

In 2004, already with an eye to a later challenge testing the constitutionality of prepaid meters, the APF organised a protest against OGA at the opening of the Constitutional Court where

President Mbeki was scheduled to speak. Ironically, but not surprisingly, state agencies went to great lengths to ensure that this protest did not go ahead. Leaving little doubt that authorities were gathering intelligence on the activities of the APF, on the morning of the protest APF buses were prevented from leaving various townships while activists who had made it into the city were arrested before they could get to the Constitutional Court. Quite literally, anyone wearing a red t-shirt in the vicinity of the court was arrested. The would-be protesters were held long enough to ensure that the court's opening celebration went ahead without a hitch. Later, when the large group showed up for their first court appearance, the charges were dropped.

Although this is one of many examples of the ways in which a constitutional right to protest is curtailed in order to avoid inconvenient protest, the irony is that this inconvenient protest was curtailed in order to ensure the smooth running of the celebrations of the constitution. In its press statements following the arrests, the APF got good mileage from this fact.

One of the lines of attack that was being contemplated in the legal strategy emerging from the CAWP was testing the SAHRC's conclusion that the rights of Sowetans were not being unreasonably curtailed by taking JW to court for its disconnection of residents who refused to sign service agreements. If it had not always been successful in broadening the campaign beyond APF affiliates, the coalition did manage to mobilise significant legal resources. Already in January 2004, it began circulating a legal opinion written by a US-based constitutional law expert on the constitutional implications of PPWMs and possible lines of legal attack. Along with FXI's legal support, the coalition also managed to enlist the services of the law firm, Nicholls Cambanis and Associates. Later, the emerging team was bolstered by the support of the Centre for Applied Legal Studies (CALS), largely due to a researcher by the name of Jackie Dugard who had recently joined the outfit.

Although there was interest in testing the constitutionality of PPWMs more generally, the decision was taken to focus the first engagements with JW on the legal question surrounding the group of residents cut off for refusing to sign service agreements. In the preparation of 'the case against JW', a number of problems were highlighted in relation to the ways in which the cut-offs had been effected. Firstly, there was a question mark over whether all residents were informed of an alternative to prepaid in the form of a standpipe. The memorandum prepared after Caroline Nicholls's visit to Phiri for instance, underlines the question of 'choice':

> I interviewed Rosa Elizabeth Ndlovu at 70 B Phiri who had had a prepaid meter installed since in about January this year. She also talked about the 2 young ladies who came and told her that these meters were going to be installed. She claims that the two young women did not inform her that she had the choice of having a standpipe but when the workers came to dig up the pipes and to install the meter, they did inform her that if she did not want the meter she could have a standpipe in the yard. (July 2004)

More telling, however, is the account Nicholls collected of a household that had initially been cut off for refusing PPWMs. In the account, the resident claimed that she was approached by "two young girls of JW" (likely to have been JW 'community facilitators'), who informed her that the utility would be changing pipes and installing meters. They also told her that "if she refused to have a PPWM, her water would be cut off'. When they continued to resist, the household was indeed cut-off and remained between two and three months without any water. They eventually gave in, agreeing to have a standpipe installed. After just one month, however, of having to live with the standpipe (which restricted the flow of water), the family applied to have a prepaid meter.

That same month, in fact, the CAWP and the newly constituted research subcommittee of the APF brought out a report on the project detailing, by way of survey results, JW's lack of consultation of the community. After noting that 78% of respondents to the survey "expressly indicated that they had been threatened with cut-offs if they did not accept the installation of prepaid meters", the report says:

> Contrary to Johannesburg Water's claims that 98% of residents of Phiri have signed onto the prepaid water system, our research has shown that the initial resistance by residents in Block 1 [or Block A], Phiri, where the prepaid meters were first introduced, was indeed successful – Johannesburg Water moved out of Block 1 and the prepaid meters were not installed. Residents of Block 1 continue to pay a flat rate for water. However, Johannesburg Water moved onto Block 2 [or Block B], where it adopted a different strategy in approaching residents to sign onto the prepaid system. Individual households were visited by Johannesburg Water officials and 'convinced' to sign on. While Johannesburg Water can now claim that 98% of Block 2 have accepted the system, there were initially 27 households in Block 2 refusing to be signed on. They

> were denied access to any water by JW. Over time, the pressures of living without water became unbearable for most of the resisting households, and today there are just four remaining households resisting being signed onto the prepaid system. These households are without access to a regular and reliable supply of water. They are currently being assisted by neighbours and the APF to pay for transportation of water from other areas of Soweto into Phiri, Block 2. (CAWP July 2004: 19).

We should emphasise firstly that Block B's experience of cut-offs, which gave clear demonstration of JW's will to any would-be refusal, helped secure buy-in in the remaining blocks in Phiri as well and, as we will see, in Soweto as a whole. And secondly, JW's project assumed a flexibility that was responsive to the changing contours of resistance and devised strategies for getting around it.

Within the campaign, there was still the belief in July 2004 that the resistance on the ground might well be sufficient to halt OGA and PPWMs. And at the level of its emerging legal strategy, a constitutional challenge to OGA was more than a real possibility. On both these fronts, however, the hopes of the campaign were thwarted. On the one hand, in spite of significant resistance when OGA finally returned to Block A, as had been the case in Block B, people eventually gave in, and took up one of the options JW was presenting. By January 2005, OGA project reports announced the Phiri prototype project was complete. At the time some ten residents had still not signed service agreements (CALS October 2005: 20). On the legal front, the team that was pulled together was unraveling. Although JW was served with papers in August of 2004, soon after both Nicholls Cambanis and Associates, as well as CALS, decided to pull out of the case. The departure of Nicolls Cambanis and Associates was amicable. It happened in the context of a widening legal team with CALS coming on board and Wim Trengove showing interest in representing the Phiri residents[392]. The departure of CALS was more fractious. At the time, the head of the department in CALS overseeing the Phiri case was Theunis Roux, who, it seemed clear to me, had real reservations about working with the APF. After a heated exchange between Dale McKinley and Roux, the latter refused to work any longer with the APF. CALS subsequently convened a meeting in Phiri and explained to residents that if they wanted the legal assistance of CALS, they would need to dump the APF. When the meeting unanimously affirmed the PCR's belonging to the APF, Roux pulled the support of CALS, leaving the case that had just been launched in limbo.

Importantly, it is also around the same time that JW discovers a household which had bypassed the meter in Block B, marking out a new axis of development of resistance to OGA and PPWMs in Soweto.

6.1.7. The methodology for 'buy in' and the tactic of reconnection

In March 2004, the same month it decommissioned the mid-block mains in Block B, cutting off the first group of residents who had refused to sign service agreements, Lucky Sindane wrote that "more than 90% of residents in Phiri support the installation of prepaid water meters". In fact, whatever unhappiness residents might have initially felt, is now said to have, mostly, disappeared.

> Initially, says JW, the pilot project in Phiri was greeted with skepticism, with public information meetings being disrupted and repair work being vandalized. Workers on the construction sites were threatened and water trucks were prevented from entering the area. […] This has now changed. During a recent media briefing JW representatives said, "Almost all residents in Phiri have signed up for the installation of the meters and have entered into a service delivery contract with JW". This came about as a result of "ongoing consultation with residents". … So far 300 meters have been installed, said JW spokesperson Jameel Chand. "We installed 300 prepaid meters in the first of the three blocks currently being upgraded and only four houses didn't want them," he added. (Sindane 2004).

A progress report presented to Council in May says that the installation of meters has "demystif[ied]" them, and boasts that there is now "a greater acceptance and understanding for the project" (CALS October 2005: 15). As the year progressed, JW also began to report on the massive savings and reductions in consumption within the Phiri network. The progress report presented in October 2004, for instance, notes that "average bulk purchase per stand is about 14 kl/month, having decreased from the original consumption of 55kl/month before any interventions. This represents a reduction of 41kl/month/stand for Block B" (CALS October 2005: 17). By November the project reports contained a new section: 'Reductions in Water Losses', which were sustained throughout JW's roll-out of OGA.

As should be clear, when looked at from the other end, JW's public discourse of community support for OGA can only be read as cynical. But, on its own terms, the Phiri prototype was indeed a resounding success even if it was seriouslyy delayed, forced to go over budget, and invited negative publicity of JW's brand (both in local media and internationally). It was a success, not in the sense of a popular project, but in providing a model (or even diagram) for extending an unpopular project throughout Soweto. For JW, Phiri represented a learning phase, both for how it should approach the installation of the technical infrastructure for the delivery of water in Soweto, as well as, how to respond to the 'social' and 'political' challenges presented by the Soweto context. This is not to say that nothing changed after this point or that everything ran smoothly from then on. JW continued to learn, to develop the capacity for implementing OGA in the very processes through which it rolled out the initiative. The Phiri prototype, then, provided the initial model that served as a reference point in this continued development.

A good example to illustrate the outcomes of such learning is a literary one coming out of the media JW developed for engaging the community. As I have pointed out, during the Phiri phase, it developed separate informational flyers on prepaid meters, good water use practices and the project as a whole. By the time it was well into rolling the project out throughout Soweto, it had consolidated and improved on this material, bringing out a comprehensive 18 page booklet. The booklet was, in fact, a succinct outline of the project that addressed many commonly asked questions (also responding to various critiques made by those opposed prepaid) and at the same time serving as a user manual for prepaid meters (JW n.d.)[393].

In its progress report for March 2004, as it is contemplating the logistics of beginning to roll OGA out in Super Blocks 1, 2 and 3, JW notes that "preparatory meetings have already been held with councillors and ward committee members to agree on a methodology in facilitating community buy-in". As had been the case in Phiri, OGA (in its 'super-block phase') begins with meetings with local government officials, specifically councillors, in opening up lines of communication that will form the basis for its later engagements with the community. What is interesting about this quotation is that it explicitly speaks about 'a methodology' for obtaining buy-in, that is, a rationalised set of practices that are a means towards a particular end. What I try and show is how such developed in the progress of the project, from prototype to super block phase.

In fact, the most profound way in which the Phiri prototype helped shape the roll-out of the project through the super block phases (which began in 2004) was in relation to the problem of buy-in, and JW's strategies for 'working around' – rather than eradicating - resistance. The components of its ISD programme were thus rationalised and redeployed, as were forms of engagement, modes of argument, etc. Recruitment of community facilitators, the targeting of resistance, door-to-door visits, mobilisation of local media, interventions at the level of local schools, water festivals, street theater, car wash competitions – as mechanisms developed and tested in the Phiri prototype - became permanent and more formalised aspects of OGA's broad engagement with the community: aspects of 'a methodology for obtaining buy-in'.

It was, however, not only with respect to soft mechanisms that the learning of the prototype phase shaped the form of later strategies. This is also particularly apparent in relation to security measures. Within the prototype phase of the project, JW established relations with the prosecutor's office, the police, private security firms, and so on. These served it well in the later phases of the project, as well as the framework that emerged in Phiri for ensuring installation of meters. For instance, as we saw in Phiri, vandalism, as well as physically blocking JW's workers from proceeding with the installation of infrastructure, were tactics that the campaign initially employed. A progress report from March 2004 outlines the approach for 'getting around' resistance at JW's work sites:

> The streets where meters are installed are cordoned off by the police. Only residents and officials are allowed to enter the streets. This has proved to be highly effective.

There are two things that we can note immediately about this response. On the one hand, it depends on a number of different elements and a co-ordination between them within a mobile ad hoc apparatus. At the very least, it means bringing together the police with JW's security detail and operational staff, and co-ordinating their activities. It, however, must also make recourse to a particular juridical mechanism in the form of an interdict with the implication of a 50 m perimeter order. On the other hand, it implies a derritorialisation of the elements of this mobile apparatus for they must be reconstituted as part of a new ad hoc institutional arrangement. The apparatus both assumes the competencies and forms of authority of the elements that constitute it, and also extends them as they are redeployed to the specific end of installing the meters.

Elsewhere, I have written about the ways in which, at a very local level, there often emerge forms of partnership between sections of the local state, the criminal justice system and formally private interests, a kind of extra-juridical assemblage. Blocking off roads, preventing residents from freely moving around their neighbourhood, the development of extraordinary lines of communication and command between project officials and police, do not simply reflect the interdict, or even the legal order more generally, but extend it to give this mobile apparatus a extra-legal authority.

The mobile apparatus that emerges in the context of OGA (as that assemblage that works to install particular security mechanisms and affect a profound transformation in the milieu to which human life is bound), is different from the one it is attempting to establish (see also *Chapter 5*). This mobile apparatus is more along the lines of the war machines we find in Achille Mbembe's work (borrowing, of course, from Deleuze and Guattari's (2002) characterisation) - that is, an ad hoc, and strategically defined, institutional form for exercising authority that takes on the competency to make sovereign decision.

The extra-legal legality of this apparatus, is aptly highlighted in how cut-offs become the final stage of JW's methodology for securing buy-in. As we saw, what emerged from Phiri was the experience of securing buy-in for the project on the threat of being cut off if both JW's options were refused. As the project moved beyond Phiri, it developed specific tables for representing refusals and giving an account of where people were in the process. Although JW changed the form of its cut off reporting table, making this thread more difficult to follow, the statistics for the months April to July (2005) clearly illustrate the ways in which cut-offs were now being self-consciously deployed as a means of securing buy-in, in the last instance.

Date	Super-block	Previous cut-offs	Total cut-offs	Reconnected to Los3	Reconnected to Los2	Continued
April 2005	SB1	0	0	0	0	0
	SB 2	51	51	49	0	2
	SB 3	40	404	5	5	30
Total		**91**	**91**	**54**	**5**	**32**
June 2005	SB 1	6	6	4	0	2
	SB 2	51	51	51	0	0
	SB 3	293	293	280	5	8
Total		**350**	**350**	**335**	**5**	**10**
July 2005	SB 1	6	6	5	0	1
	SB 2	51	51	51	0	0
	SB 3	492	501	427	53	21
	phiri				16	9
Total		**549**	**558**	**483**	**69**	**31**

Table 8 - Source of data: JW Project Reports

JW never ended refusals. It cancelled out their effects by developing a system for relating to them. In fact, as the project progresses, delays, as a consequence of resistance, are less common, with implementation teams going beyond their installation targets. A progress report for September 2005 (presented to Council in November) is telling for its illustration and characterisation of the kinds of resistance that now translate into delays. Reflecting on the progress in the first three super blocks, it notes that the intervention in Super Block 3 is complete while Super Block 1 is running ahead of schedule, boasting an installation rate of 159% per month. Super Block 2, however, was still experiencing problems:

> All efforts are being made by the Consortia to sustain the revised weekly/monthly targets. Constraints are, however, being experienced by various factors, including late refusals/reneging on initial signed agreements and locked gates. Councillors are being engaged to deal with these issues.

Not refusal per se, then, but late refusal, false acceptance, and dodging are what now present significant problems.

There is a massive jump in JW's reporting of refusals for the month of September. For instance, in the report covering the month of August, the table on refusals lists 0 continued 'refusals'. The narrative that follows it explains:

> 51 cut-offs have been executed to date and all 51 have been reconnected following the signing of agreements.

The following month, the OGA report now lists 1 926 continued refusals, with the narrative describing the case as follows:

> 51 cut-offs have been executed to date, and all 51 have been reconnected following the signing of service agreements. 1926 are still blatantly refusing.

Although it would be interesting to go through JW's reporting on cut-offs and refusals (which are filled with telling mistakes in 'the numbers'), my point is merely to show that cut-offs were made part of the normal unfolding of the project. In fact, by September 2006, JW's heuristic experimentation, and need to conform to legal process, had given expression to a systematised process for going from refusal to cut off.

> Before cut-offs are effected, the stands that have not yet signed for the installation of meters, are visited up to three times and the following options offered to them:
> 1. Level of Service (LOS) 3 option for full service with a freepay meter.
> 2. LOS 2 option for a standpipe with a constrictor device, and a conventional meter for monitoring and record purposes only.
> A maximum of three notices are issued giving ample time during which the customers have to choose, and only finally is the default level of service (LOS 2) installed. In the event that no access to property is provided; once again a maximum of three notices

> are left at the property requesting the owner to avail access at certain times such as on weekends. If this fails as well, only then is a cut off implemented as a last measure. (September 2005: 2.5).

The decision to install standpipes by default again came about from JW's attempts at getting around resistance. A progress report for the month June to July 2005, shows how it emerged in the context of the cut-offs that were being effected in Super Block 3.

> The cut off operations that commenced on 27 June 2005 in Super Block 3 met stiff resistance from a pocket of APF stronghold residents. Assistance was sought by the project team from JMPD and SAPS and the resistance is being managed effectively. This APF stronghold represents committed refusals to the prepayment meters consequently a strategy has been adopted of installing standpipes as a default level of service at every stand that had refused to sign on, and affecting a cut off to the on property plumbing.

At the time of the report, 87 standpipes had been installed in this area with another 400 to go. The report, however, notes that "the APF has proceeded to dismantle the newly installed standpipes. Some arrests have been made and prosecutions are expected to follow".

Even without this default option, however, which merely worked to save time (as had been the case in Phiri), all those refusing would eventually sign on to the system whether merely on the threat of a cut off or after it had occurred.

What is not easy to decipher in these tables or JW's accounts of cut-offs, are the strategic shifts that are occurring during this period in resistance to OGA, and which are, in one way or another, reflected in 'the number of refusals'.

When, in 2006, I interviewed two residents who were among those who had initially refused to sign service delivery agreements in Phiri, they had by then all signed on. In both cases, they eventually opted for standpipes, but which they soon bypassed, reconnecting the household. It is interesting to note that for these early pioneers, their reconnections were illegally done for a small fee by moonlighting JW workers. By 2006, however, the SECC had also learnt to bypass both PPWMs and the standpipes.

As a CAWP focus group discovered when bypassing was explained, however, the strategic questions related to the practice are correlated with a set of technical questions:

> A pipe connects one side, goes round the meter and connects on the other side. The meter is just like a picture. The other method is to use a 10c coin, and you remove something in the meter – something that says Conlog- but with this method you take the chance of being exposed, like the woman who was discovered bypassing in this way. The other way of bypassing isn't obvious because the meter doesn't show that there's something wrong. (CAWP focus group July 2006).

When I conducted research in Soweto in September and October 2006, one of the major strategic questions that the SECC was still wrestling with was what their orientation should be to signing service agreements and doing reconnections. Should residents sign on without refusing either of the options, and then simply reconnect, or should they make a show of their dissatisfaction, to the end? And, then too, when they reconnect should the meter be removed completely or allowed to stand lest it invite attention from authority?

These were not trivial questions as they went to the heart of what underpinned the APF's politicisation of the act of reconnection, that is, ensuring and maintaining its public character. In the end, these questions were not so much resolved as deferred to individual circumstance. All the same, it was on this axis that resistance was now developing. Not surprising, JW was developing the capacity for policing this new threat to the project. Along with making use of its

potential for better surveillance across the network, JW workers also went around physically inspecting meters. Significantly, a unit of the JMPD was also seconded to JW.

The context of the latter development is interesting. In the September 2005 progress report, JW noted that a number of PPWMs, which had been removed, were found in Phiri. Then, after remarking on the fact that a number of APF members were "arrested as a result of vandalism of a standpipe" (code for illegally reconnecting the household fixtures), it explains the decision to bring on board the JMPD.

> In an attempt to be more effective in the prosecution of offenders, a JMPD unit has been seconded to OGA project. The unit is currently being trained regarding meter enforcement of water by-laws, and given induction and briefing on the Project, to enable them to understand the bigger picture, and also their role regarding the enforcement and circumstances under which arrests should be made are also highlighted. Site visits are being undertaken weekly, to illustrate various types of by-law offences in this regard.
>
> The training is scheduled to be completed by mid-October 2005. Enforcement of the water bylaws is set to commence early October 2005.

It's Monday, the 18th of September 2006. It's about half past eleven when we arrive in Dlamini.

There is already a small crowd of people standing outside the house. I'm introduced to Susan. She's the owner. She refused a prepaid meter, so JW installed a standpipe in front of her yard. She opens the tap and fills some water in a bucket. When she is done, Thomas, who is wearing an SECC T-shirt, begins work.

He starts by digging up the earth around the standpipe until he finds the pipe leading to the secondary mains. Another SECC member comes to help. The tools are all improvised - what is close at hand, what just works. Others stand around offering advice – this is very much a collective endeavour. Once the standpipe is disconnected, they will need to reconnect the water to the household's network (leading to the backyard tap and outside toilet).

There's a problem, I'm told. They need a pipe to do the bridge. An elderly man on an ancient bicycle fitted out with a carrier box in front, arrives. There is a pipe in his box, but it doesn't appear to fit. Another old man arrives with a second pipe. It's plastic. This one does.

Everything is being done in the open. It is an intensely public event. People walking past stop to watch and chat before getting back on their way. Jabu[394] suggests that while the reconnection proceeds, they should mobilise people 'to conscientise them', but there is not much interest. A gogo with a baby tied to her back turns to me and smiles. She seems to be just enjoying the spring sun.

I look into the trench and ask Thomas how it's going. 'There's still a leak,' he says. I nod as if to offer my agreement. Others begin making suggestions on how to fix the problem. It occurs to me that it might be some time before everything is done. I ask one of the onlookers what will happen if the cops arrive, and Jabu translates. The man laughs, and responds that he will just tell the cops that they want water. I am not sure I believe him.

The turn in the discussion from leaks to politics happens quickly. I'm handed a bunch of papers I don't understand, and am told by a resident that he does not need a prepaid meter. Someone else gives me an SECC pamphlet and excitedly explains, 'This is why we're doing it'.

Thanks to plumber's tape, the leak is fixed, and for the final part of the process the original standpipe is fetched and reattached. When they are done, apart from the looseness of the soil around the pipe, there is almost no evidence of a reconnection.

6.2. From Warfare to Lawfare

6.2.1. Signs of defeat

A particularly important experience on the side of resistance to prepaid meters was that of the APF research subcommittee. Initiated in 2003, and with funds made available through the CAWP, the research subcommittee set out to empirically show JW's lack of consultation and both the community of Orange Farm and Phiri's overall perceptions of the project. Although, in the main, constituted by APF members from township affiliates, it also included middle class activists, many of whom had formal experience in undertaking survey based research.

The reports produced by the committee proved to be politically important. The Orange Farm survey showed that the vast majority of the community felt deceived by how the meters were introduced. In Phiri, where meter installation had not begun, the results of the survey illustrated both the fears of residents for what prepaid would mean for their access to water and the overwhelming dissatisfaction with JW's decision to install PPWMs in the area. While these studies were not without limitations, their real importance was both in the information that they brought to the campaign, and that community activists were able to play an active role in the generation of knowledge about their lives and struggles. The research subcommittee was very much also a product of what I have called the confidence and optimism that characterised this period in the APF's history. Affiliates from all across Gauteng participated in the modestly funded research process. The committee also drew on the experience and knowledge of established researchers (like Prishani Naidoo, Maj Fiil-Flynn, Greg Ruiters, and so on). For the APF, it was now publishing its own knowledge about the communities in which it worked and which were being put to explicit political use. At the level of the campaign in Phiri, it was proof of the growing political resources of the campaign against PPWMs, at a time when militants still believed that they might win.

Much changed over the course of the next two to three years. Within the APF, a new factionalism emerged which began to divide both office bearers and affiliates. These contests came to a head in a 2006 AGM in which the faction associated with Trevor Ngwane and Rob Rees's Socialist Group (SG) were displaced by the faction seen to led by Appolis and McKinley. At both ends, however, a much more diverse grouping of political forces was taking shape. The change of leadership that was the outcome of the AGM only worsened tensions, with the losing faction assuming the role of a bitter opposition within co-ordinating committee meetings, constantly working to call into question the decisions of the new office bearers. Within the research subcommittee, which had in its own way been drawn into the contest unfolding in the APF, other problems were also becoming apparent. In the committee, there were emerging contests over access to organisational resources, something becoming increasingly common within the APF more generally. The campaign in Phiri had both grown more diverse and more stagnant. On the one hand, Phiri and those resisting OGA, were known, they had won sympathisers, mobilised a tremendous amount of resources, and seriously put into question both OGA and prepaid meters within post-apartheid publics. On the other, it seemed to me that in spite of all of this, the campaign was unsure of what way it ought to go. A set of tensions between the PCR and the SECC was also becoming more pronounced.

The results of the 2006 APF research subcommittee's follow up survey in Phiri reinforced a growing sense of malaise, painting a picture of a resistance that had gone 'underground' and had become individualised at the level of the household. Examining the findings, it was as if conducts centred on conservation, careful budgeting, and individual responsibility had made real inroads as a consequence of OGA. The results suggested that individuals and households were beginning to accept the prepaid water system and were adopting new water usage regimes[395]. While it continued to show levels of dissatisfaction amongst residents about the prepaid water system, it also suggested that people came to accept it, and were learning to live with it[396].

My intention is not to discuss the results of the APF research subcommittee survey. Indeed, there have been a number of different surveys done in Phiri, from JW's 'customer satisfaction' surveys to those conducted by researchers and students. Generally, they reinforce a picture of a community forced to shift its water usage practices in light of prepaid meters. They also illustrated that a significant portion of the community was being forced to live on the 6 kl lifeline and that the new system placed new burdens on women's labour in the household.

What is more interesting for me, was the fact that as the prepaid system took root, levels of collective resistance and mobilisation eventually diminished. Of course, it required as well the criminalisation of resistance, its co-option, suppression and eventually its 'cutting off'.

But, there were perhaps other forces at play as well. As I have already pointed out, in the face of persistent resistance to the prepaid system, the Jhb City Council introduced a new strategy for getting people to sign onto the prepaid system (for both water and electricity). In May 2005, the City introduced the Municipal Services Subsidy Scheme (MSSS), allowing households earning below a certain income to have their debts erased in exchange for signing binding agreements to pay for future services and to sign onto prepaid systems of delivery for water and electricity. Although this initial debt write off provided slim enticement, Johannesburg's indigent management strategy became an important point of support to the roll-out of prepaid meters (see *Chapter 4*).

After the departure of Theunis Roux, CALS also offered to restart the process towards a constitutional challenge of OGA. The case focused specifically on Phiri, and many of the PCR'skey activists were drawn into the civil society mobilisations taking shape around the case.

This shift marked a change in the orientation of the PCR that shaped the forms and emphasis of resistance.

In 2006, I was drifting away from active involvement in the APF. I no longer had any formal positions or responsibilities. My attendance at co-ordinating committee meetings was also becoming more infrequent. Although I agreed with much of the critique being made of the group around 'The Socialist Group', and the divisive role that it was seen to be playing within the APF, the factionalist form in which this contest began to be played out, irritated me.

All of this clarified in March 2006, at the AGM that installed a new set of office bearers. I'd come on the first day. A lot of caucusing was going on, and discussions seemed somewhat staged, perhaps with elections in mind. Normally I would have been in my element, but in 2006 the contest simply alienated me. My inclination would have been to go with the group being convened by Appolis, McKinley, Mokolo and others. This is, in fact, where those I had worked closest with were throwing their support. But, it seemed to me just messy business, specifically in relation to the alliances that were being struck up. The minutes that are left behind suggest that voting for almost all positions unfolded in blocks (APF 24/03/2006).

My retreat from active participation in the APF was into "my research". At the time, this meant thinking about, and developing an approach to, the study of life strategies and the ways in which these expressed a resistance to various biopolitical mechanisms and processes.

6.2.2. The everyday

I arrive at 10h30. It means I am already late. So is Pat, who is only now setting up his spaza at the front of the house. Just small items. Potato chips, packaged popcorn, loose cigarettes… the same wares on sale on every second corner. Once he's put the table out, he begins hanging a sail over it. I try to help, but only cause more labour. 'It needs to be higher at the front so that the rain can run off the back', he informs me. I decided it would probably be better not to help.

I promised to cook today, and am starting to regret it. There is a lot to do.

First, I need to draw money. The First National Bank (FNB) ATM in Phiri, I discover, is not working. The second nearest one is in Senaoane in the Score supermarket. There are two ATMs.

Standard Bank's isn't working. ABSA's is working, but there is a long queue beginning in Score and snaking around the corner. I count 30 people at least. We end up in Tshiawelo and I'm finally able to draw from a Nedbank. We buy groceries back in Phiri. I spend R87 in the supermarket and another R9 for vegetables that I buy on the street.

When we arrive back at the house, Pat is still erecting his shop. He has now closed off the sides as well. Ironically, today of all days, there is no water. Apparently the entire block is out. I am told, there was no warning. Apparently it might come back soon, but then again it might not. It occurs to me that with not much water, let alone hot water (not even to mention a microwave), the frozen chicken will take forever to defrost.

The house is run-down and the backyard is a museum of broken appliances. Jeff earns cash as a repairman, and I assume this is where all the junk came from. Back in the kitchen, I realise that I've got nothing to work with. I'm grateful I brought my own pot. There are two stoves. The first is an ancient coal-stove that is no longer used. The other is an old hot-plate. Only one hot plate works but its heat control doesn't. The only cutlery I find in the drawer is a blunt kitchen knife, a spoon and a single fork.

While I begin cooking, I chat with Dinai. She's 22 years old, has a baby, and looks after her brother. We settle on a plan for me to do a proper interview later in the week.

I have to use one of the household's pots. It needs to be washed. This is a real pain. There is no tap inside (and even if there was, the water was still out), just a basin which drained into a bucket underneath it. Cleaning the pot means first taking out the bucket to empty it, then doing my best to wash the pot with the water Jabu and I had collected earlier – being careful not to use too much lest I don't have enough for cooking. I notice that one of the buckets the family uses comes from JW.

The chicken is barely defrosted. I decide it would be better to start with the rice. I always struggle with rice. Without heat control, this is going to be especially challenging. As my conversation with Dinai becomes more prying, I find out that the family does not normally cook together. There are what are, effectively, a number of smaller, more nuclear, units like that that Dinai shares with her one year old child and brother. By the time I finally get the chicken onto the stove, it is already 13h30. It's taken me close to two hours to get to this point. Something I

would ordinarily have done in under twenty minutes. Mostly, it's because of a lack of water and heat.

I am grateful I didn't forget to bring the pot's lid, which helps the process along. Now, we wait. I ask Dinai about the outages. She tells me that they've been happening three or four times a month, but the water usually comes back on before the end of the day. It's got something to do with the project. I use the opportunity to ask her about 'how household relations have been affected by PPWMs'. She explains that there have been far more fights. I pry more, asking about fractured household relations, and she explains to me some of the challenges of living in such a large household. "Each one for himself", is what stuck from what she said. I scribbled it down in the book I was using for my cooking research experiment.

At 14h45, the food is still not ready. The gang of kids who live in the house are beginning to arrive. I'm feeling very frustrated waiting for the water to cook out. I feel like cursing the stove, but restrain myself. It won't be polite and the house is already busy. Since morning, a steady stream of people has been moving in and out of the house. When it starts raining, I think of Pat outside in his improvised spaza shop tent. I decide I'm ready to serve. Both the chicken curry and the rice are a little watery. The experiment feels like a failure.

In a recent essay, Michael Hardt argued that the question of neoliberalism should be approached not only from the perspective of the "battle" between public and private property, but also that between private property and the common.

> Here it is useful to distinguish between two types of the common, both of which are the object of neoliberal strategies of capital. (And this can serve as an initial definition of 'the common'). On the one hand, the common names the earth and all the resources associated with it: the land, the forests, the water, the air, minerals and so forth. This is closely related to seventeenth century English usage of 'the commons' (with an 's'). On the other hand, the common also refers, as I've already said, to the results of human labour and creativity, such as ideas, language, affects and so forth. You might think of the former as 'the natural common' and the latter as the 'artificial' common, but really such divisions between natural and artificial quickly break down. In any case, neoliberalism has aimed to privatise both these forms of the common. (Hardt 2010: 136).

In his collaborative work with Toni Negri, *Commonwealth*, the common in the second sense is the basis of every form of community and social institution. It is also part of our relations with each other as that which we create in common. Sticking to the second sense of the common, it is not at all clear that all forms of the common are to be affirmed and politically strived towards. "[S]ome forms of the common increase our powers to think and act together, as Spinoza might say, and others decrease them. Beneficial forms are motors of generation, whereas detrimental forms spread corruption, blocking the networks of social interactions and reducing the powers of social production." (Hardt and Negri 2009: 120).

The common, and we should say, also its corruption is the thematic in the background of the stories I want to tell. But, I also want to point beyond Hardt and Negri's theorisation, where it seems as if the only reason neoliberal strategies take the common as their object is to privatise it. What I have tried to highlight in this thesis is the way such strategies often work to foreclose aspects of the (second) common.

Empirically, there is much that brings together the two households that are the subjects of this section. Both might, for instance, find their way into statistical representations of an underclass, given that no one in the household (or almost no one) is working. Both houses have exceptionally high occupancies, and all the residents are related to each other by familial ties. In both households the primary forms of income are social grants, in particular the child care grant. And, in both houses there are real bonds of love and mutual care.

But, scratch the surface and difference is all too apparent.

Our first house is in Phiri. On the property, there is a four-room main house and three shacks. Most days, Pat also sets up a spaza in the front. In all, there are fifteen people living on the property. Jeff is, for the most part, the patriarch of the household. But, there are, in fact, a number of intersecting domestic units (for instance, Dinai, her child and brother; Gina and her four children; Jeff and his wife; and so on). The household's forms of income are child grants, Pat's spaza, and what jobs Jeff finds fixing TVs and electrical appliances. One of the adult members of the household, Tuks, has started working. And a shack is rented out.

The second house is in White City. The main house is the strange looking divided structure that is typical for the area. There are also two shacks in the yard. In all, eleven people live on the property, seven in the main house and two in each of the shacks. Mpho is the matriarch of this tight knit family. The main (and most consistent) source of income the family receives are child support grants.

Jeff was born in Church Street, and from there he went to Sophiatown where his mother rented a room. Later, he came to Soweto, eventually settling in Phiri. He began working at a laundry in Bertrams and then later at Chapelat in Mayfair. He served two prison sentences, the first six years and the second ten (Interviewee 2, 10/2006).

Mpho was born in Soweto. Her family moved to White City and were initially renting before moving into the house which she's now living in. Her first fulltime job was working for Transvaal Clothing . What she's wearing "is from my own hands", she tells me. After the factory closed when its owner left the country in the 1980s, she did not find stable employment for a long time. But, "God is good", she says and explains that she finally found work at the municipality, where she worked for two years. They were calling her a 'volunteer'. Before she was dismissed in early 2001, she was earning R800 a month (Interviewee 3, 10/2006).

In the first house, there wasn't much talk of politics. As it was for most people I spoke to, when votes were cast, they were cast for the ANC. There seemed to me to be a resignation to the political order. Jeff remembers 1976. "We were breaking the liquor stores … It is when I started to drink" (Interviewee 2, 10/2006).

Jeff is a hustler. A '26' during his prison sentences. I ask him if that still means anything to him. "It's still a part", he explains, "I'm running away from hunger, and I don't want someone to take my things" (ibid).

It is different for Mpho. She enthusiastically explains her politics to me. She is an activist. In 1976, she was a scholar at Morris Isaacson and participated in the uprising that started there. Of her participation in the anti-apartheid movement and specifically in local Soweto politics, she tells me "I was pushing the struggle - no turning back". She has voted in every election since 1994. I ask her who she voted for and she tells me, "It's obvious" – she voted for the ANC. But, not this last election. She won't be voting for the ANC again. "ANC doesn't make a difference

for us … If you're poor, you just get poorer. If you're rich, you get richer" (Interviewee 3, 10/2006). I know the rhetoric.

Both houses are struggling. Jeff doesn't get repair jobs often. "Once in a blue moon", he says (Interviewee 2, 10/2006). The house would usually have to survive on what they get from child grants, rental from one of the shacks, Jeff's odd jobs, Pat's spaza, and Dinai's parents. Although one household member had recently started working, the adults in the household generally took care of themselves or their own children. With the money Dinai receives weekly from her parents (between R150 and R200), she takes care of her younger brother and her child. Pat helps out as well, and gives school spending to her brother (Interviewee 1, 10/2006). But, finances being generally individualised, it is difficult to speak of a household economy. There is, in a way, more than one household.

Things are simpler in the second house. And, also more dire. The main source of income, child grants, which the household claims for three of the children, buys only a meagre list of groceries. Mpho also takes on domestic work when she can find it. The month I visited the family, Nomsa, the oldest daughter, was also working as a scab for the duration of a strike at a popular supermarket chain.

Everything is shared. Nothing is thrown away. It's bread for school lunch for the kids. Mpho tells me that they know not to ask for spending. The family almost never eats meat.

I wonder a lot about what Dinai told me, "each one for himself". I asked Jeff about it. He was both offended, and knew exactly what I was talking about. Things changed, he explained, when 'the old woman', the matriarch of the household, died (Interviewee 2, 10/2006). I asked Dinai about it, and she agrees, things were different then: "When she buys something, we use together" (Interviewee 1, 10/2006). The old woman's presence and state pension seem to be what once held this household together.

Both houses have illegal electricity connections. In the first house, they installed a prepaid meter, which was bridged. When I asked how, a household member explained to me, "Jeff knows about these things". Mpho's house does not appear to be connected to the grid. So, with the help of the SECC, she tapped into her neighbour's connection. She pays her neighbour R30 a month for drawing electricity. When I ask, she tells me that she doesn't know if her neighbour is illegally

connected or not. She also didn't seem to mind paying the R30, which she explained to me works out far cheaper than using a paraffin stove and candles.

At the first house, there is a recently installed PPWM. It has not been bypassed. Since the PPWMs were installed, water has become an added source of household tension: "We sometimes fight. It's only arguments. It's obvious when you are fighting the other one will say 'I'm only using a small amount of water, you are using too much.'" (Interviewee 1, 10/2006). Members have also changed their practice and, as usual, washing is the big issue.

The household had no intention of bypassing. Although I don't understand why they've bypassed their prepaid electricity meter but not their water meter, I'm not sure how to pose the question. In a conversation that turned to politics, Jeff tells me, "Everything you get, you must fight for it". "What about water?" I ask. No, he won't fight for water. I ask him what he thinks about Eskom's 'izinyoka' billboards. "I don't agree with that", he says. I ask him if it's right that people are being charged for electricity? "I can't say it's right. I can't say it's wrong. Those people doing these things know what they're doing", is his response (Interviewee 2, 10/2006). He's avoiding the question, and so I move on to something else. I put a similar set of questions to Dinai. No, it's not right to charge for water, "because it's a gift from God; no one owns this water". "What about electricity", I ask. "Same", is the response (Interviewee 1, 10/2006). I want to point out the contradiction but I don't.

When it came to water, I heard this often, both in APF meetings and in Soweto. What made water common, was to be given to humans in common. The theological is difficult to escape.

I talk easily with Mpho about her decision to bypass her meter. It is simply an extension of her politics that here, as well, retains the theological basis. JW installed a prepaid meter on her property in July. The family only lived one month with the meter. She explains to me that they struggled a lot, even "washing dishes with dirty water". She says that JW lies about the 6 000l and she is certain that the basic allocation they received must be less. "You get it on the first and it's finished in two weeks … We are eleven in this house. When I'm doing laundry, I'm doing it for everyone. I bought with R20, it only lasted 6 days. I bought again R10, five days." This is when she says she decided to contact a local SECC activist to reconnect her meter (Interviewee 3, 10/2006). The connection is an underground 'bridge', with the meter still in place.

Throughout JW's media on water wastage in Soweto, there is mention of a practice of leaving a bucket under a running tap, sometimes associated with the term the 'Soweto washing machine'. In fact, when one speaks to water managers about water wastage, this is the first anecdote they reach for. "Just walk around", they say, "and you will see it".

This practice needs to be put into context. It is about doing washing, and more specifically about rinsing.

For me, doing washing at home means mostly a relatively 'economic usage of water'. Most of it can be done in a washing machine whose motorised force means more washing and rinsing with less soap and water. What can't be done in a washing machine is done in the bath, which is big enough for us to soak clothing and afterwards rinse a full week's load for two people. Neither strategy is possible in most Council built houses in Soweto. This is, in fact, the context of the Soweto's washing machine, that is, the Council built houses generally do not have baths or large basins in which washing can be done. Washing is, therefore, often done in buckets or zinc basins (a single load, even for a small family, will need more than one bucket). The practice that JW officials indexe when they talk about waste is not so much the washing as the rinsing. After clothes are washed, the soapy clothes are left in a bucket or basin under a running tap for as long as necessary for it to be rinsed out. This practice is what many households were prevented from doing as a consequence of the installation of PPWMs. Instead, rinsing would either have to be less thorough or require people to rinse by hand, and in this way increasing labour generally born by women.

There is, of course, much room for ethnography to tell us how everyday practice has responded to the difficulties introduced by PPWMs, from how washing gets done through the changes in cleaning regimes to how people care for their selves. But, what I want to do instead is to point to the political sense of a network that I encountered while doing my research, and which points to a way of being together that I would like to think reflects already existing potentials for a constitutive politics.

One of the houses I followed belonged to an activist I met in the APF. Shannon's house is on Matilili Street. Down the road is the Council office, across from which is the corner where I attended my first Phiri protest. This was, in fact, one of the first places JW began working in. It was also the site of some of the fiercest battles between police, Red Ants and residents.

By Soweto's standards, Shannon's family home is modest but not destitute. The main structure is the four-roomed Council built house and there is a brick outbuilding at the back. They have a PPWM. Her father, who had by then passed away, had signed for the meter in spite of Shannon and her sister's insistence that he shouldn't.

On one of the days that I arrive, the house is going through a morning routine. Shannon's sister-in-law is cleaning, and her sister, Sandy, is starting on laundry. Shannon is busy washing, and so I keep Sandy company. After soaping up and hand scrubbing two bucket loads of clothing, she wrings out much of the soapy water and then puts the clothing in the bucket. She asks me to help her, telling me she's going to show me what they have to do now that they have to live with prepaid. Making a show of it, she takes one of the buckets and leaves the second for me, motioning for me to follow her. We cross the road and enter a second yard. Sandy leads me to the back and places the bucket she is carrying under the tap and opens it to full force. The house's owner, Makoma, sticks her head out of the door, and she and Sandy begin chatting, as the clothes are going through their 'rinse cycle'.

When I interview her, I learn that Makoma is also a staunch supporter of the campaign against prepaid meters. She was, in fact, one of the residents who initially refused to allow JW to install either a meter or a standpipe in her yard and was threatened with being cut off. Makoma gave in and agreed to a standpipe being installed. Because the APF still did not have the capacity to make a reconnection, she paid a JW worker R350 to illegally reconnect her toilet and yard tap to the main supply (Interviewee 4, 10/2006).

Makoma explains to me that she will not pay for water, electricity or housing. I ask her if she considers herself to be poor. "I'm poor," she responds emphatically, "I'm not working. Now, I have no money to buy the water." I ask her whether she would pay if she had the money. "I will never pay," she shoots back. "The water is from Jesus, that water. I will never pay for it. Same with electric. I will never pay for it." When I press her she returns rent to the list of things she won't pay for. I ask her why rent (by which she means rates on her property): "Because they gave us these houses, why do they want us to pay?" (ibid)

However, more interesting than Makoma's attitude to payment for services is the network that she has come to sit at the centre of. As a strong supporter of the campaign against prepaid

meters, she regularly engages with others like Shannon, who although having signed onto prepaid, continue to campaign against it. And, as I learnt while conducting research in Soweto, residents know their neighbours. What struck me was the ways in which around Makoma and in relation to the mundane act of doing laundry, a network was constituted in which political solidarities overlap and come to reinforce new social solidarities. Makoma's neighbours often bring their clothing for rinsing to her house: "They come to fetch water when their water is closed." Every day, in fact, neighbours bring washing to her house. This network of women, constituted at the level of the everyday, is deeply subversive with respect to the forms of subjectivity that JW's operations in Soweto were attempting to ensure. It is the common as the very possibility of community that our collective political labours make possible.

6.2.3. 'Before the law'

After Judge Tsoka's ruling, a briefing on the judgement took place at the APF's office in the city. I arrived late and the discussion was already underway. Jackie Dugard was explaining to activists (some of whom were from Phiri) what it meant. Simply, the fight wasn't over, but this was an important victory. It meant that the project would be suspended, pending an appeal process that would follow. She didn't know how long it would take, but they had plans to make sure that the case would go as quickly as possible to the Constitutional Court.

There was real excitement in the room. It was as if people couldn't wait to digest the information. After she was done with her presentation, the discussion immediately turned to how the APF should respond to the good news. Enthusiastically, it was suggested that we now begin removing all the meters JW had installed in Soweto, after all the Court had said "prepaid meters are illegal". Made noticeably uncomfortable by the turn in the discussion, Dugard made clear that that is not what the judgement meant and that it would still be against the law to vandalise the meters. It didn't seem to matter. The idea was popular, and the room was eager to discuss it. Still put out by the discussion, Dugard informed the room that as a legal officer, consulting with what were effectively her clients, she could not participate in the discussion or have any knowledge of these kinds of activities. She offered to leave, but the discussion was shelved instead.

After an extended period of preparation, on 12 July 2006, the constitutional case against OGA was launched in the Johannesburg High Court. Formally, there were five applicants with Lindiwe Mazibuko (who passed away before the conclusion of the case) standing as first applicant. The more important lines of legal attack against the installation of PPWMs were 1) that "the decision to install PPM in Phiri without prior consultation" constituted a violation of the Promotion of Administrative Justice Act (PAJA); 2) that rolling out PPWMs only in "poor black areas" constituted unfair discrimination, and was thus a violation of Section 9(3) of the constitution; 3) PPWMs, as a form of "automatic disconnection", violate "procedural protections (reasonable notice and opportunity to make representation prior to disconnection) of Section 4(3) of the Water Services Act"; 4) that the City's by-laws reference prepaid meters as a "punitive measure" (Dugard 2012: 29). Alongside its challenge to the constitutionality of prepaid meters, the case also put into question the sufficiency of the 6kl basic lifeline allocation. Supported by an *amicus curiae* from the Centre for Housing Rights as well as opinion from a world expert on water rights, Peter Gleick, the arguments put forward suggested that rather than 6kl (based on a 25l per person per day average for an 8 member household), the basic allocation should be shifted up to 50l per person per day as what was necessary for good health.

The case was heard from 3-5 December 2007, and the ruling was handed down on 30 April 2008. In many ways, the judgement was more than the campaign had anticipated. Not only were PPWMs deemed unconstitutional, and without a basis in law, Judge Tsoka also ordered the City to shift its basic allocation for the poor to 50l per person per day. The judgement was immediately appealed, and pending the outcome of this process, OGA was indefinitely suspended. The judgement that followed the Supreme Court appeal significantly rolled back the gains of Tsoka's ruling. It did, however, rule in favour of the applicants with respect to the unlawfulness of prepaid meters and the insufficiency of the City's free basic water allocation, "ordering the City to reformulate its policy with a view to providing 42l per person per day to indigent residents of Phiri" (ibid). On 2 September 2009, the Constitutional Court heard the applicants' appeal of the Supreme Court ruling. Its judgement, authored by Kate 'O Reagan, ruled in favour of the City on every point.

An important chapter ends with the judgement of the Constitutional Court. Although the woes of the APF cannot be reduced to any single moment, the case takes on symbolic importance for its proximity to the end of the APF as a political force within the city of Johannesburg. The APF, of course, had already fallen victim to factionalism, political entrepreneurialism, corruption,

as well as differences in strategy that came to light in relation to the always sticky problem of the APF's orientation to participation in elections. In 2009, it also faced another crisis when both the then organiser of the APF, Silumko Radebe, and the organiser of the CAWP, Patrick Sindane, were accused of rape. Both were subsequently expelled (from the APF and CAWP), but the event proved traumatic for the movement and introduced a new set of divisions. The court case was, then, just one of the final body blows that helped lay this political creature to rest.

In the story of the resistance to OGA, the Constitutional Court case marks an important experiment on a new terrain, and one which, ironically, has already been acclaimed for its 'positive' impact on social movement mobilisation. In a recently published account of the genesis of the Constitutional Court case against OGA, it is said that the legal route was taken only after the exhaustion of "direct" forms of resistance (Dugard 2012 and 2008). Thus, the failures registered by the campaign on the streets of Soweto, is what impelled a turn to law. The implications of this thesis are not merely historical, for it is used in marking out a place for juridical activism and rights based mobilisations. In fact, where, at one end of the spectrum of responses to the outcome of this legal mobilisation was suspicion over the usefulness of legal activism for social movement struggles, at the other, the case was seen as proof of legalism's utility outside of the specifically juridical outcomes that such action brings about.

The latter position can be found in Jackie Dugard's growing commentary on jurisprudence and rights based activism. Drawing on her reading of the APF, a "socialist social movement", Dugard explicitly suggests that the problems encountered in the initial phase of resistance to PPWMs was the reason for the turn to law (a turn seemingly at odds with APF's ideological commitments). Commenting on resistance to OGA, she writes:

> At first, resistance took the form of direct protest rather than 'legal mobilisation', defined … as the point at which 'a desire or want is translated into a demand as an assertion of one's rights'. The initial focus on direct protest is not surprising, given the influence of the APF and the political left's historical antagonism to law and rights, which are viewed as preserving existing power relations, legitimising privilege and entrenching socio-economic inequality […] However, … such resistance was successful only in delaying the installation of prepayment meters, not stopping it. But, at the lowest moment, when it looked like community resistance had failed, a newly established APF-affiliated organisation, the CAWP, took a strategic decision to turn to

> rights based litigation despite its ideological aversion to rights and the law. The CAWP/APF decision to mobilise legally following the failure of traditional forms of leftist resistance, is consistent with Stuart Scheingold's proposition that rights are less 'established political facts' than potentially useful 'political resources'. Nevertheless, from the outset not much hope was invested in the litigation process, which was clearly viewed as a last resort against prepayment meters. Yet, following the high court victory, there has been a remarkable demonstration of support for the law from CAWP and other traditional sceptics. This is despite the fact that (pending an appeal) the order against prepayment meters is suspended, suggesting that there might be more value to even contingent legal mobilisation than de facto outcome alone … I observe that, in Phiri, litigation has 'provided movement activists with an important resource for advancing their cause'. (Dugard 2008: 591-2).

In fact, after the final judgement was received, it is this latter aspect of 'outcomes of the case', that she emphasises in motivating for rights based legal activism. More generally, the case is, for Dugard, a point at which "an impact model for human rights litigation that goes beyond the effects of juridical processes to incorporate the effects of legal mobilisation" (Dugard 2012: 23), is clarified.

I have two primary issues of disagreement with Dugard's position over and above the limitations of her accounts of resistance or the decision to undertake a legal challenge. Firstly, Dugard only counts positive non-juridical outcomes of the case on the mobilisations against prepaid, passing over the negative effects the case had on the campaign. Secondly, her argument works to sponsor a turn to law without questioning how it might itself underlie a shift in forms of political self-representation and orientation that recuperate social antagonisms. In fact, where Dugard comes closest to admitting these kinds of effects, it is only in celebrating them as lubricating shifts from antagonism to legalism.

But Dugard is absolutely correct in insisting that the case had outcomes beyond its juridical implications – outcomes that are both political and material. As we have already pointed out, at a material level, as a consequence of resistance mounted in the form of a constitutional challenge, the City revised and developed its indigent management framework in ways that shifted benefits for the poor upwards. All the same, these material benefits continue to reflect not just an

'economic government' of water services, but also new forms of subjection and control. In Dugard's account, the legal mobilisations also helped reinvigorate the flailing campaign. However, the effects of the court case can just as well be read in the opposite direction. And, if the court case had initially been a point around which "hope" could gather, such hope must in the end be seen as depoliticising since it took emphasis away from people's own agency. To understand what is wrong with Dugard's account, however, it is necessary to clarify some aspects of the APF's apparent turn to law.

The APF's tactics have always been a subject of debate, from its first protests at Urban Futures. Within the left, it has often featured as a point of criticism from more 'reasonably' minded activists. Specifically, its tactics were seen as out of sync with legitimate opposition to democratic government. Against the example of the APF and its development of a politics grounded in forms of popular illegality, critics often held up the Treatment Action Campaign (TAC) and its success in using the constitution and the law in advancing a popular campaign for anti-retroviral treatment.

The differences between the APF and the TAC are far deeper than simply 'good, reasonable social movements' and 'bad, unreasonable social movements', and has to do with the distinctiveness of the political traditions of its founding cadres, as well as the terrains its first struggles unfolded on. For the APF, the combination of an anti-systemic politics (which was wider than the identity 'socialist') with a grassroots politics centred on illegal reconnection, translated into political practices that generally made recourse to the law only in escaping criminal prosecution. Moreover, the initial response to social movement mobilisations by the ruling party, portraying them as the ultra-left and provocateurs, closed down points of non-antagonistic engagement with governmental agencies. In this context, relations between community social movements and the state often took the form of violent confrontations. The tactics of social movements were thus less the product of self-conscious ideological decisions, than a combination of political disposition, the inheritance of political repertoires of the past, and context-imposed practices that refer back to the political and governmental realms.

Although it embraced its outsider identity, the APF was not unresponsive to criticisms of its tactics, nor should we emphasise a general aversion to legalism. The APF did what worked, and

not always with prudence for what the implications of what works today, would be tomorrow. Like the state's, its tactical learning was heuristic. If it had never contemplated a constitutional challenge before then, it was because, unlike the TAC, it never had those resources available to it. In fact, even before the PPWM case, the SECC was in discussions with Theunis Roux over the possibilities of litigation in the area of electricity.

In spite of what has been said, both by representatives of the case and their critics, the possibility of a legal challenge to OGA came from the APF long before either CALS's entry into the story or the failures of resistance in Phiri were becoming clear. One of the first press statements by the campaign against OGA already demands PPWMs be declared illegal and cites the British experience as a legal precedent. One of the first formal legal opinions that helped mark out some of the lines of legal attack that later came to be used in the Mazibuko case, was written by a long-time 'friend' of the APF, Sean Flynn, who had for some time been encouraging the APF to make better use of legal remedies and institutional frameworks, and to orientate our demands to them. The FXI's legal department, which played an important initiating role for a legal challenge to PPWMs, had in fact come into existence, in part, as a consequence of the FXI's reorientation to social movement struggles[397]. So, almost right from the beginning, the APF was investigating the possibility of launching a legal challenge to PPWMs and the framework for the delivery of water within which they were introduced. Such a challenge would have, in fact, reached the courts far sooner had CALS not first refused to work with APF activists and then attempted to undermine their standing within Phiri.

As APF pointed out, the turn to law was always seen as merely one tactic within a much more diverse campaign for the decommodification of water services. At the initial proposition of developing a legal line of attack against OGA, there was never any attempt to give strategic priority to the case over what Dugard refers to as 'direct protest'. But saying that something is merely a tactic does not cancel the dangers of engaging on a particular tactical terrain. There are many reasons why, by the time renewed preparations were being made for a legal challenge on OGA, resistance in Phiri seems to have worn itself out. As we have seen, JW, along with arms of the local state, mobilised exceptional repressive force to beat back residents who were preventing progress on the project. This included strategies for ensuring that their experience of the criminal justice system was painful even where it was clear that no convictions would be obtained. There were also a range of non-coercive measures introduced, many of which I have discussed in

relation to JW's ISD programme, as well as the early developments in relation to the CoJ's indigent management framework. Within the campaign, there were also problems, particularly and increasingly between activists in the PCR and the leadership of the SECC. There is, however, another factor that itself came to impact on resistance, if only as a factor contributing to its decline, and in which the constitutional case will also in a way become complicit[398].

Civil society has a tremendous appetite for narratives of the struggles of the poor. And, indeed, the inclusion of grassroots voices in discussions and public platforms is necessary for civil society organisations to remain connected, to remain relevant, or simply to show a funder that their money is being appropriately targeted. Beyond these cynical motivations, there is civil society that is truly compassionate, that is committed to ensuring that we are moving towards a just social order for the poor. Around such civil society organisation there has been constituted an extensive circuit of workshops and events that key grassroots activists are routinely invited to. For a campaign like the one that unfolded in Phiri, the attendance of grassroots activists at these events was important for the campaign and helped build support for it in elite publics. However, as key activists gain greater prominence, and spend more time speaking outside about the problems the community is facing they become less available to campaign and grassroots organising. There are a range of other problems that go along with this one, which got played out as the campaign in Phiri gained greater presence.

However, it should be said that the story of the demise of resistance is not altogether correct. And while resistance in Phiri was severely arrested, new forms were developing as the project was being rolled out, specifically on the axis of a renewed illegal reconnection campaign. In fact, it struck me in 2006, as I noted the extent of resistance that had taken place in areas like Dlamini and White City, and the ways it was being shaped by practices of reconnection, that the political emphasis on Phiri had taken attention away from the different character of this new phase of resistance. I also wonder if the campaign in Phiri mostly remained outside of these new waves of resistance, in part, for the ways in which its key activists were becoming caught up on the new legal terrain.

One of the dangers of the legal terrain, even when you treat legal activism as just a tactic amongst others, is that it can consume the identity and character of the campaign. It can also

bring activists into contact with a powerful apparatus for producing subjects whose political identity refers back to an individualised formal legal identity and accompanying rights. The demands of this subject are also precisely the reasonable demands that reflect the existing legal order. Think for instance about the campaign, whose demands started out as the list reproduced above. As a consequence of the court case, the demands put forward in a legal context had become the overall demands of the campaign. Along this route, the campaign also came to take on aspects of the biopolitical presuppositions and rationality of the state, reduced to arguing over what constitutes biological basis of a 'bare minimum' allocation (25l/50l).

There is an interesting backstory to the question of 'how much?' that I am only able to gloss over. When the campaign started, the question of how much water (or, for that matter, how much electricity) had not been seriously and collectively engaged with. As the APF fell into debates about municipal policy, the character of the dominant discursive points of reference pushed the APF to develop answers to such questions. On the other hand, in the APF, there was resistance to such a formulation as it implied an approach that would ultimately consign the poor to consume only the most minimal allocations of social goods. '6kl was not enough'. How much is enough? 'Enough is as much as the poor need. If someone has to pay, let the rich pay'.

The issue came to be debated on several occasions in the APF. In developing a platform on water questions, the research subcommittee was tasked with making recommendations on 'how much was enough'. The prefacing comment to the committee's suggestion is telling of the conflicted impulses that were being played out in relation to this issue:

> In formulating a demand for a basic minimum as the APF, we need to state very clearly that our demand remains one of free water for all; however, given the current neoliberal paradigm and the constraints within which we have been forced to struggle, we have tried to calculate a reasonable, minimum requirement for people to be able to live decent lives. Even our formulation of a demand for a minimum allows the promise of free water to be forgotten – this is a necessity of the neoliberal times in which we live. (APF May 2005).

After setting out basic human needs and the amount of water required for them, the research subcommittee argued for "a basic minimum of 100l per person per day instead of an average household figure that discriminates against bigger households, and for greater subsidisation of the water bought by the poor" (ibid). In the context of the court case, the demand became even more reasonable, just 50l, and referenced a biological conception of bare necessity. In the public realm, as a consequence of the case, 50l was the demand of the campaign in Phiri. Within the context of the case, there was also pressure to appear as the appropriate subjects who have exhausted all existing means, however onerous. So, for instance, the legal team thought it prudent to advise that all of the applicants who qualified should approach the City and sign onto its indigent register.

Even beyond the contexts of the court case, though, activists in the APF increasingly felt pressure to make their demands more reasonable, which is to say closer to what could circulate in elite publics as an informed demand attuned to the practical business of government. We can never say to the court, or even civil society, that what we want in the end is not government, but self-government, without appearing unreasonable from the start. We can never say, we don't want prepaid meters because we don't want to pay. Even the legal team felt uncomfortable when they realised that that was what many APF activists wanted.

In Dugard's account, there is the suggestion that the court case helped create an opportunity for the wave of bypassing that swept across Soweto following the High Court judgement, and helped secure for those who did so some time and less stringent consequences…working to delay the inevitable. The truth of this statement is better appreciated along with its irony. For, while the judgement apparently deepened opportunities for bypassing, that the APF activists did so was less a consequence of its positive engagement with the legal apparatus, as it was the ways it still managed to escape the forms of subjectivity that the apparatus works to produce.

6.2.4. Into the present

OGA was originally conceived as a three year project. Before it was suspended, OGA installed 98 805 meters and set down 116km of secondary mains (5km short of the original plan). A

decade later, it is still not complete. In September 2010 it returned to finish the job – that will go on until 2015 (Musonda, interview, 24/10/2011).

As before, the initiative involves retrofitting, fixing leaks, and also upgrading the leaking infrastructure. They are also upgrading the meters. Making a show of not repeating previous mistakes, before JW started up, they also contacted the APF and its legal team, inviting them to a meeting to discuss the renewal of operations.

Importantly, the upgrading of meters also coincides with the programme to reintegrate people who bypassed them. Before the suspension of OGA, JW was actively developing the capacity to better police illegal connections, and was aggressively pursuing strategies to ensure the enforcement of the by-laws. However, all that changed when Judge Tsoka handed down the first judgement and the project was suspended. Following the judgement a large section of Soweto, estimated to be in the region of 40%, bypassed their meters, a fact that makes it difficult, if not impossible, to prosecute offenders. JW is currently working on (finding and) rehabilitating these users. In a way that illustrates how the developing indigent management framework continues to be used in attempting to shore up acceptance of PPWMs, Roginal Musonda, the project manager for the Soweto intervention, discusses the decision JW has taken not to enforce the bylaws around illegal reconnections at present:

> At the moment we are still taking a very soft approach, because we are saying, 'okay look you, the community, we are not here to fight or something'. So at the moment we are just using the same strategy of sending our communications department to go and talk to the people, to educate them on the importance of the project, of saving water, and the good things that we have done. We are giving them 6kl. 6kl is free for everybody, but those who cannot afford, they will register on the ESP and they will get 4kl more. So it's only to those who can afford that we are saying, 'please contribute towards water…or at least, if you don't have money, just minimise the usage'…There are others who just survive on 6kl. If you use water wisely you just survive on the 6kl or 10kl, whatever the case. So it's a soft approach we're taking, although eventually we see ourselves enforcing the bylaws. (Musonda, interview, 24/10/2011).

That 40% of Soweto bypassed their meters means that, at the level of the stated motivation for OGA, little progress can be registered. Before OGA, some estimates for water losses in Johannesburg were in the region of 40%. In 2007, as a consequence of OGA, this had come down to 33%. However, as reconnections swept across Soweto after the High Court judgement, NRW shot back up to 40%. In February 2011, apparently, as a consequence of resumption of the project, it is down to 37%.

So, where meters have been removed they will be reinstalled, where they are bypassed, they will be reconnected. The meters will also be refitted, with "gadgets" (that show a responsiveness both to the demands made during the court case, and the need for policing illegal connections). Speaking about meters generally and the specific issue of bypassed meters Musonda says:

> [A]bout 40% of the meters that were installed previously were vandalised. So we are trying to rehabilitate all those meters and this time we are even fitting some gadgets to the meters, upgrading them to include trickle follow functions so that if you run out of credit, maybe in the night, the water doesn't have to cut. It will continue, you will still continue receiving your water supply, but then it will be prompting you to say the water credit is finished. So basically that's what we are doing: the trickle flow function and AMR [automatic meter reading] so that we will be able to read the meter by just walking by and also read and interpret data to see how much consumption. We don't have to physically go on to someone's property, we can just drive by or walk by and take meter readings. So these are the functions that we are mainly upgrading, on the old meters, and then we will continue putting new meters on stands that were never metered. (ibid).

With these adjustments to the apparatus, from the technological innovations to a shifting indigent management framework, the diagram is being re-drawn.

Today the project is no longer called OGA but instead, the 'Soweto infrastructure and upgrade project'. Although I got different responses when I asked JW officials about the reason for the name change, I suspect the one I got from Musonda is closest to the truth:

> [I]n terms of the scope nothing has changed; it's just that… because of the court case…*OGA had some bad name of some kind*. It was dented. But you know, this is a community friendly project and aims to create employment. (ibid)

More interestingly the new water saving campaign borrows from the aesthetic of resistance. Today when it speaks about saving water, and enlists Sowetans to do so, it no longer takes the name OGA, but rather, ironically, the name resistance to PPWMs and OGA gave itself: water warriors.

Conclusion

The forms of subjectivity that have developed in relation to interventions around the delivery of water in Soweto, are not those that officials so often fetishise, the responsible, entrepreneurial, calculable subject that Ruiters refers to as "the sovereign customer". While we have certainly seen new logics of practice emerge at the level of the everyday, they speak as much to counter conducts as they do to imposed ones. It is on this basis that we need to approach the relationship between the apparatus and the production of subjectivity. Reflecting on this theme, and proposing a grammar for addressing this relation, Agamben writes:

> I wish to propose to you nothing less than a general and massive partitioning of beings into two large groups or classes: on the one hand, living beings (or substances), and on the other, apparatuses in which living beings are incessantly captured. On one side, then, to return to the terminology of the theologians lies the ontology of creatures, and on the other side, the *oikonomia* of apparatuses that seek to govern and guide them toward the good… To recapitulate we have then two great classes: living beings… and apparatuses. And between these two, as a third class, subjects. I call subject that which results from the relation and, so to speak, from the relentless fight between beings and apparatuses. (Agamben 2009: 14).

Subjectivity is produced, then, not within a one direction process, but one characterised by the very same life and death struggles that emerge around and characterise the development of the apparatus.

Conclusion

In May 2012, I received an invitation to attend a meeting "to discuss where do we take the APF?" (McKinley, e-mail communication, 3 May 2012).

The meeting faltered from the start. The venue was locked and just a handful of activists showed up. With little hope of getting into the building (where the APF previously had a whole floor for its offices), the meeting moved to Newtown where we ended up meeting on the stairs of Museum Africa.

The discussion turned on whether the APF should 'be revived'. And there was no easy way forward.

Some of the community structures that had once constituted the APF were still around and even still fighting. And, while there was an agreement that we needed some way of reconstituting a floor to bring these structures together, we were extremely divided on how to do so. For some of us, including me, it made no sense to 'bring back the APF'. The APF belonged to a different time, and what was needed was a new form to bring together 'communities in struggle'. The elected office bearers had also not met in over a year, and were tainted by accusations of corruption. Rather than trying to resurrect a name that we had long outgrown, or clean up the mess left by the office bearers, our task should rather be to think about new ways of bringing together existing struggles. For others, however, the APF's death could not be accepted (or admitted) as local struggles depended on its knowledge, skills, and other resources. 'The APF had a name' and that meant something: 'too much to simply walk away from'.

Regardless of whether the APF finds its 'way back', resistance will find its vehicles, or create new ones. Today, 'things are in flux', a state in which shifting institutional frameworks and practices, models of political action and the forces of a nationalist movement continue to determine the terrains of resistance.

I am not interested in hope. Hope is depoliticising. I am interested in potentials. At the end, we begin again by collecting what we have learned - collecting together the results of a previous experiment. In what follows I outline five points, as *what counts* in my discussion of governmental practice and forms of resistance, before offering a final word on 'political orientation'.

Firstly, my research has led to the recognition of a double movement in the unfolding of restructuring of the delivery of basic services (at least) since the transition from apartheid. This recognition is, however, in no way a simple affirmation of 'agency over structure'. Instead, it works to show resistance as both structuring and structural – both taking its form within relations of power, at the same time as it is shaping those relations.

Extending from Polanyi to Foucault, we move to the second point – that is that the restructuring of basic services can be understood on the basis of *a double movement between 'neoliberal governmentalisation and resistance'*. Along these lines, I also insisted that both governmental practices and forms of resistance come to reflect and are shaped by this dynamic. On the one hand, this means that the effects of resistance (even with respect to extremely local acts of refusal and subversion) potentially resonate on multiple levels, impacting on the production of governmental norms (even at properly supra-national scales). Moreover, resistance has established real limits to, and even forced back, 'neoliberal governmentality'. On the other hand, these transformations do not necessarily reflect 'anything better'. They often involve new forms of domination that often only "undo" commodification by attempting to remake its possibility on new, albeit narrower, terms.

This brings me to the third point. In this context, neoliberal governmental initiatives increasingly draw support from older political practices and forms of authority. I have shown how, through the very attempts at installing neoliberal mechanisms in various contexts, and overcoming both political and institutional obstacles, these mechanisms take on more hybrid forms (irreducible to neoliberalism). Along this path of development they have also come to be articulated with nationalist discourses and mobilisations, which often function as crucial supports.

Moving beyond the traditional emphasis of governmentality studies, I therefore insist we grasp the articulations of 'state practices' across two poles: government and popular sovereignty, and have presented a perspective on their relation *vis a vis* the post-apartheid government of the state. Drawing on a recent study by Agamben, I illustrated the possibility of approaching aspects of the question of the state through the model of a bipolar machine, implying a specific coordination between government and popular sovereignty as the basis of 'the legitimacy' of liberal government.

The fourth point centers on the relationship between what I have been calling 'a double movement between neoliberal governmentalisation and resistance', and the question of subjectivity. Part of what extending from Polanyi to Foucault has allowed me to see is that, being played out through these countervailing movements is not just struggles over commodification but also struggles over forms of conduct and subjectivity.

The firth, and final point is virtually axiomatic – "resistance comes first". Simply put, resistance is the dynamic point in relations of power, the point that provokes changes and mutation in the existing state of things. This, however, often simply underlies the paradox of our own implication in constituting the forces sustaining our oppression and domination. Changes catalysed or shaped by resistance at the level of governmental practice often produce outcomes far from what was intended by those who resist, and have in fact often provoked the development of new forms of subjection and control. Moreover, as political resistance comes to be subsumed within the governmental dynamic (as the presupposition of the 'rules of the game') it not only engenders paradoxical forms, but also establishes limits to the subversive potential of resistance.

But beyond paradox, it also implies opportunities and potentials.

Political potential is what, ultimately, this critical work attempts to clarify – a work that was motivated not only by an opposition to neoliberal governmentality, but also a hatred of the state. As way of illustrating 'a political orientation' at the end, I want to mark the projects relation to one that I both share many starting points with, and prefer to oppose.

Political orientations

In 2008 James Ferguson presented a paper at the conference *Foucault Across Disciplines*, with the title: 'Toward a Left Art of Government: From 'Foucaultian Critique' to Foucaultian Politics'. Apart from its reflection on post-apartheid social movement campaigning, specifically the Basic Income Grant (BIG) campaign, my disagreements with this talk stems from its suggestions on what "a progressive art of government" – in the age of neoliberalism - might look like, and, where we should be looking in order to find it (Ferguson 2008; see also Ferguson 2011).

In fact, in his motivating of a contemporary "Foucaultian politics" that moves to resolve these questions, this undertaking is prefaced by a critique of the left's orientation to the problem of government, and which arises out of Ferguson's reading of Foucault's course, *The Birth of Biopolitics* (Ferguson 2008).

Foucault, he notes, "once suggested – in a provocative set of remarks on neoliberalism – that the central problem for progressive politics was that, while the right spent the mid to late 20th century inventing what he termed genuinely new arts government, the left had seen no parallel process of conceptual and institutional innovation" (ibid). Presenting the contemporary political challenge along these lines, Ferguson suggests that 'the task of the left' is to make 'our own art of government', our own governmentality.

There is much in this paper that I agree with. In many ways, my own work underlines the critical importance of 'us' inventing new ways of doing politics. While I stop short of calling my suggestions in this regard 'a Foucaultian politics', the reader should have little trouble recognising the imprint of Foucault's thought on what I have said here. And, not unlike Ferguson, I too insist that 'our new politics' will need to go beyond the moment of negativity, beyond sterile refusals that can only act out an "anti-politics" (as in anti globalisation, anti privatisation, anti…). I too have grown weary of the endless procession of denunciatory statements over neoliberalism. I too think we will have to say 'something more'…something different. That is to say, our politics will need to address itself to the constitution of an alternative. In fact, where Ferguson imagines such a political imperative to necessarily sit outside of 'critique', as I argued in this thesis, this is precisely the orientation of the critical tradition I call my own.

But, perhaps more importantly, for both Ferguson and myself, such a politics must move from a firm grounding in reality, from the actual contents of the present, or even, we might say, from 'the existing state of the things'. Grasping politically the specific 'difference of today with respect to yesterday' means developing a concept of the fundamental shifts in, as Ferguson insists, both the character and locus of governmental power, as well as the subjects whose conducts contemporary governmental power seeks to conduct.

On the one hand, this implies an appreciation of the ways in which contemporary strategies of power are exercised through frameworks that are "transnational", or even supranational, cutting across national governments, multi-national corporations, NGOs and multilateral global

institutions. On the other hand, it means centering thought on a new figure, at a remove from the industrial proletariat that is at the centre of 20th century political thought; what Ferguson refers to as the "increasing prominence (especially in Africa) of urban masses who are not, and are not likely, to become formal wage labourers" (ibid). As Ferguson points out, and as I showed in this thesis, this figure – as the modern image of the urban poor - often comes to be associated with terms such "the informal sector" and "the lumpen proletariat" (ibid) (a list to which, in South Africa, we can also add terms such as 'the second economy', 'the underclass', 'the poorest of the poor'…)

In this light, any politics that binds itself to a nostalgic strategy of return (to the 20th century governmental practices, to the welfare state or to affirmations of "third world sovereignty"), not only surrenders thought before the real political challenges of the present, but, more decisively, also misses the political potentials and opportunities that already belong to it. Whatever our new politics should be, it cannot (any longer) assume the categories of "worker" and "nation-state" as its principle referents. In all of this we agree.

The critical fissure, and indeed the point of my own annoyance at Ferguson's position is his somewhat strange, and I would argue, seriously wrongheaded, attempt at making a new (Foucaultian) politics through a mode of engagement with neoliberalism that seemingly wants to freely appropriate aspects of this mode of governing in articulating a 'left art of government'. For, in the upshot, Ferguson's paper wants to affirm the possibility of taking "market mechanisms" - that would normally be associated with neoliberalism - and putting them to work towards "progressive ends"; to "harness" the strategic forms and powers of the market in order to redeploy them in addressing the needs of the poor. "If we are to arrive at a viable left art of government", Ferguson says, "we will need to be open to the unexpected, ready to increase…experiments wherever possible, and attentive to the ways governmental techniques originally deployed for nefarious purposes can be appropriated toward other ends" (ibid).

At the end the only 'art of government' that can be affirmed by this thesis is the art of self-government – a politics that begins with an antagonistic ungovernability and moves towards a new constitution of political community. This is a double political orientation, both the making of a new revolutionary subject and the making of that subject's antagonistic relationship to 'the existing state of things'.

The Take

On one side, the implication of double movement that was the focus of this thesis is that mechanisms inspired by neoliberal ideals have been transformed into far more hybrid forms, and have also drawn support from nationalist discourse and mobilisation. For social movements, on the other hand, it has often meant getting caught up in an interplay in which the recognition of an entitlement is traded off with autonomy and the common. A double movement, then, but one that does not so much represent the hope of society against the market as it does a political problem that will still require collective reflection on. It is here that I would like to conclude this thesis.

There are two things I take from this last social movement experiment. First, I take a political emphasis on self-valorisation that was expressed in a politics whose momentum was drawn from acts of reconnection of water and electricity. Secondly, I take the possibility that politics can embrace human productivity as part of a collective activity that is for and about life. Of course, social movement experiments, like that of the APF, were both more than this and also far less. They were more in that their political practices cannot be reduced to the act of reconnection, and the APF made its own critique of spontaneity. It was less than this in that self-valorisation and a politics of life were just fleeting glimpses, possibilities rather than the defining aspects of this becoming.

Against the social movement experiment, we affirm our power in the here and now for 'making the present'. The past loses its sacred character when it is transformed into a laboratory, merely a place that might hold weapons. The past has to be redeemed in the here and now. It cannot be the other way round.

There is, as I have already said, something I like about Foucault's mobilisation of the Greek concept of *parrhesia* and the ways it is given immediate political relevance in Hardt's reading. There, where the government of the state is shown to rest on 'a correlation between the government of others and the government of the self', in forms of *parrhesia* we find the possibility of a practice that assumes this correlation in a politics that subverts it. In this work, I see a suggestion, a diagram even, for constructing a politics whose theoretical and practical forms are orientated towards a collective subject's autonomous self-government as well as an

antagonistic relationship to the existing state of things. Such a politics implies both refusal and negativity, and self-valorisation and new constitutive forms.

But, if in Foucault and Hardt we are only given a glimpse of what modern translations of *parrhesia* would look like, it is in Biko that we find a living example.

The conclusion of this thesis marks a break in a formal research project that will have to continue along three interrelated lines of future research. Firstly, to the extent that I have started thinking about the state and its relationships to forms of capitalist command, I have only begun to scratch the surface. The question of state formation is, therefore, a line that I see this project developing along. This implies, again, both a theoretical and historical set of investigations. A second line is the continuation of my research focused on forms of resistance to the state and capitalism, their historical development, predicaments and potentials. Finally, this work has opened up the question of subjectivity for me, as a necessary anchoring point for any future intellectual-political work.

Appendix 1: Questions from the Post-apartheid Political Realm: a review of literature on select themes from social theory

In South Africa, social theory isn't afraid of politics, whether in commenting on it, or falling into it. This is in fact part of what gives it its unique liveliness. Equally, the 'academy' is itself an important site of politics, and, even at an institutional level, takes on a set of political imperatives framed in relation to the contested concept of (national) transformation. Thus, just as the space of the university stood as an important site for the fermentation and expression of dissent during the apartheid era, in post-apartheid South Africa the university continues to reflect and shape wider political currents, both in its products and the struggles that have unfolded within it.

In this sense, many properly academic statements on questions of neoliberalism and social movements equally stand (as we will see) as political statements, whether in underlining or clarifying a wrong that stands as the motive for political action, or acclaiming the political action of a particular subject.

Reading across the literature on post-apartheid South Africa, one can in fact discern a red thread running through it and which collects together a wide variety of themes. In this thesis, I touch on two definite areas of political-academic writing; the question of neoliberalism in South Africa, drawing together questions around the character of the transition from apartheid, the delivery of basic services, etc; and post-apartheid social movement struggles. My relationship to this literature – which is the subject of this review - is a complex one. On the one hand, it indexes, in the broadest sense, the 'we' that I would like to think I am part of, that is to say, that wider social movement that we call 'the left' (as that public my work speaks to and is a product of). On the other hand, it is also with respect to this literature that the limits this work tries to overcome are identified. That is, my relationship to this literature is a critical one.

In developing the questions that motivate this work, and locating them within the well-defined political and intellectual context to which they respond, thus implies passing through some of the debates that characterise contemporary South African social theory.

And while I borrow much from the rich store of work that has been done on questions of government and neoliberalism, as well as on the politics and mobilisations of social movements, it is also in relation to this work that I identify some of the limits of the existing analysis on 'resistance and power' in post-apartheid South Africa. What follows is therefore as much a critical appropriation of the tradition of left political-academic writing on the struggles of a post-apartheid South Africa, as it is a review of the literature that, in different ways, speaks to the problematic this thesis grapples with.

1. Neoliberalism, Globalisation and the Transition from Apartheid

Bringing together, in this section's heading, the terminological markers of three intertwined processes, that have in different ways come to shape the horizon and limits of post-apartheid politics, is neither without precedent nor challenge. And indeed, the character of South Africa's reintegration into the global economy, and the influence of neoliberalism on post-apartheid socio-economic policy frameworks, is often what are at stake in contemporary debates over the (political) character of the transition from apartheid. Moreover, as a significant body of literature attests, understanding the imperatives assumed by government in the post-apartheid era (whether on the terrain of basic services or that of macro-economic policy) requires that we confront, in one way or another, the question of the transition from apartheid and the formative phase of a new government, and how these processes came to be shaped by what has sometimes been called "the hegemony of the neoliberal agenda" (see for instance, Tomlinson 2002; Bond 2000b; Marais 2008; 2011; Legassick 2007; Alexander 2002). And whether the latter conspired with(in) the ('irresistible'?) forces of globalisation to underline TINA ('There is no alternative') as what John Saul characterises as the "premise of many members of the new South African elite" (Saul 2001), or if indeed, the ANC-led government's stewardship over the transition marked a betrayal of the popular movement, are questions that continue to weigh heavily on our contemporary political imaginary (see *Chapter 2*).

As Saul notes, however, it is probably the case that both assertions hold some truth. Few today would deny that the contexts of the domestic and global economy exerted tremendous influence in shaping the limits of South Africa's transition and what was

possible for a new government. And if today we cannot help but marvel at how quickly the question of "transition" passed from the theme of socialist revolution in the 1980s, to the pragmatics of a negotiated settlement within the unipolar global context that followed the demise of the former Soviet bloc, the missed opportunities that we are able to discern in hindsight might not have appeared as starkly to those riding the current of change in the 1990s.

All the same, from the tenor of the left's critique within the ANC-led Alliance, to the accounts of social movement activists and academics writing on the transition, it has become an almost established fact that, beyond the challenges faced, there was a significant shift to the right on the part of senior ANC officials that set the newly adopted imperatives of government at odds with many aspects of 'the liberation movement script' (McKinley & Veriava 2005; Bond 2000b; Marais 2008; Saul 2001). And no doubt the emphasis given in such narratives to the lack of alternatives versus an account of the form of betrayal depends, as Saul correctly points out, "a great deal on what one believes regarding the art of the possible for nationally based political movements and parties under present world-wide (and continental) conditions generally – or in South Africa more specifically" (Saul 2001). This notwithstanding, for Saul, writing in 2001, South Africa represented nothing less than a profound metaphor of our times:

> A tragedy is being enacted in South Africa, as much a metaphor for our times as Rwanda and Yugoslavia, and, even if not so immediately searing of the spirit, it is perhaps a more revealing one. For in the teeth of high expectations arising from the successful struggle against apartheid, a very large percentage of the population – among them many of the most desperately poor in the world – are being sacrificed on the altar of the neoliberal logic of global capitalism. (ibid).

Saul's *The Post-apartheid Denouement* was, however, a late entry on this side of the debate, and expressed a view that had already begun to develop in the emerging literature on the transition, such as Marais' 1998, *The Limits of Change,* or Bond's 2000, *Elite Transition*, and which by 2001 had already found popular representation in the public discourse of newly formed social movements such as the APF in Johannesburg and CCF in Durban (see McKinley & Veriava 2005; Desai 2002).

While there are significant differences amongst the critical left perspectives that have emerged on the transition, a common thread that often binds such accounts together is their emphasis on locating these processes within the 'economic crises' that began to set-in in the 1970s, and the near insurrectionary mood of the country, which amongst other things, would exponentially drive up the economic and political costs of 'maintaining order'. With respect to the former, some have argued that the 1970s saw South Africa experience an "organic crisis", located within international developments, such as the oil shock of 1973, the collapse of the Bretton Woods system and global recession, with the local effects of stalled growth, falling investment, capital flight and labour militancy (Gelb 1991; Bundy 2004). Others like Patrick Bond have critiqued this characterisation as a departure from Marxist political economy and insist that the crises be read through the lens of the theory of combined and uneven development, and capital's tendency to over-accumulation (Bond 2000b).

Generally, however, as Marais points out, more "orthodox" economic thought "stressed the increasing dysfunctionality of the government's apartheid policies to the economy, policies which were said to limit the natural workings of the free market and to invite external distorting factors like sanctions" (particularly in 1976 and 1985), as well as drops in the price of gold (Marais 2008: 31).

At the political level, however, accounts have also pointed to the real movements and alliances of (new and old) elites that were to dramatically influence important moments of the transition. Critical accounts of the transition have in fact often emphasised a(n) (elite) 'pact' or 'deal' between big business and the ANC:

> In return for macroeconomic stability and openness to international trade and finance, big business would sign up to BEE (black economic empowerment). Structural factors meant that the model would rest on the accommodation between the ANC and big business, creating a distributional coalition of white business and emerging black business, resting on policies to promote globalisation and BEE (Bundy 2004; see also Bond 2000b).

What is somewhat muted in Bundy takes on a far more striking form in writers like Bond, or even, in the SACP's more recent critiques of the "1996 class project". In fact, such accounts form the basis of a 'sell out thesis', where the rhetorical force of critique is its highlighting of the ways in which ANC leaders turncoat, and betray the historical aspirations of the struggle against apartheid. As I show later, such accounts often mark a path from the RDP to the (neoliberal) GEAR policy as the matter of the selling out of the people's struggle. And if such narratives, for many, index a turning away from socialism, and the arrival of a triumphant neoliberalism, it is worth remembering that South Africa's own economic crisis was located within a broader crisis within the global capitalist system.

Between the Global and the Local

Various theorists have argued that in the late 1960s the global capitalist system experienced a significant crisis (Harvey 2005; De Angelis 1998) variously attributed to the stresses precipitated by worker struggles, declining profits, overproduction and over accumulation. It is, however, important to recognize that between these potential causes (for instance, between worker struggles and over accumulation) is a set of debates that takes us to the disputes that characterise left approaches to the question of 'crisis'. However, whether thought of in terms of a Polanyiesque double movement (see for instance De Angelis 1998), or capital's capacity to establish new spatio-temporal fixes (Harvey 2005), or even both, there is the increasing appreciation of the fact that, rather than heralding its demise, capitalist crisis more often simply sets the context for new adjustments to the system (see also Marais). This does, however, mean that we should also try to understand why such crises emerge, the role of politics in this movement, as well as in the very practices through which systemic adjustments are made (questions made all the more urgent at the threshold of a new crisis in the global capitalist system whose 'life' changing effects are only just becoming clear).

Accounts of (global) processes of neoliberalisation, in which the process of globalisation itself comes to be located, have in fact often been thought in relation to the ways various institutional bodies have instituted a set of reforms aimed at removing obstacles to further capitalist accumulation (Harvey 2005; De Angelis 1998; Bond 2000b). For instance, through a whole range of tactics, institutions such as the World Bank,

International Monetary Fund and World Trade Organisation have facilitated processes in which nation-states have undertaken structural reforms geared toward the deregulation of financial markets and the re-organisation of local economies. Such measures have often included the introduction of trade liberalisation policies; fiscal austerity measures including cuts in social spending and within the public sector (often resulting in job losses); privatisation; and changes in the nature of regulations around work (often resulting in retrenchments, casualisation and flexibilisation). If such changes in the domestic and global financial and political architecture have generally been understood in relation to the concept of neoliberalism, it is important to keep in mind, as Saad-Filho and Johnston warn in a recently published reader on the subject, that there remains a danger in suggesting any easy definition for the term, whether focused on the set of measures and policy decisions taken by nation states, or the texts and principles that inspire them:

> Neoliberalism straddles a wide range of social, political and economic phenomena at different levels of complexity. Some of these are highly abstract, for example the growing power of finance or the debasement of democracy, while others are relatively concrete, such as privatisation or the relationship between foreign states and local non-governmental organisations (NGOs). (Saad-Filho & Johnston 2005: 14).

In fact, it is precisely in relation to similar concerns that theorists such as David Harvey have put the emphasis on the verb form – neoliberalisation, focusing attention precisely on a particular set of processes (see for instance Harvey 2007; see also Brenner & Theodore 2002). Moving from an appreciation of these difficulties, Saad-Filho and Johnston do, however, hazard something close to a definition: "the most basic feature of neoliberalism is the systematic use of state power to impose (financial) market imperatives, in a domestic process that is replicated internationally by 'globalisation'" (Saad-Filho & Johnston 2005: 15).

While this is a useful starting point, that will still require more nuance, it is important to see that it still means paying attention to the ways in which state power often gets mobilised in bringing about forms of neoliberal restructuring, as well as the actual processes through which neoliberal market imperatives come to be imposed over

different contexts (processes that often encounter both institutional and political resistance). And if both these lines of questioning mark important nodes in my work around the themes of sovereignty and government, the literature on the transition provides a rich source of support to this work.

All the same, it is important not to lose sight of the ways in which what we call 'local' is differentially inscribed in processes that are, so to speak, constitutive and productive of 'the global', nor the fault lines and contradictions that are attendant to such processes. Two recent studies that explicitly take up the question of Africa and South Africa within the global order are James Ferguson's *Global Shadows* and Gillian Hart's *Disabling Globalisation*.

The importance of these studies to my own work is their attention to the production of what Ferguson calls "place". Place, in this context, does not simply refer to position, but instead indexes "both a location in space and a rank in a system of categories (as in the expression "knowing your place")" (Ferguson 2006: 6). In this sense, Africa's, South Africa's, and the local's place within the global order refers back to a political economy, to a complex set of global processes in which nation-states, cities and locales come to be integrated into a supra-national political-economic order.

It is important, however, to move away from narratives centred on the local's integration into these processes which take the analogy of "capital flows". Although the reach of capital with respect to such processes is in every sense global, it does not flow across the globe indifferently covering its surface. In Ferguson's words:

> Such networks of political and economic connection do indeed "span the globe", as is often claimed, but they do not cover it. Instead, they hop over (rather than flowing through) the territories inhabited by the vast majority of the African population. This leaves most Africans with only a tenuous and indirect connection to "the global economy", as critics have often observed. But this is not simply a matter of exclusion. The same processes that produce exclusion, marginalization, and abjection are also producing new forms of non-national economic spaces …and new kinds of more or less desperate claims to membership and recognition at a supranational level… (ibid: 14).

At the same time we should also not see the local as "a passive" target of global forces. This is in fact one of the primary points of departure for Gillian Hart's *Disabling Globalisation*. A common feature of critical accounts of globalisation is the insistence on the deleterious local effects of global economic processes along the lines of an "impact model". While it is important to remain vigilant to the detrimental and politically limiting consequences of global processes (that is, one sense of Hart's use of the phrase "disabling globalization"), it is just as important to understand the ways in which places, at different levels of scale, participate in dynamic ways within global processes. In this way we remain attentive to how difference is produced within processes of globalisation.

One of the principal lessons of Hart's teaching is that "the local state has become a key", if not, the key "site of contradictions in the neoliberal post-apartheid order" (Hart 2002: 7). This insight is, however, shot through with an appreciation of how the local state comes to manage tensions and antagonisms which always point back at complex local histories interlocked with more global movements and processes of dispossession, what she calls "concrete, intertwined historical geographies" that "speak to broader questions of globalisation" (ibid: 12). The richness of Hart's work is the documenting of the forces that underlie these "interconnected trajectories of socio-spatial change" in post-apartheid South Africa, trajectories in which difference is a product of participation in a wide array of global processes. In this sense, she defines her use of the term trajectory as conveying "the ongoing processes to which sets of power-laden practices in the multiple interconnected arenas of everyday life at different spatial scales constantly rework places and identities" (ibid: 13). What this study takes from both Ferguson and Hart is, thus, an attentiveness to the ways in which political subjects and the complex histories of the locales to which they belong, are made in, but also make, the dynamic and shifting global order.

Of Government and Resistance

In this thesis, I pose a wide set of questions centering on government and resistance; from the inspiration and character of government's approach to the delivery of housing and services, through the mechanics and effects of the commodification of basic services, to the forms of rule that characterise modern governmental power and the

kinds of practices (political or otherwise) that might affect it. If such questions find a lively counterpart in the academic literature on the restructuring of basic services, it is significant that at both points of articulation (activist and scholarly) it has often been on the issue of 'cost recovery'[399] that critical attention has come to centre (a fact that perhaps explains the close activist-scholar collaborations that have developed in researching this issue).

For the Johannesburg based social movement, the APF, the issue of 'cost recovery' was 'brought home' when paralleling its emergence on the political scene in 2000, ESKOM embarked on a wide spread programmes of cut-offs in Soweto (Naidoo & Veriava 2005; McInnes 2006). According to a survey done (in activist-scholar collaboration) by the Municipal Services Project (MSP) and the Soweto affiliate of the APF, the SECC, up to 20 000 Soweto households were being cut-off each month for non-payment (Fiil-Flynn 2001: 2). Significantly, the MSP/SECC report highlighted the issue of affordability as one of the key stresses underlying "Soweto's electricity crisis". However, the report also goes on to link these problems to the "cost recovery policies on the part of ESKOM and various levels of government" (ibid: 6) which had the effect of reorientating governmental priorities for delivery of basic services.

In an unpublished masters dissertation, Peter McInnes writes of the political challenges that the electricity crisis posed for Sowetans:

> In response to these cut-offs Sowetans required urgent and appropriate forms of political action that would both provide immediate relief in terms of reconnecting disconnected households to the grid, wiping off unpayable electricity account arrears and, over the long term, mitigating or transforming the policies that led to the cut-offs (McInnes 2006: 1)

As I discuss in the thesis, the response was the formation of the SECC, which, under the banner of a campaign called 'Operation Khanyisa', not only took up the issue of cut-offs through public demonstrations and marches, but embarked on a popular campaign of (illegally) reconnecting people who ESKOM disconnected (Naidoo &Veriava 2005; McInnes 2006).

The politically perilous approach of cut-off was to become an important point of conflict between government and poor communities, and focused public attention on the cost recovery emphasis of the restructuring of the delivery of basic services. Not surprisingly, then, this theme was to become the site of often-bitter debate over the character of government's approach to the delivery of services. An important study in these debates was McDonald's now historic 2002 study on cut-offs, published by the Human Sciences Research Council (HSRC). Following the MSP/SECC study, which focused exclusively on Soweto, the McDonald study (also linked to the MSP) set the problem in a national context. Based on the extrapolation of a nationally representative household survey conducted in July 2002, the study estimated that close to ten million individuals had been cut off from their water and the same number from their electricity since 1994 (Macdonald 2002). As these statistics began to be quoted in the media, and used by social movements in their criticisms of government, the study would itself be drawn into the fray of public debate – perhaps most famously in 2004 when the editor of the *Mail and Guardian* lashed out at what she called the 'new left'.

Among the key issues that came to be underlined in this debate was the extent of the problem of cut-offs, and the veracity of the figures provide by McDonald. While I discuss this debate in Chapter 4, it seems important to highlight that here, the political reality of cut-offs (that is as the object of organised political opposition to governmental practice by an identifiable political subject) is seemingly deflected onto a technical debate centred on cut off statistics. There are in fact a wide range of similar examples of this kind of 'technicisation' of political questions (see Naidoo 2010a), prompting us to count among the questions this project takes on, both explaining this, and asking, 'what does this means for *doing politics* then?'.

Neoliberalism and the Restructuring of the Delivery of Basic Services

If the debate in 2004 had come to centre on cut off statistics as the measure of the problem, no doubt one of the reasons it was to prove so polarised was related to the underlying political narrative in which the problem had initially been cast. In the introduction of the book in which the results of the McDonald study was published, for instance, it is argued that "from 1996 onwards, local government development paradigms shifted steadily from a redistributive state to the neoliberal "enabling" or "facilitating"

state" (McDonald & Pape 2002: 4). Loading the stakes of this shift, McDonald and Pape's introductory essay suggests that the initial gains of the democratic transition were effectively being put into question in a context where "citizens rights are linked to the law of the market and cost recovery has sank its claws into the bill of rights" (ibid).

Crucial in such accounts is the perceived shift from the redistributive and developmental emphasis of the RDP, to the neoliberal market centric imperatives that came to be associated with the introduction of GEAR (see also…). And, if strategies such as Masakhane had already cut a path towards cost recovery, government's 'tactical approach' will now shift from the 'gentle arm twisting'[400] of Masakhane's discourse of good citizenship through payment for services, to more violent approaches like cut-offs. This account in fact touches raw details of the critique of the ANC's leadership over the transition which would come to play an increasingly prominent role in the years to come, even being mobilized in the 2007 succession race in the ANC. However, in this respect McDonald and Pape's 2002 argument stood as one among a number of critiques of government already emphasising a neoliberal shift from the RDP to GEAR. All the same, if by 2007 this critique had become common currency for many of Mbeki's opponents in the ANC and Alliance, at the turn of the century it had still not lost a certain heretical quality in relation to the mainstream.

It is important to point out, however, that the terms of this debate increasingly deepen beyond the adoption of GEAR. For if it has become clear that the strategic orientation of government was deeply shaped by neoliberalism, some of the best left scholarship over the last decade have increasingly directed its powers to graphing the complex set of governmental tactics being introduced (Hart 2002; 2006; 2007a; 2007b; Barchiesi 1998; 2006a; 2006b; 2006c; 2007; Ruiters 2005; 2007). Moreover, such studies gave far more nuanced perspectives on South Africa's encounter with neoliberalism, making impossible its reduction to the adoption of GEAR in 1996. The emphasis will also now be on the complex "system of social security" taking shape, collecting a wide range of tactics for administering to the life of the population: from life line allocations and the introduction of new prepaid meter technologies in the delivery of basic services (see for instance Ruiters 2005; 2007), through an intricate system of targeted grants and emerging municipal indigent management frameworks (see for instance Naidoo 2007; 2010a) to

the range of additional measures introduced to fight poverty, often under the banner of interventions in the second economy (see for instance *Africanus*, November 2007).

It is important, however, to relate these developments to a broader governmental trajectory that includes the measures introduced by the late apartheid government that already showed an orientation to the market in dealing with the problems and backlogs associated with housing and service delivery in townships (see for instance, Planact 1989). Significantly, such measures were also often explicitly linked to what had become an urgent imperative for township authorities, that is, depoliticising the question of housing and services (ibid) in the face of widespread rent boycotts.

Less nuanced versions of the left's critique of the post-apartheid governmental practice have tended to give the impression of a smooth transition - briefly punctuated by the short lived RDP - from apartheid to neoliberalism, as markers of a 'wrong'. While I by no means deny a motive for political agitation, it is nonetheless important to emphasise that the actual emergence of neoliberal measures in South Africa is far more complicated, and calls into question the neat, formal, equivalence between the two terms (that is, between apartheid and neoliberalism). Moreover, if it is clear that the forms taken by post-apartheid governmental practice go beyond the imperatives set out in GEAR, it becomes ever more important to understand why the latter took on such great symbolic importance in the left's critique of the transition.

2. On Social Movements

There is an important symbiotic relationship between the critical literature on the transition and the question of neoliberalism, and what I want to call 'the acclamatory literature' on social movements. Ashwin Desai's *We are the Poors*, which is one of the definitive texts of the literature on new social movements, is a good example in this respect. Desai, in fact, refers exactly to the critical accounts of the transition, discussed above, in prefacing his discussion of the emergence of 'new social movements':

> The betrayal of the South African liberation struggle has been documented by scholars like Dale McKinley, Hein Marais, Patrick Bond, and John Saul. Anyone who wants to hold on to fantasies of South Africa as liberated zone should read

> their books. The dirty deals have been recorded and the numbers are all there. (Desai 2002: 12)

The location of the technical narratives of betrayal[401] established, Desai can then proceed to give account of "the lived experience" of neoliberalism and the forms of resistance that it provoked. This division of labour extends the other way as well, and is reflected in critical literature focused on the state. It is not unusual, for instance, to find in left writers summary reference to the struggles of social movements, with the obligatory citation of writers like Desai in their more detailed critical treatments of governmental practice. In this way, the struggles of the poor give proof of the deleterious consequences of those (neoliberal) measures taken up in such critical treatments[402].

On one side of this division of labour, then, much has been said and written about new social movements in the context of 'a struggle against neoliberalism'. It should be said, however, that the specificity of this designation in South Africa is to underline the post-apartheid genealogy of a particular set of movements. In Wallerstein, the opposition between 'new' and 'old' with respect to social movements is as much about ways of doing politics as it is about political forms[403]. While such could be said of new social movements in South Africa as well, what seems to me to be far more decisive in this characterisation, is the ways in which it indexes those structures and political formations that have emerged out of particular post-apartheid struggles, and at a remove from the formations of the 'traditional liberation movement'. Generally, then, to speak of new social movements in South Africa today is to speak of those movements that emerged after 1997, most prominently the Treatment Action Campaign (TAC), the Concerned Citizens' Forum (CCF), the Anti-Privatisation Forum (APF), the Anti-Eviction Campaign (AEC), the Landless People's Movement (LPM), and the Abahlali baseMjondolo (ABM)[404].

Although one might enter the writing and public statements on new social movements from a number of directions, here I undertake a two-fold strategy. In the first part of this section, I briefly outline some aspects of approaches to the study of social movements. In the second part of the section I look at literature on new social movements in South Africa with an emphasis on writing about the APF.

An Approach to Social Movements

In academic publics the most influential school of thought for the study of social movements is associated with authors such as Charles Tilly, Sidney Tarrow, and Doug McAdam. These authors attempt to bring together different perspectives on the 'whys' of collective action and social protest with approaches that pay attention to the 'hows' of mobilisation and sustained forms of what they term "contentious politics"[405] (Tarrow 1996; 1998).

In Ballard, Habib and Valodia's extremely influential[406] *Voices of Protest: Social Movements in Post-Apartheid South Africa* (2006), they for instance draw on Tilly in presenting an analytic characterisation of social movement:

> Definitions of social movements abound. Charles Tilly suggests that 'the proper analogy to a social movement is neither party nor union. What we call a social movement actually consists in a series of demands or challenges to power-holders in the name of a social category that lacks an established political position.

Although they draw on Elizabeth Jelin's definition of a social movement to give more flesh to this insight, the framework that begins in Tilly's work and which is later developed in the writings of Tarrow and McAdam[407], as well as in their collaborative work, is without a doubt, one of the points of grounding for the approach to new social movements that emerges from Ballard, Habib and Valodia's book.

> [The approach of McAdam, Tarrow and Tilly] seeks to move the focus of inquiry from one of understanding political opportunities and threats, mobilizing structures and framing processes to a framework within which greater emphasis is placed upon the very mechanisms and processes that bring about contentious action by connecting these factors. This results in a more dynamic and complex framework which effectively focuses on processes such as boundary activation (defining 'us' and 'them'); diffusion (the transmission of ideas and approaches to new populations); brokerage (the linking of previously unconnected actors and sites; radicalization (the move to more extreme tactics or agenda); social

> appropriation (the appropriation of previously non-politicised sites or activities into sites of mobilization); category formation (creation of a new social category); object shift (change in perceptions and relations among actors); and certification (validation of actors by an external authority). (Ballard, Habib and Valodia 2006: 8).

Contemporary writings on social movements are part of a wider literature on social change, stretching from early texts on crowds and riots (e.g. Le Bon 1895 in Giddens and Dunneier 2000; Rude 1959 in Giddens and Dunneier 2000; Thompson 1963), often linked to the emergence of capitalism, to more recent thought on what constitutes a politics of the poor (e.g. Piven and Cloward 1977; Chatterjee 2004). Considering the extent of the literature on collective action and social movements that has been produced since the advent of capitalism, it is likely that the reason for the above three authors' popularity in academia lies in their mode of systematisation of an approach to the study of social movements. Underpinning this systematisation, are their broad analyses, classifications, and critiques of much of the literature on social protest and their attempts to synthesise these into a single all-inclusive approach. It is also possible that the popularity of their approach relates to the ways it links up with dominant modes of understanding how social change can be effected today, that is, on the basis of an analysis that takes citizenship and institutionalised forms of doing politics as its starting point. Indeed, I suspect that this prejudice is also at the root of the limitations found in studies like *Voices of Protest*.

In the development of my own thought on politics and modernity, the figure of E.P. Thompson has proved important and provocative. In fact, an important starting point to the notion of life strategies developed in this thesis (with all its limitations) was E. P. Thompson's idea of the moral economy[408]. In his groundbreaking work on the emergence of the English working class, and their political interventions in the making of the modern world, he shows how, apart and outside of the practices legitimated by formal institutions and the law, the crowd (as those outside of polite or civil society) engage in acts that are mediated by pre-existing moral structures and codes irreducible to what is valorised by power. Speaking about food riots that were set off by "soaring prices", Thompson notes:

> [T]hese grievances operated within a popular consensus as to what were legitimate and what were illegitimate practices in marketing, milling, baking, etc. This in its turn was grounded upon a consistent traditional view of social norms and obligations, of the proper economic functions of several parties within the community, which, taken together, can be said to constitute the moral economy of the poor. An outrage to these moral assumptions, quite as much as actual deprivation was the usual occasion for direct action. (Thompson 1991[1971]: 188).

One of the key lessons I take from E. P. Thompson is that subjects and their actions are never simply or wholly products of power's attempt at shaping and directing them. Instead, like the English working class (which emerged with a set of violent processes often thought of in relation to what Marx called primitive accumulation) they are "present in their own making"[409].

A second text concerned with social movements that intersects with my own work is Piven and Cloward's *Poor Peoples Movements* (1977). Although one might make any number of points about this work, I want to highlight just two.

Firstly, Piven and Cloward's work opens up the possibility for understanding political movements beyond their formal organisational instance. The movements we find in this work are often fluid and multi faceted, underlining modes of collective defiance and spontaneous action. And what is important here is disposition a much as consciousness in understanding and approaching political action. They write:

> [T]he effect of equating movements with movement organisations – and thus requiring that protests have a leader, a constitution, a legislative programme, or at least a banner before they are recognized as such – is to divert attention from many forms of political unrest and to consign them by definition to more shadowy realms of social problems and deviant behaviour. As a result such events as massive school truancy or rising worker absenteeism or mounting applications for public welfare or spreading rent defaults rarely attract the attention of political analysts. Having decided by definitional fiat that nothing

> political has occurred, nothing has to be explained, at least in the terms of political protest. And having contrived in this way not to recognise protest or to study it, we cannot ask certain rather obvious and important questions about it. (Piven and Cloward 1977: 5).

This is a tremendously important insight and marks one of the points of inspiration to my approach to the restructuring of basic services and the question of non-payment and the specific forms in which the latter articulates with the organisational politics of social movements.

Secondly, and what is perhaps the most relevant aspect of Piven and Cloward's perspective for thinking about the contemporary fate of movements, is the inverse relationship that they describe between protest and its institutionalisation. In this account, as protest becomes more organised and is drawn into the dynamic of state institutions (as part of the latter's concession to protest), its effectiveness, militancy, and vitality often diminishes or becomes constrained. Focusing on the US context of the 1930s and 1960s, Piven and Cloward also write:

> Collective bargaining was not invented in the 1930s nor the franchise in the 1960s. Driven by turmoil, political leaders proposed reforms that were in a sense prefigured by institutional arrangements that already existed, that were drawn from a repertoire provided by existing traditions. And an aroused people responded by demanding simply what political leaders had said they should have. If through some accident of history they had done otherwise, if industrial workers had demanded public ownership of factories, they would probably still have gotten unionism, if they got anything at all; and if impoverished southern blacks had demanded land reform, they would probably still have gotten the vote. (ibid: 33).

Somewhat tongue in cheek, we might hazard that the South Africa transition is precisely the form of 'accident of history' in which the demands of protest went beyond what 'existing traditions' might tolerate. Not surprising, then, is the fact that it was still corporatism and the franchise that marked the (re)conciliation that characterised our transition. And it is also on this basis that we might read the contemporary predicaments

of social movements like the APF, and the 'double-edged' forms of change that their struggles have provoked.

Another name that bears mention here is Alain Touraine. In contrast to the emphasis on external developments in provoking social movements, the perspective found in Touraine focuses on their internal life and helps us understand the articulation between change and the ways in which meanings are constructed in society, and the multi-layered processes that belong to social movements:

> The sociology of social movements cannot be separated from a representation of society as a system of social forces competing for control of a cultural field. It has split not only from analyses which reduce society to the internal logic of domination but also with those analyses which see sociology merely as the functional application of a means to serve ends defined by progress, modernity and reason. Far from the optimism of the Enlightenment and the pessimism of those who see only contradictions in society, this sociology of action ceases to believe that conduct must be a response to a situation and claims that the situation is merely the changing and unstable result of relations between the actors who, through their social conflicts and via their cultural orientations, produce society. (Touraine 1981: 30).

In this account *society comes about in relation to social movement*. A further point that bears mention in thinking about South African social movements is Touraine's insistence on the "historicity" (ibid: 29) of political practices. From this perspective, the political practices of the present index a past, drawing on social memory and the historical store of knowledge by which people gain a sense of what it means to act politically. In this context, the activity of social movements in the post-apartheid present can only be properly understood in relation to the ways in which people deploy and re-member political practices grown out of the mobilisations of previous generations. This insight, which Marx also highlighted, is, in part, what I try to set out in *Chapter Two* with respect to the ways in which the APF emerges in a relation to the organs and imaginaries of the Congress movement.

Finally, while academic analyses of social movements in post-apartheid South Africa have often applied approaches to their study developed in North American and European contexts to the study of local movements, we should say that there is necessarily a caveat in how far the civil society-centred focus that one finds, for instance, in *Voices of Protest* is sufficiently rigorous to the dynamic of local politics. Writers, like Mamdani and Cooper have for instance, criticised various theories for an over-emphasis on state-civil society relations in the African context. In this respect, along with Mamdani, the work of Partha Chatterjee has been important in shifting this work away from approaches to politics centred on a concept of civil society. (See *Chapters 3 and 4*)

In what follows then I mark out different moments in the development of a literature on the mobilisations of social movements in South Africa.

A Force Apart

The earliest discussions and debates about the nature and character of emerging social movements took place in the late 1990s and early 2000s, on the *debate* list serve, an online discussion group of left activists and academics that was initially linked to a journal with the same name[410]. Although, in its original form, the journal only brought out four editions (with production of the journal coming to a halt in 1998 due to financial problems), the email discussion list that grew out of the initiative played an important role in hosting discussions amongst left academics and activists, especially in the late 1990s and early 2000s.

Operating as both a clearing house for information being developed on and by nascent social movements, and a place to debate issues linked to their activities, the *debate* list initially played host to many important discussions (including on the mobilisations against Wits 2001 and iGoli 2002, the Bredell land occupation, the community of Bayview's battle against evictions, the community of Wentworth's struggle with Engen, the mobilisations around the WCAR and WSSD, etc.). While these discussions resist summary, it seems to me important to highlight two important fissures that form, with the very emergence of the new social movements, in the animated discussions about them.

Very early on, tensions emerged between traditional left perspectives and what was often characterised (not altogether or always accurately) as autonomist politics (see also below). Although not easy to define, these tensions often centred on what ought to characterise the political imaginary and focuses of a new radical left set in opposition to capitalism[411]. Deeper than these tensions, however, were those over what a radical left's relationship to organised labour in the form of COSATU and to the Alliance more generally, should be. In fact this issue came to form a major axis of debate with respect to new social movements and writings about them. In 2004, *Debate* launched an edition with the title 'Mind the Gap. Labour and the New Social Movements'.

Critiques of a 'rightward shift' on the part of the ANC and neoliberalism had already begun to surface in the mid-1990s[412] (see above). But when the first movements began to take shape from 1998 on, their emergence was often explained in relation to this shift in the ANC (Bond 2000a; 2000b, McKinley and Naidoo 2004) including in the movements themselves (see Chapter 2). From early on, in fact, writers like Patrick Bond (2000a) attempted to show links between emerging struggles and neoliberal governmental measures (from early municipal protests in 1997 in townships from Eldorado Park and the East Rand in Johannesburg to Mpumalanga and the Transkei) .

In the early 2000s, the growing public profile and visibility of new social movements also provoked a number of public attacks and denunciations from different quarters, but especially from within the tripartite alliance. A telling example in this respect was a talk given by Gwede Mantashe at the Rand Afrikaans University (RAU)[413] on new social movements on 17 October 2003, as part of a seminar on the relationship between new social movements and trade unions. Mantashe, then secretary-general of the National Union of Mineworkers (NUM), outlined his reservations:

> COSATU accepts that issue-based formations will always be a feature of our society. Sector-based formations are necessary for our society to remain mobilised. Hence the resolution in the recent national congress to work with progressive social movements. But what do we do when movements become narrow and have a tunnel vision? If the disconnection of electricity in Soweto becomes everything, we say it is but one terrain of struggle amongst others. We have resolved to refuse to work with any social movements that are narrow,

> sectarian and divisive in their overall strategy. This resolution on our part extends the hand of cooperation to the social movements but not at all costs. (Mantashe 2004: 26).[414]

Mantashe went on to provide examples of these two kinds of movements, holding up the Treatment Action Campaign (TAC) as a formation that COSATU could work with, and intimating that the APF and SECC could not be considered as potential partners for COSATU given their public critiques of the ANC, seen by Mantashe as evidence of a "strategy that is premised on killing the alliance and dividing the labour movement" (ibid.). Indeed, this form of opposition – between 'good' social movements like the TAC, and 'infantile' ones like the APF – became common on one side of the the unfolding debates. But over and above tactical questions, what an orientation to law and legalism should be, or how social movements should relate to the Alliance or engage with the state, what is also at stake in these debates is the normative injunction concerning the appropriate forms for the expression of political antagonism (see also *Chapter 2*).

Narrating Movements

As I suggested earlier, in spite of a good deal of criticism, the growth of new social movements was welcomed with some measure of acclamation, both in academia, and in wider society. A number of texts stand out in this regard: Ashwin Desai's 2002 *We Are The Poors*; Naidoo and my *re-membering movements* published in 2003[415]; a special edition of the journal, *Development Update*[416] on Social movements edited Prishani Naidoo and Dale McKinley (titled *Mobilising for Change. The Rise of the New Social Movements in South Africa*; The 2006 *Voices of Protest*, edited by Richard Ballard, Adam Habib and Imraan Valodia; and finally Nigel Gibson's edited collection, *Challenging Hegemony. Social Movements and the Quest for a New Humanism in Post-Apartheid South Africa*, also published in 2006.

Ashwin Desai's *We Are The Poors* (2002), is a sweeping narrative of post-apartheid social movement struggles, spanning a field that runs from struggles against evictions in Chatsworth, Durban and Tafelsig in Cape Town, to the mobilisations and acts of reconnection of the Soweto Electricity Crisis Committee (SECC) in Johannesburg. It remains, in fact, perhaps the most cited text on social movement struggles in post-apartheid South Africa, receiving global recognition and acclaim from writers, such as

Naomi Klein and Hardt and Negri. It is worth remarking, however, that *We Are The Poors* builds on a previously published (better[417]) book called *The Poors of Chatsworth*. What was important about Desai's book in 2002 was its attempt to draw together different formations around the country into a narrative of an emerging movement. Its lasting impression comes from the ways it shifts us from a structure-organisation centred analysis to one that turns on questions of subjectivity.

No doubt, one of the reasons for the book's popularity is the politically provocative stance it reflects on with respect to 'political identity'. For, in Desai's book, the political subject as 'the poors' expresses itself not by negating difference in the form of a unity that turns the many into a one, but appear to figure a one that remains many.

> [N]ew political variants have emerged, happily immune to infection by Robben Islanders, exiles, and ethnic entrepreneurs; the ruling post-apartheid political faction. Unemployed, single mother, community defender, neighbor, factory worker, popular criminal, rap artist and genuine ou (good human being). These constructs have all come to make up the collective identities of "the poors". (Desai 2002: 7).

This is precisely what is at stake in pluralising 'poor'. It should be said, however, that this philosophically provocative term, coined by a resident of Chatsworth, Girlie Amod, was, in the end, far more popular in academic references to the poor than in the poors' forms of political self-representation[418]. In many ways, this is a frustratingly good book and a sublimely bad one in which many of the problems that have dogged narratives of social movements find an original form. Two aspects of such problems, that have become particularly contentious in the present (and in debates in which Desai himself is a protagonist), is the loose relationship one finds to 'the truth' as the other side of an acclamation of the movements, and an extremely dodgy politics of representation.
The issue of representation emerges in how raced and classed bodies are mobilised in giving validity to the politics Desai wants to champion. A politics, then, for the poor, and certainly about the poor. But, unfortunately, a politics where the actions and voice of the poor only appear through modes of 'representing' them to the political realm.

This move is, by no means, an uncommon one. Desai was just the most daring and effective of the practitioners of this mode of writing social movements, and embodies a tendency that cuts across the genealogies of the left[419]. Even in a book like *Voices of Protest*, which attempts a far more politically removed (and, thus, methodologically positivist) discussion of social movements, the tracks of a politics that erases subaltern voice in its very claims to give representation to it, are apparent[420].

Although the collection, *Voices of Protest,* is prefaced with the admission that the book represents an "informal commentary" (Ballard, Habib and Valodia 2006: xiv) about a non-representative selection of different case studies of movements in post-apartheid South Africa, the editors also suggest that a certain "informed intuition" (ibid) acted as the basis for choices made about what movements to look at, who ought to look at them, and what terms would define the form of discussion that unfolds in the book. Beyond its positivist tones, the book's properly political vocation is given in its suggestion that it be read as the product of engagement among 'progressive academics' (ibid. ix) attempting to redefine their roles in the new context of corporatist governance and technocratic approaches to development and democracy, and in relation to new social movements.

The merit of *Voices of Protest* consists in its undertaking of an intellectually engaged and methodologically informed study of new social movements. In this respect, it begins by noting the methodological challenge presented by the diversity of post-apartheid social movements, and as we saw draws on the dominant approaches to the study of social movements, that is writers like Tarrow, Tilly and McAdam. Problems, however, arise when the editors undertake to measure the value of different forms of activism post-1994 according to these borrowed analytical models for observing changes with regard to political opportunity structures, networks and relations of support, and definitions and framing processes.

Part of the challenge posed by the emergence of social movements post-1994, is that they resist easy categorisation and definition. In fact, categorisation and definition have themselves become spaces of struggle - over meaning, and over the sites for production of meaning and knowledge. In measuring the responses of particular movements to

changes in a common set of opportunity structures, networks of support, and ways of defining and processes of framing individuals and movements, the book inevitably produces one goal and vision for change against which the roles of new social movements are evaluated.

These common measures become the gains or losses made through engagement or non-engagement with the State; the achievements or failures of alliances and coalitions; and the definition of movements as counterhegemonic or issue-based and therefore pragmatic. Not surprising, then, in the final chapter, the identified 'antagonism' of movements like the APF, the Concerned Citizens Forum (CCF) and the Anti Eviction Campaign (AEC) is measured against the 'more diverse' and 'less confrontational' tactics adopted by the Treatment Action Campaign (TAC) in its relations with the State. And the ability of movements like TAC to build alliances with COSATU is held up against the resistance of movements like the APF towards alliances of any sort with COSATU. As we have seen, this academic perspective coincides neatly with the political perspective of ANC Alliance leaders.

And in the book, the political valorisation of social movements is understood purely in relation to their functionality with respect to the forms of institutionality that belong to liberal democracy – such that the movements only comes to light in terms of their relation to the State and organised civil society[421]. In this respect, the editors might have done well to extend their literature review of social movements to writers like Fred Cooper (1994) and Mamdani et al. (1988) (the former reflecting on narratives of struggles during the period of colonialism in Africa, and the latter on analyses of movements during and after the colonial period), which, as I have pointed out, mount a real critique of State-civil society-centred forms of analysis of Africa.

The movements we find in *Voices of Protest* are often one dimensional, reflecting the personality and politics of their leader(s). They are seldom shown as spaces in which fierce contestation occurs, and in which the voices of ordinary members shape and direct their character. However, beyond the problems facing the collection more generally, or the limits of the analysis found in individual chapters (with few exceptions), the work of Sakhela Buhlungu on the Anti-Privatisation Forum (APF) stands out, both for its shoddy approach to the research process[422] and its shallow mode of critique.

Basing his chapter on interviews with just five members of the APF (mostly those prominent in the media and holding leadership positions), Buhlungu's well cited chapter is filled with inaccuracies. Perhaps most significant in this respect (especially in so far as it relates to the primary axis of Buhlungu's critique) is his characterisation of the APF's relationship with organised labour, in particular with COSATU. Reducing the severing of links between the leadership of organised labour and the APF to a childish antagonism to the Alliance and government by particular APF leaders, Buhlungu completely misses how the emergence of the APF is, at least in part, a product of tensions within the Alliance, and the coming together of discontented voices from within the trade union movement with those outside its organisational fold.

Rather than merely the product of a few disgruntled and marginal members of the Alliance, the emergence of the APF must be seen as woven into the narrative of the closing off of critical space within the Alliance. Needing to measure the APF's organisational form according to his own logic of the role of vanguards and the shifting dominance of academics and middle class activists in the new movements, Buhlungu also misses the new approaches to organising and struggle being experimented with in the APF. In his eagerness to paint the APF as antagonistic to the ANC Alliance through its prioritisation of direct action, Buhlungu, in fact, completely misses the fact that the discussions and debates within the APF on questions of tactics and strategy, were already weighing up options like Constitutional Court challenges, electoral participation, and always within a set of terms where the organised working class and the organisation's relationship to it was the persistent strategic question[423].

A second anthology on new social movements is Nigel Gibson's *Challenging Hegemony* (2006). In spite of seemingly more radical and 'closer' accounts of movements found in this book, it shares many of the problems of *Voices of Protest*. Little attention is given to the diversity within the different movements. In the case of Gibson, the research process seemed to be mostly conversations with a single white academic[424] who was an activist in the ABM.

Notably, the problem of representation not only spoils much of the literature on new social movements coming out of academia, but also literature coming out of movements.

In this case, however, it underlines the peculiar relations and even struggles within movements between the 'middle-class intellectual/activist' and 'the working class and poor rank and file'.

An important collection, and a good example of an attempt to write about movements from within movements, was the 2004 *Development Update* journal mentioned above. While some effort was made by the editors and authors to capture the diversity and differences at play within the movements, structuring the chapters according to various themes characterising the discussions and debates within and about the movements at the time, ultimately the chapters are written from the individual perspectives of particular middle-class activists within these movements. In the words of one of its editors:

> While the journal provides a rich source of the commonalities that hold movements together as well as their differences, it is also striking that the majority of its writers are middle-class, non-African members or associates of movements, highlighting a problem that is a constant feature of engagements within new social movements and their representation, that is, that those who traditionally hold access to resources and skills within movements tend to determine how they are portrayed outside of movements. (Naidoo 2010: 133).

Along this line, the problem of representation in academic literatures on social movements opens onto a related set of other debates on the relationship between middle-class and poor activists, on the appropriate character of narratives about social movements, and, stepping back to a higher level of abstraction, of the ethical question of speaking truth in the political realm. In fact, these questions that arise with the problem of representation, are an important axis of contemporary debate about social movements. Notwithstanding, the terms of this debate have often focused on the narrow terms, or moved from purely instrumental ends.

Recently, then, a number of critiques have emerged that point to a form of romanticisation of movements, as well as the related question of representation. It is a strange debate for many reasons, not least of which is the fact that virtually all its protagonists claim fidelity to similar political ethics (for instance, 'Don't speak for the poor; let the poor speak for themselves').

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Matiwane, Mbalie. Johannesburg Water Physical Loss Manager. Interviewed 21/10/2011, by Ahmed Veriava.

Mudau, Enoc. Johannesburg Water Senior Manager in the new service division. Interviewed 2011/11/03, by Ahmed Veriava.

Muller, Mike. Former Director General in the Department of Water Affairs and Forestry. Interviewed 2011/02/17, by Ahmed Veriava.

Musonda, Roginal. Johannesburg Water Technical Manager. Interviewed 24/10/2011, by Ahmed Veriava.

Note: I also spoke to a senior demand management specialist – who wanted to remain anonymous – about aspects of 'Soweto's UFW problem'. I made several other telephone inquiries related to various issues taken up in this thesis as well.

Interviews with Soweto Residents (conducted by Ahmed Veriava with assistance from Jabu Molobela):

Interviewee 1 (Dinai). Member of House 1. Interviewed 10/2006, by Ahmed Veriava and Jabu Molobela.

Interviewee 2 (Jeff). Member of Household 1. Interviewed 10/2006, by Ahmed Veriava and Jabu Molobela.

Interviewee 3 (Mpho). Member of Household 2. Interviewed 10/2006, by Ahmed Veriava and Jabu Molobela

Interviewee 4 (Makoma). Neibour to Household 3. Interviewed 10/2006, by Ahmed Veriava and Jabu Molobela

Jabu Molobela and Jennifer Makoatsane. Collective Interview with Phiri Concerned Residents (PCR) activists conducted 10/2006

House 1. Observation, and discussions with household members – September to October 2006
House 2. Observation, and discussions with household members - September to October 2006
House 3. Observation, and discussions with household members - September to October 2006
House 4. Observation, and discussions with household members - September to October 2006
House 5. Preliminary Interview with household member. Interviewed 08/2006

Note: In Addition to the above interviews cited in this thesis I reviewed all interviews conducted as part of this 2006 project.

Additional Interviews Cited:

From "Re-membering Movements" project (conducted by Ahmed Veriava and Prishani Naidoo):

Appolis, John. Then chairperson of the APF. Interviewed 7/17/2003, by Ahmed Veriava and Prishani Naidoo.

Mckinley, Dale. Then media subcommittee coordinator of the APF. Interviewed 06/05/2003, by Ahmed Veriava and Prishani Naidoo.

Mokolo, Richard (Bricks). Organiser for the Orange Farm Water Crisis Committee. Interviewed 20/06/2003, by Ahmed Veriava and Prishani Naidoo.

Ngwane, Trevor. Former APF and SECC organiser. Interviewed 22/06/2003, by Ahmed Veriava and Prishani Naidoo.

From the "Arresting Dissent" project (conducted by Dale Mckinley and Ahmed Veriava):

Mahlangu, Alina. ANC Ward Councillor in Orange Farm. Interviewed 15/07/2004 by Dale McKinley and Ahmed Veriava.

Makgoka, Sam. Deputy Chairperson of the Orange Farm Water Crisis Committee. Interviewed 13/07/2004, by Dale McKinley and Ahmed Veriava.

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Motlhala, Michael. Commissioner of Orange Farm Police Station. Interviewed 20/07/2004, by Dale McKinley and Ahmed Veriava.

Focus Group Interview with seven OFWCC members. Conducted 20/07/2004, by Dale McKinley and Ahmed Veriava.

From "Forgotten Voices in the Present" project (conducted by Dale Mckinley and Ahmed Veriava):

Mohoko, Samuel. Farm Worker living in Rammolutsi. Interviewed 2/04/2008, by Dale McKinley and Ahmed Veriava.

Mohoko, Samuel. Farm Worker living in Rammolutsi. Interviewed 25/07/2007, by Dale McKinley and Ahmed Veriava.

Mokgadi, Joyce. Creche Teacher living in Rammolutsi. Interviewed 27/07/2007, by Dale McKinley and Ahmed Veriava.

Nzungu, David. Youth Activist living in Rammolutsi. Interviewed 27/07/2007, by Dale McKinley and Ahmed Veriava.

From "the APF archive" project (conducted by Dale Mckinley with assistance from Ahmed Veriava):

Appolis, John. Interviewed 17/03/2010, by Dale McKinley.

Dieltiens, Nic. APF activist. Interviewed 15/02/2010, by Dale McKinley and Ahmed Veriava.

Kwashu, Florence. SECC activist Interviewed 22/08/2010, by Dale McKinley.

Mashota, Teboho. APF Administrator. Interviewed 2010/05/15, by Dale McKinley.

McKinley, Dale. Former APF Treasurer. Interviewed 01/03/2010, by Ahmed Veriava.

Naidoo, Prishani. Interviewed 15/02/2010, by Dale McKinley and Ahmed Veriava.

Ngwane, Trevor. Former APF and SECC organiser Interviewed 23/03/2010, by Dale McKinley.

Setshedi, Virginia. Former CAWP chairperson and APF activist. Interviewed 30/03/2010, by Dale McKinley.

Veriava, Ahmed. APF activist. Interviewed 19/02/2010, by Dale McKinley.

Other Interviews:

Mgwaza, Virgina. Former chairperson of the CAWP and APF activist. Interviewed 09/2006, by Ahmed Veriava.

Trevor Ngwane. Former APF and SECC organiser. Interviewed 06/2006, by Ahmed Veriava.

Note: In addition to the interviews listed above, I reviewed most of the interviews conducted as part of all the above listed projects.

Notes

[1] "Be reasonable!" This is the response of power presented with the demand. But the 'reason' we are asked to display is not here (or anywhere else) the unaffected application of thought. Instead, it is that 'way of thinking', to which the demand must be made subordinate if is to be allowed to circulate (or at least to circulate under the sign of 'the reasonable'). It is mostly 'unreasonable' acts of 'everyday rebellion' that are the inspiration for the present work.

[2] In Polanyi a lot of this turns on the status of land, labour, and money, which he calls 'fictitious commodities'. It is, in particular, the commodification of these that creates the deleterious consequences of marketization. I do not think this takes us very far. Although it is beyond the scope of this thesis to explain this point, for me the importance of these three categories has to do with their centrality to modern forms of life.

[3] It is noteworthy that this quote came to me second hand via Marais's updated book on the South African transition, *South Africa Pushed to the Limit* (2011: 434). Here, it prefaces his discussion of 'the state of the left'.

[4] In Zulu 'Gcina 'manzi' means to save water.

[5] For a lively, but not in all ways accurate, account of the WCAR march, see Ashwin Desai's *We Are The Poors* (2002). There was also a beautifully poetic, albeit distant and naïve, account given by Richard Pithouse and Pravasen Pillay ([2001]2003). See also Prishani Naidoo and my equally naïve (but less well written) reflections on the WCAR in *Re-membering Movements* (2005).

[6] One of the most moving representations of the WSSD march can be found in Big Noise films, *Fourth World War*. However, one can find numerous references to this event in works by writers such as Franco Barchiesi, Patrick Bond, Ashwin Desai, Gillian Hart, Dale McKinley and Prishani Naidoo amongst many others. References to the march were for a time also present in social movements' representations of themselves.

[7] This perception is an outcome of my reading of several years of OGA project reports and other documentation. See also *Chapter 6*.

[8] Later in this thesis I discuss in more detail both the challenges and hurdles faced by JW's OGA and that of the campaign against it.

[9] This is why it did not make sense to call movements like the SECC 'single issue campaigns', as was often done.

[10] In this period the number of illegal connections grew to staggering proportions. See *Chapter 6*.

[11] As I will discuss in more detail in *Chapters 5 and 6*, after the court case JW has dropped the name 'Operation Gcina 'manzi' even as it embarked on a new phase of work in Soweto aimed at completing the project started under this name. Today, rather than 'Gcina 'manzi', its water-saving message is given under the heading of 'Water Warriors', the name resistance to OGA gave itself.

[12] This phrase is lifted from the preamble (titled 'What is called failure?') to *The Communist Hypothesis* by Alain Badiou (2010: 1).

[13] This is not to imply that this is the only question of resistance or even that it is the most important one. It is simply the question of resistance that I am talking about in this section.

[14] The essay is interesting for at least three reasons. First, it marks an important statement by the philosopher on the repression, political trials and executions that followed the Iranian revolution. Secondly, although the letter arises from Foucault's immersion in the French public's debates over Iran, it takes up this theme in a manner that speaks to a set of far more general questions about the "impulse" to revolt. Finally, the essay ends with an eloquent, and I think, also deeply ethical statement on Foucault's own sense of his role as 'intellectual'.

[15] Butler shows that these paradoxes are implied in the double meaning of the term, signifying both processes of subordination and processes of becoming subject.

[16] With the term escape, I am by no means implying some kind of flight into an 'outside'. Instead the form of the transformation that it will entail is what is still in question.

[17] That is to say, the question of whether it is wrong or right to rise up against an authority.

[18] In fact, the essay suggests that it is for this reason that no authority, or power can ever be completely absolute.

[19] Commenting on the reason for the irreducibility of the impulse to revolt, Foucault writes: "…the man who rebels is finally inexplicable; it takes a wrenching-away that interrupts the flow of history, and its long chain of reasons, for a man to be able, "really," to prefer the risk of death to the certainty of having to obey" (Foucault 2002: 449). That is to say, to the extent that the very terms and subjects of any possible explanation belong to a particular state of things or order, revolt against this order cannot be explained with reference to these terms and subjects. In the essay, Foucault also seems to be working off a particular kind of limit-experience of revolt, as a risking of death. However, I think it is important to read Foucault as implying death in a broader sense than our everyday usage of the word (this becomes clearer later when Foucault briefly addresses other forms of revolt: "A convict risks his life to protest unjust punishments; a

madman can no longer bear being confined and humiliated; a people refuses a regime that oppresses them"). By my reading, what is crucial here is then a kind of risking of the self.

[20] The full quote is as follows:

> I am an intellectual. If I were asked for my conception of what I do, the strategist being the man who says, 'what difference does a particular death, a particular cry, a particular revolt make compared to the great general necessity, and, on the other hand, what difference does a general principle make in the particular situation where we are?', well, I would have to say that it is immaterial to me whether the strategist is a politician, a historian, a revolutionary, a follower of the shah or the ayatollah; my theoretical ethic is opposite to theirs. It is 'antistrategic': to be respectful when a singularity revolts, intransigent as soon as power violates the universal. A simple choice, a difficult job: for one must at the same time look closely, a bit beneath history, at what cleaves and stirs it, and keep watch, a bit behind politics, over what must unconditionally limit it. After all that is my work: I am not the first or the only one to do it. But that is what I chose (Foucault 2002: 453).

Preferring to think of myself as strategist (albeit of the *klipgooier* sort, and therefore focused on a different plane of politics to that of Foucault's idea of a strategist), I find the passage slightly troubling. For if we cannot but bend to Foucault's deeply ethical formulation, an intellectual practice cast between the place of resistance, 'a bit beneath history', and the place of the universal, 'a bit behind politics', seemingly moves towards the dialectical resolution of the revolutionary tradition's critique of the historical present and the liberal tradition's attempts at denying it. If as an intellectual one must concede the sacredness of the universal, as a strategist, I suspect that this place, "behind politics", is but the trick of power.

[21] Even if, ultimately, Foucault's writing works to refuse this question.

[22] This in no way means an acceptance of 'their world', but an affirmation of the immanent emergence of ours. Think, for instance, of Arundhati Roy's famous declaration in Porto Alegre in January 2003 where she affirmed: "Another world is not only possible, she is on her way. On a quiet day, I can hear her breathing"

[23] It is important to point out that methodological questions I confront are not new ones, and in fact are (necessitated and presented within a tradition that might be said to begin with Marx's *Theses on Feuerbach*. The social sciences and academic formalism, however, demand that we set out, in more mechanical terms, the process of knowledge production. And, for academic publics, it would be compromising to say that my methodology is an imposed one, by the real history of this work, the series of political and intellectual events that make it possible. This is how we learn: caught up in the present, working at making the present (see *Dossier on Critique*). Thanks to Burawoy's work it is easier to do so.

[24] Burawoy's essay, 'The Extended Case Method', begins with a quote from Weber on 'the methodology in the social sciences':

> Methodology can only bring us reflexive understanding of the means which have demonstrated their value in practice by raising them to the level of explicit consciousness; it is no more the precondition of fruitful intellectual work than the knowledge of anatomy is the precondition of "correct" walking.

Buroway certainly borrows something from this sentiment, but he also insists that the clarification of methodology helps the researcher better balance his step in navigating the process of producing knowledge and theory about society (1988).

[25] This imperative is in fact no small part of what motivates the four Rs, or as Burawoy characterises it, "the four prescriptive tenets of positive science" (Burawoy 1998: 10). Firstly there is an injunction against affecting and thus "distorting" the worlds being studied as the principle of "reactivity"(ibid). Secondly, since "the external world is infinite and manifold", the positive method requires that we employ appropriate criteria in selecting what data about the world we focus on. This is the principle of "reliability" (ibid). Thirdly, the positive method insists on the "replicability" of whatever methodology is selected, such that anyone following the same process ought to arrive at the same results. And finally positive methods require that research be "representative", that is to say, that the slice of reality that we focus on is representative of a whole we intend to make claims about.

[26] Burawoy characterises the 'context effects' of 'positive science' in the following terms:

> Despite their best efforts, survey researchers have always and inevitably fallen short of their positive goals. The interview is in social context, embedded in other contexts, all of which lend meaning to and are independent of the question itself. There are four types of context effects. First, there are well-documented *interview effects*, which create the problem of reactivity, in which interviewer characteristics (for example, race or gender), or the interview schedule itself (for example, order or form of questions) significantly affect responses ... Second, there are *respondent effects*, in which the meaning of questions have an irreducible ambiguity, dependent on the different worlds from which the respondents come. Standardization of questions cannot eliminate respondent effects ... Third, there are *field effects*, which simply recognize that interviews cannot be isolated from the political, social, and economic contexts within which they take place. Responses to interviews conducted at different points in time or in different places will be shaped by such extraneous conditions. Replication is

> thwarted by external factors we do not control. We cannot even disentangle their unmediated impact on the respondent from their mediated impact via the interview itself. Finally, there are *situation effects*, which threaten the principle of representativeness. Insofar as meaning, attitudes, and even knowledge do not reside with individuals but are constituted in social situations, then we should be sampling from a population of social situations and not a population of individuals ... But we have no idea how to determine the population of relevant social situations, let alone how to draw a sample (Burawoy 1998: 12).

The importance of these four context effects to Buroway's discussions is that each will correspond to one of the principles of reflexive science.

[27] Officially, this project began in September 2009 when I registered at Wits for a Masters by Research (later converted to a PhD). In real terms, however, it represents the outcome of more than a decade of political learning, beginning (more or less) with the formation of the APF in 2000. And, to the extent that the questions that I try to answer remain open, it is unlikely that this project will conclude with the submission of this thesis.

[28] For instance, for my account of the APF, I not only read across a wide set of interviews, then, but also set my own perspective in virtual dialogue with those of other activists as I tried to figure out both what bound us together such that we not only called ourselves a movement, but felt ourselves to be one. This meant self-reflexively to allow memory to suggest alternative constellations of the archive. This meant including in the physical archive, my own production over the course of a decade of essays, drafts and notebooks. These also provided the basis for conversations with earlier selves, giving me a point of entry for thinking about becoming.

[29] It was later republished by Lambert Academic Publishing (2010).

[30] After agreeing to participate after a preliminary interview, members of one of the households, however, never again made themselves available, thus limiting my study to 4 households.

[31] It was initially envisioned that I would be working on the project. However, anticipated funding did not come through. Forced to devote time to other paid commitments, I only assisted with conducting three interviews.

[32] With respect to the latter, Prishani Naidoo, whose work focuses on poverty has also made her extensive archive of government documents and literature available to me.

[33] Here, the questions asked were generally specific to the particular issue I was grappling with (for instance talking to a demand management specialist about Unaccounted for Water or in attempting to locate the origin of a particular statistic quoted in a government document, and so on).

[34] At least in so far as each point on it marks a political decision. This, I'd like to think, is the best form of (critical) tradition: one we choose for ourselves as autonomous subjects, and as part of our constitution as autonomous subjects.

[35] I am doubtful, that this can be said of the later Foucault as well. For although Foucualt does put the question of power in similar terms, I wonder if it still hold once power is defined as an 'action upon and action'.

[36] This phrase is borrowed from one of the translations of the exchange between Ruge and Marx that I discuss in this dossier.

[37] As Etienne Balibar notes, "Marx is the philosopher of eternal new beginning" (Balibar 1995: 6), constantly leaving behind projects and drafts, changing direction and shifting onto new paths. See also Althusser's 'On the Young Marx' (Althusser 2005) for a discussion of the 'contingent' beginnings of the Young Marx.

[38] There are a number of translations of these letters with Marx's final intervention in the exchange often titled 'Ruthless Criticism'. In this document I follow the translations published in Easton and Guddat's *Writings of the Young Marx on Philosophy and Society* (1967: 203-215).

[39] In response to Marx's letter (written on the long journey to France), and in which the young militant raises the possibility of revolution in Germany, Ruge adopts a pessimistic tone, citing the "eternal submissiveness" of the German people to underscore that "[o]ur nation [Germany] has no future", leaving little "use of …summons to it" (Ruge in Marx 1967). Marx's response to Ruge's pessimism is intriguing, for it does not so much aim at refuting his estimation of the conditions in Germany, but instead of finding that aspect of the present that might allow them "to begin anew" (Marx 1967: 205). In this respect, Marx says of Ruge's "elegy" that "it is not political" (ibid), as if to underline a relation between what is 'political' and a constitutive potential. For here, what is political expresses an orientation to the new, an orientation to making the new. Nonetheless, Marx seemingly goes even further than Ruge in laying bare the submissiveness of the German people:

> The world of the Philistine is the *political animal kingdom*, and if we have to recognise its existence, we simply must acknowledge the status quo… A German Aristotle, who would derive his politics from our conditions, would start by stating, "Man is a social, but completely apolitical animal."…The Germans are so sober-minded realists that all their wishes and mostly high-flown thought do not go beyond the mere necessities of life. And those who govern this reality accept it and nothing less (ibid: 206-207; Marx's emphasis).

However, if for Marx it was imperative to recognise the existence of this 'political animal kingdom', as the condition of submissiveness in which the German people were caught, for them to become "man", implying in this context, assuming a political existence, will entail awakening in them a sense of "freedom", and "the feeling of man's dignity", whose presence in the ancient Greek world was said to have vanished with Christianity.

In these passages, Marx appears to appropriate a conception of the political associated with Aristotle and the ancient Greek world. As Arendt, in her book *The Human Condition* (and later Agamben) explains, for the Greeks that sphere of activity focused on the necessities of life was 'properly speaking', the realm of the household, while the political realm, as a 'distinct and separate' entity, was focused on what necessarily went beyond activity "devoted to keeping oneself alive" (Arendt 1998: 12). The politically qualified life (that is the way of life) which characterised the properly human existence was one chosen in freedom, which in Arendt's reading meant "in full independence of the necessities of life and the relationships they originated" (for instance those relationships that belong to the condition of slavery, or the life of the "free craftsman" and "acquisitive life of the merchant"). A "life devoted to public-political matters" was in this way conditional on being (objectively) freed from having to secure the necessities of life.

In Marx's letter, however, it is simply a sense of freedom, a shift that engenders a new feeling of dignity, which represents the intensity that moves people from a narrow concern with securing necessities of life (and thus a certain submissiveness), towards a contestation of the social order and thus politics. In this respect, if we substitute this feeling of dignity for a sense of equality, this Marx moves very close to Rancière, for whom a sense of equality among subaltern classes with their rulers stands at the point of formation and ground of a political subjectivity that calls into question the order of society.

However, Marx also presents us here with something of a paradox, and suggests that, in the very moment that the sovereign relaxes his hold over the people, and allows for "thinking" to take root, it unleashes a "movement" that goes beyond the narrow ambitions of power to call into question the political order itself:

> The ruled could not open their mouths without speaking of the removal of the old rulership…the King was misguided in enticing his subjects to inappropriate utterances. One would not be able to govern a generation of men who speak their mind (1967: 209).

In this sense a certain intellectual autonomy itself appears (for Marx) to engender demands and even a movement for real political autonomy. In this context, power relations tighten, moving now to suppress these voices, which according to Marx was the case in Germany, where the backlash of the flowering of 'a movement of thinking men', was precisely the repression that forced him to resign as editor of the *Rheinische Zeitung*, compelling him to seek out a "new gathering point for really thinking and independent minds" (ibid: 212). But, for the Marx of 1843, the repression of the state appears insufficient to this 'new spirit'. And here, it is the ways in which history brings together "the system of industry and commerce, of property and exploitation" - and with it the forces that lead men "more rapidly to rupture with the present society" (ibid: 210) - with this movement of thinking man, that is 'midwife' for a political product that the "present carries in its womb":

> The existence of a suffering mankind that thinks and a thinking mankind that is suppressed must necessarily become unpalatable and indigestible for the passive animal kingdom of Philistinism which is thoughtlessly enjoying itself…The more time the events allow for thinking men to reflect and suffering men to rally, the better will be the product to be born which the present carries in its womb (ibid: 210-211).

[40] What is emphasised by the young Marx, however, is that historically determined state form in which conflicts appear as a consequence, stand as "table of contents" for the practical struggles of a particular society (a role that religion is said to have played in relation to mankind's "theoretical struggles"). The critic should therefore focus on all aspects of the state, not only to bring to light the limits of existing debates (Marx gives the examples of the debates around the representative system and the estates system), but also to compel its participants to go beyond them.

[41] On the question of revolution, however, Marx's letter holds an interesting formulation. In contrast to the Hegelian model in which time is conceived along the model of the precise instant (see Agamben 2007b: 107), in Marx, discovering that which the 'world has long dreamed of' will mean no longer drawing "a sharp mental line between past and future" (Marx 1967), but, instead, to take as our critical work to "*complete* the thought of the past" (italics in printed text). For the Marx of 1843 the 'work of man' will thus not be to bring about a "new work", but only to complete its "old work", a task that, it is clear, is inseparable from the desire and struggle for

revolution. However, the question of revolution seems here inseparably bound to the principle of salvation, and a messianic 'completion'.

[42] "[W]hat is known as 'Marxism' in France is, indeed, an altogether peculiar product — so much so that Marx once said to Lafargue: '*Ce qu'il y a de certain c'est que moi, je ne suis pas Marxiste*.' [If anything is certain, it is that I myself am not a Marxist]" (Engels 2012 [1882]). See also Althusser (2006) from whom this line of argument is borrowed.

[43] Althusser points to Marx's 'invitation' in the preface to Capital to his reader to "think for himself", welcoming "every opinion based on scientific criticism" (2006:14) :

> The matter was becoming serious: to think for oneself, to think freely to scoff at 'the prejudices of public opinion,' did not mean to think just anything, but, quite the contrary, to speak the truth, in the name of which every 'scientific' critique is said to be welcome (ibid).

[44] In Althusser's reading, this period comes to be weighted down by the untenable marriage between a "hegelianized-Feurbachian philosophy of alienation" and "the mythical ideology of a Political Economy adopted without a critique" (2006: 28).

[45] Drawing on Auguste Cornu's writing on the early Marx, Althusser suggests that an important turning point was Marx's time in France where he became a communist, around 1843-1844 (Althusser 2006: 26).

[46] "Marxism is a tendency *within the workers movement* and it is concerned with both *theoretical* and *practical* critique. By "*practical critique*" is meant *political action* which undermines and "exposes" the object and mobilises opposition to it. In the history of the movement, these two sides — the theoretical and the practical — have from time to time become separated from one another; on the one side "academic Marxism" working on theoretical questions in relative isolation from the workers' movement, on the other genuine communists doing battle for the working class, but isolated from the creative development of revolutionary Marxist ideas" (Blunden n.d.).

[47] I am of course aware that this usage of Althusser is somewhat unorthodox. I am also surprised.

[48]The second volume of *The History of Sexuality* begins with a discussion of the eight year separation between the two volumes and the thematic modification the author found cause to undertake during this time; here described as a "theoretical shift" that (in order to get at the constitution of western man as "a subject of desire") had led him from, first, an examination of the "forms of discursive practices that articulated the human sciences", through the "manifold relations, the open strategies and rationalities that articulate the exercise of power", to, finally, a consideration of the "forms and modalities of the relation of self by which the individual constitutes and recognises himself qua subject" (Foucault 1990b [1984]: 6).

[49] Even, for instance, in Thomas Lemke's account, where the gap no longer appears internal to Foucault's *The History of Sexuality* book project, something of a thematic disjuncture within the Foucauldian oeuvre retains its force:

> Foucault's work after *Discipline and Punish* is characterised by two seemingly disparate projects. On the one hand, there is his interest in political rationalities and the "genealogy of the state", that he investigates in a series of lectures, articles and interviews. On the other, there is a concentration on ethical questions and the genealogy of the subject, which is the theme of his book project on the "history of sexuality" (Lemke 2002: 2).

[50] For instance, reflecting on the character of an eight year gap of silence that separated Deleuze's first book, *Empiricism and Subjectivity*, published in 1953, from the period after 1962, where he would "consistently" publish a book every year, Michael Hardt quotes Deleuze's own reflection on this period:

> It's like a hole in my life, an eight year hole. That is what I find interesting in lives, the holes that they have, the lacunas, sometimes dramatic, sometimes not…Perhaps it is in the holes that movement takes place (Deleuze in Hardt 1993: xix).

As Hardt points out, rather than a period of stagnation, this eight-year 'hole' was indeed a period of intense movement in Deleuze's thought, the place of "a dramatic reorientation" in which he would shift "from the Hume-Bergson axis that characterises his early work to the Nietzche-Spinoza identity" (ibid). While Hardt reads this movement as an "evolution", an event on the path "that carries his work to maturity", it is perhaps just as important to refuse such a gesture; the folding back of the potential for reinvention and new beginnings onto a linear progressive ideal of intellectual development.

[51] In his excellent book on Marx's *Capital*, Cleaver argues that what distinguishes "a political reading" is that it "self-consciously and unilaterally structures its approach to determine the meaning and relevance of every concept to the development of working-class struggle. It is a reading which eschews all detached interpretation and abstract theorising in favour of grasping concepts only within that concrete totality of struggle whose determinations they designate" (Cleaver 2000: 30).

[52] Butler's essay is for the most part based on an earlier lecture called 'What is critique?', but she speaks in these terms about both essays.
[53] The phrase is borrowed from the introduction of the *Use of Pleasures* - in context: "[W]hat would be the value of the passion for knowledge if it resulted only in a certain knowledgeableness and not, in one way or another and to the extent possible, in the knower's straying afield of himself?" (Foucault 1990b [1985]: 8).
[54] It seems to me that what Foucault is getting at here is that how a specific aspect of human practice comes to take on the dimensions of a problem, how it is constituted as a problem or comes to be indexed as one, sets the conditions for any solution, and shapes what that solution responds to.
[55] Foucault speaks here about civil society. However, I suspect what is more decisive is a certain shifting or crossing-over from the sacred to the profane world.
[56] In the context of what is said about resistance above, it is possible to misread this quote, and what Foucault means by the "simultaneous movement of governmentalisation". To be clear, I do not intend to suggest that this phrase implies a movement running out of the question 'how to govern', which then coincides with a movement running out of the question 'how not to be governed'. In context, the quote refers to the simultaneity of the movement through which, on the one hand, society is governmentalised, and on the other, individuals.
[57] Not surprisingly then, critique is for Foucault in the first place "historically biblical" (ibid: 385) and looks for a source of support in scripture. Secondly, critique takes on a juridical character, taking the form of a 'problematisation' of law. Finally, the question of 'how not to be governed' underlines the problem of truth and a questioning of what authority presents as true. In this regard Foucault says that critique will imply accepting authority "only if one thinks oneself that the reasons for accepting it are good" (ibid). Critique's third anchoring point is therefore the problematisation of "certainty in the face of authority" (ibid).
[58] "One sees how the game of governmentalisation and critique, the one in relation to the other, gave rise to phenomena that are, I believe, cardinal in the history of western culture, whether it is a matter of the development of the philological sciences, or the development of reflection, of juridical analysis, methodological reflection." (Foucault 1997: 385).
[59]And Foucault suggestively links each of these examples to domains that Kant's three critiques focus on.
[60] In Kant's essay (following Thomas Abbot's translation) the relevant quotation here is "Argue, as much as you want and about what you please, but obey!"
[61] For a discussion of modernity as a power relation and the possibility for breaking with the dialectic it seems to imply, see Hardt and Negri (2009).
[62] I suspect that the Comaroffs (2012) miss this nuance in problematising Foucault's linking of the question of modern(ity) to the question of the Enlightenment. But really, this objection, and the Comaroffs' attempt to separate the question of modernity from the question of Enlightenment arises from their desire to rescue modernity and give it a specifically African form. I come from a different place theoretically, in that I treat modernity as a power relation. From this perspective, the challenge is not to affirm an African modernity, but rather to affirm an altermodernity, that is, a political practice that breaks with the dialectic that characterises the power relation of modernity.
[63] Although, in Foucault, such historical investigations always feature as a wider question of the present.
[64] Of course, critique must here also reflect on a certain kind of re-centreing, where 'eternal man' gets a new privilege position in organising thought on 'society'
[65] In this sense, as well, the ontological status of these ensembles (positivities or dispostifs), that form the objects of Foucault's work and whose specificity is the relationships they establish between truth, power and the subject, is that of a singularity, rather than universals. Although I wonder if here we could not draw a link between what Foucault calls positivities and Deleuze's notion of concrete universals.
[66] In their incomparable *Labour of Dionysus*, Hardt and Negri write that there are:

> [T]wo faces of a critique of the State-form that takes communism, "the real movement that destroys the present state of things," as its point of departure. As a first hypothesis, then, we could pose juridical communism as a method of thought outside of any dimension of the instrumental rationalilty of law and state, a method that destroys that rationality […] A negative method, however, is not enough. The critique must pose a project. Communism must be conceived as a total critique in the Nietzschean sense: not only a destruction of the present values, but also a creation of what springs forth. Critique of the state-form thus means also proposing an effective alternative (Hardt and Negri 1994: 6).

[67] For a more nuanced and critical account of the making of *The Freedom Charter*, see for instance Chipkin's 2007 study, *Do South Africans Exist?*. It should also not be forgotten that the political claims and vision of *The Freedom Charter*, and that of the Congress movement more generally, were not embraced by all sectors of the liberation movement. For instance, the National Forum's *Azanian People's Manifesto*, adopted in 1983, self-consciously attempted to offer an alternative account of the oppressed's vision of a free 'Azania'.

[68] Among the paradoxes of the post-apartheid life of *The Charter* is the fact that it operates as both a central figure within the ANC-led government's representation of its own legitimacy, as well as often becoming the point around which an antagonistic critique of the government gathers form. See, for instance, the APF press statement, 'The ANC, the Freedom Charter and Betrayal in Kliptown', released on the 25 of June 2008 in motivating the organisation's protest of the official commemorative ceremony organised by government.

[69] George Orwell's novels often stage the subtle play of forms of "doublethink", a type of ambivalence that appears within a political discourse that simultaneously moves in different and contradictory directions. At the end of *Animal Farm*, for instance, Squealer's resolution of the founding commandments of the 'revolution' into a single law – 'all animals are equal, but some animals are more equal than others' – is paradigmatic of this kind of "doublethink"; in this example, the invocation and reframing of the constituent principle in order to legitimate political forms and practices that mark its betrayal.

[70] A long line of studies, from Kantonowitz's *The King's Two Bodies*, through Lefort's writings on the French revolution, and modern democracy, to Agamben's most recent contribution to the debate over the relationship between government and sovereignty, have highlighted the critical importance of the theological, or rather the politico-theological for the symbolic registers of power. And it is precisely with this question that we seemingly pass onto such a register (see *Dossier on Government and Sovereignty*).

[71] In '*Do South Africans Exist?*' Chipkin makes the fascinating suggestion that, if taken together, the inclusion in *The Freedom Charter* of a conception of 'national groups', alongside the principle of the 'people', should be seen as the "entry into South African politics of a Leninist vocabulary whose source is the communist international" (Chipkin 2007: 72). This intriguing suggestion notwithstanding, the model of argument by which the "will" of the people (as the bearer of sovereign power) is the principle that founds the authority of government, bears the 'signature' of a tradition that is at least as old as Rousseau's *The Social Contract*, which appeared in 1762. If the Charter is a product of the "political and theoretical zeitgeist of the 1950s" (ibid: 79) as Chipkin suggests, this must be said to include, in whatever sense, an engagement with this tradition. At any rate, this signature is far more legible in the text of the Charter than what might be called a 'Leninist vocabulary'.

[72] The phrase comes from Ferial Haffajee's *Mail and Guardian* editorial on new social movements that I discuss in *Chapter 3*.

[73] By one reading of the methodological discussion that *The Birth of Biopolitics* begins with, this can be read as what Foucault suggests we should do (see *Dossier on Government and Sovereignty*).

[74] This phrase is borrowed from Balibar (1991).

[75] The seeming blurring of the division between party and government has been noted in both academic and public commentary, and often enough in the context of considerable anxiety over the significance of such for the prospects of 'democratic consolidation' (see for instance Southall 2009). If Mbeki's public statements and ANC policy documents can be cited in support of such an impression, it is worth noting that, with respect to Mbeki, there was often a subtle dissonance between his statements made within the context of ANC publications and fora, and those which relate to his official duties as president of South Africa. It is therefore important to keep in mind that explicit invocations of the NDR conception, for instance, are far more likely to be found in statements such as the *ANC Today's* 'Letter From the President', than in Mbeki's state of the nation addresses (even where the character of the latter are intimately shaped by Mbeki's appropriation of such notions). Mbeki, and ANC government officials more generally, have demonstrated a tremendous flexibility in switching between these 'political accents', depending on the context.

[76] Two issues seem important to point out. Firstly, that the 1996 class project characterisation was sprung in the context of the succession race in the ANC, and secondly that the SACP, in less 'enlightened times', disciplined cadres for hazarding far less severe characterisations of ANC policy. With respect to the latter, opposition around the ascendancy of Zuma seemed to prove a far more severe disciplinary problem for the SACP than early criticism of government economic policy. In fact with respect to criticism of ANC policy, the SACP was largely successful in muzzling critical voices – at least until it became inconvenient, or alternatively, impossible, to do so. Thus, in 2001 Dale McKinley was expelled for publicly expressing criticism of the ANC (that in certain respects was less harsh than the SACP's later '1996 class project' characterisation). Significantly, Jacob Zuma, however ambiguously, affirmed his broad acquiescence with the trajectory of government's economic policy in the run up to the ANC's Congress. For instance, in attempting to allay market fears about his bid for control of the ruling party, Zuma settled on offering assurance to investors that there would be no major shifts in economic policy when the party's leadership changed guard after Polokwane. And while there have been some changes in the structure of government with the onset of the Zuma presidency, as well as a less restrained fiscal stance seemingly on offer, the trajectory of economic policy has not changed fundamentally (in spite of a renewed campaign by sections of the Alliance with respect to inflation targeting).

[77] While the emergence of COPE and the broader factional crisis within the ANC was marked by (comparatively) low levels of violence, both Mbeki's removal and the formation of COPE, were, in many sections of society, welcomed as a necessary evolution and maturation of post-apartheid politics.

[78] Not without significance, Mbeki emphasised the importance of understanding practice. Thus, in his letter, Mbeki writes: "One of the fundamental propositions of materialist philosophy, to which the "left alternative" claims to adhere, says that practice is the criterion of truth. Accordingly, the only reliable standard we should use to measure whether our policies are succeeding to achieve the RDP objectives is practice" (Mbeki, 2007). The passage is an interesting one, given this project's own emphasis on human practice as part of a broader affirmation of critical materialist philosophy.

[79] One of the criticisms of GEAR, to which Mbeki is here responding, is that the ostensibly neoliberal content of the policy framework, made it a "home-grown structural adjustment programme". However if this is the case, Mbeki ignores an important element of the critique, that is, the nuance that is added to it by the designation "home-grown". In this sense, then, the suggestion was not that the WB or IMF insisted on the shape of GEAR (even if it is clear that Bank staff were not without agency in helping to shape SA's 1996 economic policy), but that South Africa had crafted its own economic policy framework in a way that contained features of World Bank/IMF imposed structural adjustment programmes.

[80] Ironically just a few days later the Stats SA report was criticised for methodological problems with the study.

[81] In his 2003 'State of the Nation' address, for instance, Mbeki remarked: "for some years, [we] implemented GEAR, among other things to generate the resources…to address the social needs of our people. As a result of… successes in this regard, this year will see a further expansion of services to the people" (Mbeki, 2003).

[82] One may wonder if Mbeki's NDR does not finally manage to - as Peter Mokaba once suggested it should – definitively sever its commitment to a second, socialist stage. Interestingly, RW Johnson suggests in his new book on the transition that the real author of Mokaba's 1997 paper was in fact none other than Mbeki (Johnson 2009: 124) - although Johnson offers little to substantiate this impression.

[83] The characterisation 'an ordinary country' is borrowed from Neville Alexander's book by that title (2002).

[84] An equivalence between the party and the people is often one of the implicit premises that, in the discourse of the ANC, grounds its claims to its own legitimacy.

[85] This issue marks an important debate in political philosophy, related to the implications of the emergence of a form of power centred on the life of the population, what Foucault called biopolitics. In *Security Territory Population* (2007), laying the path for the thematic shift of the course from questions of security and population, to 'the government of men', the third lecture ends with the enigmatic suggestion that "man is to population [as the vis-a-vis of government], what subject of right was to the sovereign" (Foucault 2007: 79). To be sure, with this formulation, no small part of what Foucault intends to highlight is something of the shift that, in the lectures that follow, appears as a move from a regime of sovereignty to one of government, and the accompanying centring of power on the population. Elsewhere, Foucault also gives emphasis to the difference and opposition between the concept of the people and that of population as a "new political subject, a new collective subject" that is simultaneously 'scientific', 'political', 'biological' (see Foucault, 2004: 245). And in this respect, it is as if the latter comes to replace the people, covering it by redefining its phenomena, or abandoning their consideration (Foucault 2007: 43). What is posed at this juncture is, however, something of the subtle play of a question that runs throughout Foucault's discussion of the biopolitical modality, standing, paradoxically as both the starting point of these investigations, and the very limit of this questioning. While never explicitly articulated, nor completely ignored, the secret impetus of the 'line of argument' traced across the transition from the subject of right to the population, can be read as a grappling with the ambiguities that befall the form and status of political action in the face of modern power. Such a question takes on explicit form in Agamben for whom the very centring of power on bare life (here in the sense of the biological life represented by the population), is what is at the root of what he calls the "lasting eclipse" (Agamben 1998: 4) that politics seems to be going through today. Others like Singer and Weir have suggested that Agamben confuses the population and the people (2008), and insists (after Lefort) that modern democracy is premised on a regime that separates the spheres of power, knowledge and law (where the sphere of power corresponds to the symbolic dimension of sovereignty and the people, and the sphere of knowledge to government and the population). Moreover for Singer and Weir, what characterises fascism is precisely the equivalence between the population and the people, and the erasing of the symbolic regime that maintains their separation and specificity. These different accounts underscore precisely the importance of asking, 'what happens to the people when the government centres on the population?', and about the relation and difference between these two subjects (people and population).

[86] This phrase is borrowed from Franco Barchiesi's characterisation.

[87] This is of course disputed by many, particularly where broader indicators related to inequality and employment are considered alongside modest economic growth (see *Chapter 3*).

[88] In Mbeki the strategic objectives of the NDR tend to relate to a particular reading of the Freedom Charter or more specifically its embodiment in documents such as the RDP. With respect to the latter, in the letter for instance, the place of the RDP is framed as follows: one of the important strategic objectives of the NDR is characterised in the RDP document as "meeting the needs of the people".

[89] Although Mbeki was ostensibly removed with the renewed political momentum of the Zuma camp that followed judge Chris Nicholson's ruling, it is certain that without the machinery of the party, Mbeki lacked the means to launch any real counter-campaign. Dubbed a lame duck soon after Polokwane, and now himself bound by the discipline of deployment that he had previously wielded, he could now only accede to the NEC decision that he resign.

[90] The colloquium was held at the University of Kwazulu-Natal in 2006 with the title 'Colloquium on the Economy, Society and Nature'. It also centred around insights emerging in relation to the work of Guy Mhone and Harold Wolpe.

[91] If Kafka's parable strikes a familiar cord, it is because we recognise in its structure a generalised set of expectations that public discourse on government was increasingly warned of transgressing.

[92] It should be noted, however, that while this term emerged in the 1990s seemingly to speak collectively of those organised formations that existed during the 1970s and 1980s in the form of civics, youth organisations, women's organisations, trade unions, and so on (known as 'organs of people's power'), it was generally used to refer to those falling under the sway of the Congress tradition. In this way, the term excludes many of the groupings that fell outside of this tradition, in particular Black Consciousness and Pan-Africanist formations.

[93] See McKinley 1997; McKinley and Veriava 2005; Bond 2006, Naidoo and Veriava 2003, 2005.

[94] This insight arose out of a conversation I had with Kenneth Creamer who worked on the campaign in 1997 while working for COSATU's parliamentary office.

[95] According to Agamben, during World War One, a state of exception existed in almost all countries involved in the conflict. After the war "the expansion of the executive's powers into the legislative sphere continued after the end of hostilities, and it is significant that military emergency now ceded it place to economics emergency" (Agamben 2005: 13). He claims in fact that "[u]nder the pressure of the paradigm of the state of exception, the entire politico-constitutional life of Western societies began to assume a new form, which has perhaps on today reached its full development" (ibid).

[96] As Naidoo explains, this phrase was given to the Strategic Perspective on Transformation (SPOT), outlined in a document with the same name that was tabled for discussion in all branches and provinces and adopted by SASCO nationally in 2000. Central to this perspective was an understanding that the ANC leadership was constrained in a Government of National Unity, and therefore required support through complementary actions from other partners in the Alliance and Congress movement more broadly. While SASCO could, then, critique the ANC and its policies and engage in mass action, it should not contribute to the destabilising of the state through "counter-revolutionary" statements and acts. SPOT itself became contested and confusing in its interpretation. Over time, however, it was used by leaders of SASCO to discipline members who were seen to be overly critical and disruptive of the ANC's positions (Naidoo 2005; 2007a).

[97] In much the same way, one often notices in COSATU statements differences in perspective (whether with respect to the labour laws or economic policy) being prefaced and framed within a strategic approach that is articulated as operating on the basis of the vision and traditions of the ANC. For example, in relation to an anti-privatisation strike that took place over two days in October 2002, Zwelinzima Vavi was sure to point out that "[t]he strike [was] not about questioning the bona fides of government". He went on to emphasise this: "I want to stress that again. This is not about passing a vote of no confidence to our government (sic). This is about registering a disagreement about a specific policy, the policy being privatisation, which has resulted in mass job losses, which has resulted in more and more people being pushed deeper and deeper into poverty. And this is what this march is about, and not about any other thing that other people tend to do. This is not about apples. This is about real issues – 100 000 jobs have been lost only in Spoornet, Telkom, Denel and the post office. Surely, workers are going to raise that issue. This is their government, their government must respond to the issues they are raising. This is not a march about counter-revolution or extreme leftists as some people may want to believe" (Vavi in response to a question from an Indymedia journalist, 3 October 2002, Indymedia footage, quoted first in Naidoo and Veriava 2003).

[98] It should also be noted here that there were always small left groupings within the ANC Alliance and formations of the broader Congress movement working according to varying interpretations of Marxist, Leninist and Trotskyist writings, and which attempted to shape policies and approaches of the Congress movement from within its structures. While the terms 'entryist' and 'ultra-left' were often deployed against such groups, during the 1990s it became practice for the leadership to label any criticism as 'ultra-left' or as coming from one or more of these small groupings.

[99] This explains why those individuals who were expelled from Alliance structures, such as McKinley, received very little support from likeminded members of these structures. One might, for instance, agree with a critique while at the same time chastising others for how they choose to make that critique.

[100] Almost all interviews with founding members of the APF, reviewed for this thesis, make this point.

[101] In this thesis, I speak about 'movement' in two senses – the first relates to social movements along the lines defined above; the second, is movement along the lines of that discussed in *A Dossier on Critique.* Part of what

interests me is how this first sense of movement, related to the becoming of a collective subject, is related to the second sense of movement, that is, viz a viz, a double movement between governmentalisation and resistance.

[102] While SASCO was not part of the official tripartite Alliance, it presented itself as aligned to the Congress Alliance and tradition. What this meant for SASCO was constantly up for debate in its early years, with its relationship to the ANC and ANCYL being particularly contested by different individuals and groups with different understandings of the Alliance and the relative power and influence of each of its three member organisations. In its early years, and particularly within the Wits branch, members engaged in debates about whether the Alliance should split, and where the centre of power should lie within the Alliance.

[103] The majority of workers at Wits were organised in NEHAWU, a COSATU affiliated union. In addition, a small number of workers were organised in the Municipal, Education, State, Health and Allied Workers' Union (MESHAWU), allied to the National Council of Trade Unions (NACTU) of the Black Consciousness tradition.

[104] At an Annual General Meeting (AGM) of the branch, an altercation ensued between oa Magogodi and Masondo during which it was alleged that oa Magogodi threatened Masondo with a gun.

[105] See Naidoo (2005; 2007a) for a more detailed discussion.

[106] Possible exceptions were individuals such as James Pendlebury who was part of the PGA. A few active SASCO members also belonged to a small Trotskyist group called Socialist Worker Solidarity (SWS) which changed its name to Keep Left during the period under review here. Their participation in the WCC happened in the first instance, however, through SASCO. Keep Left consisted of students as well as other activists from the city, some of whom were members of the SACP (Johannesburg central branch). Dieltiens also recalls: "We remained very small – it was SASCO, the couple of us that had kept SASCO active, organising lunch time meetings, public meetings on the concourse … and the few of us who were organising at a point I suppose became stifled by SASCO because the other comrades in SASCO had just become (it was around the time of the SASCO Congress, I don't know where the other members of the branch were) – just not becoming involved in the campaign to the extent we thought was necessary. So, those SASCO members who were most concerned about doing something proactive about the retrenchments did call ourselves the Wits Crisis Committee and we continued doing … student solidarity work. There wasn't perhaps too much of a distinction between who was the Wits Crisis Committee and SASCO." (Nicolas Dieltiens, interview, 2010/02/15).

[107] This was seen to be important given the fact that, as explained earlier, corporatist forms of engagement and representative formations had become dominant and accepted on the campus.

[108] For a more in-depth account of the history of this so-called debt crisis see Beall, Crankshaw and Parnell 2002. Some commentators have argued that the crisis was "talked up" (Beall et. al. 2002: 87) or exaggerated in order to open up the space for a massive restructuring of municipal policy and practice (Barchiesi 2005; Bond 2000a).

[109] For McKinley this was made possible, in spite of the Stalinist character of the general leadership of the SACP, as a result of the work of leaders like Chris Hani, who was elected general secretary in 1991. In his words, "The door that Chris Hani opened up for many from my generation and others, I think, at that particular time was one which held up a promise that the SACP could potentially become a really serious radical political force representing and fighting for poor people and working people and knowing full well that the ANC was going to effectively abandon that struggle."(Dale McKinley, interview, 01/03/2010). While I find this to be an extremely interesting observation, I find it unconvincing that the SACP of 1993 (or even of Hani) was so much more different than the SACP that expelled McKinley at the end of 2000.

[110] In particular, McKinley remembered how "the politics turned very nasty very quickly for those that had a dissenting agenda" to a discussion document tabled in 1994 within the Alliance that identified Johannesburg as "a key industrial capital and political centre" and proposed several changes for the running of the city, changes that included the enforcement of cost recovery in the delivery of basic services and other "neoliberal policies". Recalling the fact that there was "massive opposition from sections of COSATU and sections of the SACP", with the document's proposals being fought out within provincial executive councils and "all of the structures of the Alliance", McKinley claims that even though he "had been through a huge amount of really rough kinds of politics" in the past, it was not until this fight that he was "physically prevented from attending meetings and physically threatened because of the stance of opposition" that he took. A few years later, in 1999, this plan was unveiled as iGoli 2002. Once in the public realm as a set of policies adopted by the ANC government, dissenting members of the Johannesburg central branch of the SACP would have to put aside their differences with the document and cease from criticising it, conforming to the role of disciplined members of the Congress Alliance. This discipline would be enforced from within the SACP, both at branch level and from higher levels of the organisation.

[111] Ngwane's expulsion was not his first experience of discipline within the Congress movement. Having joined a Trotskyist group (called the Socialist Group or SG) while studying at university in the mid-'80s, his questioning of certain shifts within the movement had got him into trouble when he had earlier been a member

of the COSATU-aligned Transport and General Workers Union (TGWU or more popularly known as T&G). In his words:

> I got expelled by COSATU in 1993 already for opposing – okay, we didn't call it neoliberalism then – it was the move away from socialism to capitalism. I think my group, we emphasised class collaboration with the bosses, holding hands with the bosses. So, also, my expulsion from T&G was not unique; a whole lot of trade unionists were being expelled. This was clearing the decks, you know, for the ANC to take power. At that time, the ANC was getting ready to take power, you know, in its part to generally shift, move to the right. So now, I think with liberation in '94, that event was of such momentous importance and maybe Mandela and them played their hand so well that the opposition was minimal actually or had already been pre-empted or stamped out because some people got killed between 1990 and 1994. And it's not just Inkatha violence, assassins … but in any case, we were all happy with liberation. I was ANC and doing liberation campaigning for the ANC. Next thing, it was a year later and the local government elections and I was a Councillor. (Trevor Ngwane, interview, 2010/03/23).

Ngwane continued, however, to participate in the SG, allowing his politics in the ANC to be shaped and directed by discussions in this small group of activists.

[112] There were also criticisms of the plan by the Independent Municipal and Allied Workers Trade Union (IMATU), a smaller FEDUSA-aligned union, which would join SAMWU in some of its protests against iGoli 2002 and take up its own legal contestations of the implementation of the plan.

[113] From July 1999, SAMWU, together with IMATU, took to the streets in mass protest marches in between sessions of negotiations in the bargaining council. Talks broke down on a continuous basis with City officials agreeing and then reneging on declaring a moratorium on the restructuring plans. In 2000, after an agreement had been struck between SAMWU and the City, workers engaged in unsanctioned wildcat strike action. However, by November 2000, worker representatives had moved from their position of declaring a moratorium on the overall plans to insisting that jobs would be protected and no retrenchments would happen.

[114] Ngwane had been participating as an individual in CANSA and had close historical links with founding members of CANSA. He also had close links with members of SAMWU, in particular Rob Rees, SAMWU organiser, who was also a member of the small political grouping to which Ngwane belonged called the Socialist Group (SG).

[115] Ngwane contends that the CANSA workshops helped not only in the formation of the AIF, but also in preparing the ground for the later establishment of the Soweto Electricity Crisis Committee (SECC).

[116] Kenny Fihla was a member of the GJMC mayoral committee and appointed to chair the Transformation Lekgotla championing iGoli 2002.

[117]The period of the suspension was to be two years. On appealing to the provincial ANC, it was agreed that his suspension would be reduced to a period of nine months on condition he publicly recanted his positions. After consulting his constituency, Ngwane decided not to do this, and the suspension held. Because no by-election was held, Ngwane continued as an independent councillor until the next local government elections.

[118] This press alert profiles the AIF's protest of City Manager, Khetso Gordhan's speaking at an Institute of Race Relations meeting on 16 May 2000 at the Rosebank Hotel - his speech advertised as having the title "Reinventing Johannesburg: The iGoli 2000 Plan". In addition, it calls for support of the SACP's picket later in the same day (12.30pm) of the Privatisation Africa 2000 Conference at the Crowne Plaza Hotel in Sandton, and of a SANCO (Pimville) mass meeting that evening in Soweto to alert residents to the ills of iGoli 2002.

[119] Indeed, for months since the announcement of iGoli 2002, the Transformation Lekgotla had taken every possible opportunity to sell its ideas as the best possible alternatives for a city in crisis. Similarly, much time and other resources had gone into promoting Wits 2001 as the best way for the university to survive in a climate of government subsidy cuts and a need for general cost-saving. It is worth remarking that these public relations exercises seem to follow a logic of marketing rather than consultation.

[120] Dieltiens was working with Bond in CANSA at the time.

[121] Entrance fees to the conference were set at R400 per delegate (Weinberg 2000). Very recently, Patrick Bond objected to Dieltiens' characterisation of his role in making the offer, suggesting to us that he was then merely playing the role of a "back channel" in exploring options (e-mail communication).

[122] Bond often refers to himself in these terms as well.

[123] More recently, Bond attempted to persuade Dale McKinley to erase Dieltiens' refection (quoted above) on this event in future publications of the booklet produced by McKinley on the APF archive (2012).

[124] While the names and signs that characterised APF paraphernalia generally followed models arising from the liberation movement, that its first statement called itself 'a communique' is significant as it also shows the ways in which, from the very beginning, the APF also orientated to something new. 'Communique', in this statement, in fact, is a public borrowing from the Zapatistas.

[125] Testament to the open constituent character of the APF at this point, these two statements were not written by the same author.
[126] Among the organisations that initially attended APF activist forums was the Ecumenical Service for Socio-Economic Transformation (ESSET).
[127] It is, for instance, not unusual to hear APF members say 'the ANC is oppressing us' when talking to the upshot of everyday struggles against cut-offs, prepaid meters, evictions, and so on. In this way, the ANC has often come to represent the other point in a friend-enemy couple that gives the perceived political relation.
[128] While the very first APF statements refer in the broad sense to the forum as "a coalition of church, labour, community and student groups" (APF Communique No. 1, APF statement, 15 July 2000), later declarations in the same year often list all the organisations making up its affiliates (APF statement, 12 September 2000; APF Declaration, 17 September 2000) It is highly probable that the names that were recorded at the first activist forum (preceding the Urban Futures disruption) were just copied into later writings as the need to define and describe the APF as an organisation increased over time.
[129] Some of these structures predated the APF, for instance, Kathorus Concerned Residents' Forum (KCR). Others, like the SECC, are almost simultaneous with the APF's formation. Still others emerged out of the struggles taking place after the formation of the APF, for example, the Orange Farm Water Crisis Committee (OWCC).
[130] While this group of affiliates comprised mainly formations at community level whose members were facing problems with service delivery, it also included groups of retrenched workers in the form of SAMANCOR and later GIWUSA.
[131] As John Appolis explains:

> Well, what happened is because of the fact that the community organisations constituted the largest base of the organisation, we had to restructure it to give effect to this new development where we sort of set up office bearers, elected office bearers – Chairperson, Treasurer and Secretary. Those were the three sort of official leadership of the organisation and then we agreed to have a … Co-ordinating Committee meeting. Those were the only two structures that we used to have. The activist forum was also still in existence … There was that kind of form of transition where we sort of formalized more the internal setup of the organisation…Office bearers, Executive and Co-ordinating Committee structures were constitutionalised at the 2004 AGM. So, I think that gave it some kind of organisational coherence and stability because now we have a kind of accountable structure and strategies that could co-ordinate and allow for democratic participation and control by the communities in the APF. And, also, in terms of weighting, of voting and its more in favour of the community organisations, where they have more voting power or voting delegates at the various structures of the APF. (John Appolis, interview, 2010/03/23).

[132] As I discuss in more detail in a dossier on government and sovereignty, the source of this question is Agamben's most recent contribution to his *Homo Sacer* project. My interest in this question however is not simply theoretical. Where a certain imperative task of 'producing the people' appears to the men of the state as 'the fundamental problem', we should say, for our militant 'the problem of the state' is a somewhat different one. In a way, her problem is to grasp this movement through which an illusory figure of the people is produced as a foil to cover over the very divisions, exclusions and antagonisms that characterise the struggles she cares about. Indeed, for a form of critique conceived as grounded in 'the real movement that destroys the existing state of things', to address the problem of institution of the nation-state, is also to work to undermine the power through which it captures imagination, and thus affects the inscription of all political desire within its own domain. A problem, then, that points back to the question of escape.
[133] That is, "What is the sovereign? How is he constituted as sovereign? What bond of obedience ties individuals to the sovereign?" (Foucault 1980: 187), underscoring the broader question of legitimacy.
[134] The phrase is borrowed from Foucault, which he uses in his discussion of Machiavelli's *The Prince* (Foucault 2007).
[135] Such a shift (which elsewhere he characterises as a displacement of sovereignty), would no doubt, for Foucault, have to ripple within a "field of real forces", standing as a "tactical pointer" for the "struggles, confrontations and battles" (see Foucault 2007 [11-01-1978]: 3) that unfold therein.
[136] This is not to say that in feudal societies revolts were never underpinned by 'economic' relations, or, for that matter, mixed in with struggles against subjection. Rather, for Foucault, these struggles are seen as entertaining "complex and circular relations with other forms", even as one predominates over the other two.
[137] I do not doubt, however, that the dynamic of power and rationalisation more generally held its own fascination, and like so many of his generation, the spectres of fascism and Stalinism was for Foucault the context of an unshakable paradox:

> One of the numerous reasons why [Stalinism and fascism] are so puzzling for us is that, in spite of their historical uniqueness, they are not quite original. They used and extended mechanisms

> already present in most other societies. More than that: in spite of their own internal madness, they used, to a large extent, the ideas and the devices of political rationality. (ibid: 328)

The tension between these two poles, between a power that threatens to become absolute and a resistance that always returns us to history, seems to me particular important in understanding the movement of this work (see *Dossier on Critique*).

[138] The reference to Deleuze's reading of Foucault follows Hardt and Negri's suggestion that Imperial government is only effective in so far as it is driven "by the rebound from the resistance of the multitude against imperial power" (Hardt and Negri 2000: 360), an argument that develops within the Imperial model one of the central assumptions of what is sometimes called autonomous Marxism. Given this fact, it is surprising that the reference, given in a footnote, to the claim that "resistance is actually prior to power" is a secondary text on Foucault, albeit an important work of philosophy in its own right. Ironically, in the footnote that Deleuze offers as motivation for his claim that resistance comes first, he gives what is perhaps a more original source of inspiration for the primacy of resistance in Empire, or, at the very least, with respect to Negri's part in the project: "In Foucault, there is an echo of Mario Tronti's interpretation of Marxism as a 'workers'' resistance existing prior to the strategies of capital" (Deleuze 1988: 120/n28).

[139] In this thesis, I, however, give this notion of a diagram a wider meaning.

[140] Deleuze also refers to anatamopolitics, biopolitics and pastoral power as diagrams (ibid). In this thesis, I, however, give this notion of a diagram a wider meaning than the one it takes in deleuze's text (see *Dossier on the Diagram and the Apparatus*)

[141] It is perhaps worth noting that Hardt and Negri, in *Multitude* (2004) pick up on the phrase "the swarm of points of resistance", and develop the swarm idea as a specific characteristic of resistance, and so, also a distinguishing feature.

[142] Differentiated here from 'antagonism'.

[143] This phrase is borrowed from Foucault (1990a: 93)

[144] He gives the examples of the state, the market, religion and even art and morality.

[145] *Society Must be Defendered*'s editors include (as a note) the original citation: "War is a mere continuation of policy by other means …war is not merely a political, but also a truly political instrument, a continuation of political commerce, a carrying out of the same by other means" (see Foucault 2004: 21).

[146] The lecture where Foucault makes this critique ends by describing the "bottleneck" that resistance falls into by making recourse to right (and thereby the theory of sovereignty) against 'non-sovereign' forms of power, specifically discipline. In this respect Foucault says: "we cannot go on working like this forever; having recourse to sovereignty against discipline will not enable us to limit the effects of disciplinary power" (Foucault 2004: 39).

[147] In so doing, as Singer and Weir point out, he is actually close to Lefort and his distinction between the sphere of power, the sphere of knowledge and the sphere of law.

[148] This dissymmetry also meant that while sovereignty could found an "absolute power on the absolute expenditure of power", it nevertheless was incapable of exercising "power with minimum expenditure and maximum efficiency" (Foucault 2004: 36), which as we will see, was part of the reason it was incapable of mastering the forces unleashed with modernity.

[149] And we might note that it is precisely in the context powers focus on the body, that Foucault criticises Marxism for its inattention to this issue.

[150] Where sovereign power operated, as we have seen, through forms of 'deduction', extracting wealth through mechanisms such as taxation and seizure, disciplinary power elaborated techniques and tactics geared to the extraction of time and labour. In *Discipline and Punish* this opposition is presented in terms of the fissure between the "levying-violence" principle of sovereign power and the "mildness-production-profit" principle of disciplinary power (1995: 219). Moreover, where sovereignty's model of taxation unfolded within a system based on "chronologically" organised obligations, disciplinary power will come to establish "*permanent* systems of surveillance" that are grounded in and reinforced by "a closely meshed grid of material coercions" (2004: 36). And if, as we have seen, the model of sovereignty will only be able to found an "absolute power on the absolute expenditure of power", the 'invention' of disciplinary power will mark the emergence of tactics pointed towards the calculation of a "minimum expenditure and maximum efficiency" (ibid).

[151] Foucualt gives the examples of in ratios of births to deaths, rates of reproduction, occurrence of illness and disease, levels productivity, and so on

[152] In brackets the translators have added dispositif as the original French term translated as apparatus.

[153] In Foucault's terms it will mean asking if it is better "to tolerate a bit more theft or to tolerate a bit more repression?" (2007: 5)

[154] Foucault writes: "Due to the primacy of the norm in relation of normal, to the fact that disciplinary normalisation goes from the norm to the final division between normal and abnormal, I would rather say

that what is involved in disciplinary techniques is a normation rather than normalisation." (Foucault 2007: 57).

[155] Foucault sets out the terms of this debate by contrasting Darwin's position with that of Lamark's and Cavier's. In Lamark, this relationship was one in which the individual was directly acted on by the milieu, while by contrast Cavier is said to have followed a more "mythological line" – emphasising "catastrophes, gods, creative acts and so on", but which according to Foucault still "organised the field of rationality much more carefully".

[156] Supporting this conclusion, in the lecture, the reorientation seems to also cut across the shift from an "analysis of wealth" to political economy and that from general grammar to philology.

[157] Here we can note what is almost a reversal of the Darwinian formulation.

[158] It is in fact no surprise that contemporary readings of Foucault have drawn on his work on biopower in grappling with the Marxist problem of the transition from the formal to the real subsumption of labour under capital (see Hardt and Negri 2000).

[159] The characterisation of this movement as an 'epochal passage' comes from Hardt and Negri's discussion of this material (See Hardt and Negri 2000)

[160] The alternative translation says: "taking a cut on production, rather than organizing it, condemning to death rather than ordering life" (Deleuze 1995: 177)

[161] In the alternative translation: "bringing everything together, giving each thing its place, organizing time, setting up in space-time a force greater than the sum of its component forces" (Deleuze 1995: 177)

[162] Foucault is using the terms race and racism, here, in a wider sense than our ordinary usage.

[163] This formulation is borrowed from Chatterjee's *The Politics of the Governed* (2004).

[164] In the quotation (transcribed as a footnote), Nairn is speaking about the "representative mechanism", which is read by Anderson as elections. Even beyond this focus, however, the quotation highlights an important dimension of the liberal democratic nation-state. However, for Anderson, rather than elections, the emphasis falls on the daily habits of an imagining life in fostering a sense of such an 'impersonal collective will'. In terms of the specific focus of this thesis, my own interest is in precisely the relation between the rituals of modern nationalism and the habits of the imagining life, as well as the modes of expression that claim to give representation to a collective national political will.

This line of questioning is here opened by a consideration of the role of 'ritual' in establishing and fixing the calendar.

In his essay 'In Playland', Agamben suggests that history, understood as 'human time', is constituted by "a differential margin between diachrony and synchrony" (Agamben 2007b:85). Borrowing from linguistics, and in terms that recall Benjamin's remarks on materialist historiography, Agamben writes: "If [historiography] figures historical becoming as the pure succession of events, as an absolute diachrony, it is then constrained in order to salvage the coherence of the system, to assume a hidden synchrony operating in every precise instance (representing as causal law or teleology), whose sense is revealed however only dialectically in the total social process" (ibid: 84). Crucially, the principle that marks this tension between diachrony and synchrony is the opposition between event and structure. Agamben nevertheless insists that something like a "pure event (absolute diachrony) and pure structure (absolute synchrony) do not exist", and are instead always entangled (ibid: 85). In fact what is absolutely essential for history is that there are established "signifying relations" between diachrony and synchrony– which for Agamben is the work of play and ritual. What characterises 'the event' is therefore this tension between diachrony and synchrony, such that he can write "every historical event represents a differential margin between diachrony and synchrony, instituting a signifying relation in between" (ibid)

What this means for the relationship between ritual and play is elaborated through two examples. The first is Collodi's account of Playland in the novel *Pinocchio*, a fictional country composed entirely of boys. According to Agamben, in Collodi's narrative of Playland, the "pandemonium" of play results in nothing less than the "paralysis and destruction of the calendar", opening onto the "measureless dilation of one long holiday" (ibid: 76). He is, however, clear that Playland, as absolute event, is a utopian representation to give account of play's effect on the calendar. However, he immediately also points to another context in which pandemonium, uproar, bedlam – the stuff of Playland – obtains a function in relation to the calendar. Here the example is of course New Year ceremonies, often characterised by "orgiastic disorder, the suspension or subversion of social hierarchies and license of every kind" (ibid). Play in such rituals has the opposite effect, and now works "in every case" to ensure both "the regeneration of time and fixity of the calendar" (ibid). This example illustrates well the ways in which ritual and play come to be deeply entangled, but nevertheless stand in opposition. Ritual fixes the calendar, play destroys it; history, however, is conditional on the possibility of establishing a differential relation between them. In this sense, something like the 'State of the Nation' address, which falls on

the side of ritual, works to fix the national calendar. The public representation of the collective will of a nation (at a particular moment in its history), on the other hand, belongs to the order of the event, and thus play. To link such a perspective to what Anderson (after Walter Benjamin) called 'homogenous open time' (Anderson, 2006), it is worth noting that this is the very structure of time presupposed by 'the nationalist calendar' (of official events, public holidays and ceremonies), and the experience of time it works to reinforce. In fact, part of this chapter's focus on Mbeki's 2003 'State of the Nation' address (rather than any other representation that he has offered of the two economies thesis), works to draw attention to the manner in which the rituals of modern nationalism, like the 'State of the Nation' address, figures as a public imagining of the nation and its people moving through a homogenous open time. And it is precisely in so far as something like a national calendar is fixed by the rituals of our modern society that this movement might be conceived as something like a 'national history', characterised by a particular narrative of events that reinforces particular conception of progress.

[165] In the debates in the early 1990s over the economic path for a newly liberated South Africa, the slogan "growth through redistribution" became something of a call for the forces gathering around the newly unbanned ANC. Already in the RDP, however, the phrase that had become the popular slogan for expressing the Congress movement's approach to questions of post-apartheid development, begins to shift from the principle of redistribution to the wider idea of (national) reconstruction. Nevertheless the RDP fully appropriates the rhetorical force of the slogan. The RDP's fifth, and arguably the most important principle for giving form to political and strategic orientation of the new government, thus proposes to link reconstruction and development precisely via redistribution:

> The RDP is based on reconstruction and development being parts of an integrated process. This is in contrast to a commonly held view that growth and development, or growth and redistribution are processes that contradict each other. Growth - the measurable increase in the output of the modern industrial economy - is commonly seen as the priority that must precede development. Development is portrayed as a marginal effort of redistribution to areas of urban and rural poverty. In this view, development is a deduction from growth. The RDP breaks decisively with this approach. If growth is defined as an increase in output, then it is of course a basic goal. However, where that growth occurs, how sustainable it is, how it is distributed, the degree to which it contributes to building long-term productive capacity and human resource development, and what impact it has on the environment, are the crucial questions when considering reconstruction and development. The RDP integrates growth, development, reconstruction and redistribution into a unified programme. The key to this link is an infrastructural programme that will provide access to modern and effective services like electricity, water, telecommunications, transport, health, education and training for all our people. This programme will both meet basic needs and open up previously suppressed economic and human potential in urban and rural areas. In turn this will lead to an increased output in all sectors of the economy, and by modernising our infrastructure and human resource development, we will also enhance export capacity. Success in linking reconstruction and development is essential if we are to achieve peace and security for all (ANC 1994: 6).

[166] Between 1993 and 2008 South Africa's Gini Coefficient is said to have increased from 0.66 to 0.70 (Leibbrandt et al. 2010: 10).

[167] In a 2008 interview with the *Financial Mail*, for instance, the two economies characterisation was mobilised by Jacob Zuma in giving representation to the continued challenges facing the nation and the economy in the post-Polokwane era (Financial Mail 2008).

[168] While I fully agree with Bauman in his perception of a certain ambivalence in official attitudes to the poor, we cannot be satisfied with the reduction of representations of government's political commitment to the poor to a sense of "pity and compassion" for those who fall below the standard. In this respect, I follow Foucault in associating the modern state theme of 'care', as well as the governmental focuses on the health and well being of populations, to the transformations in the technologies of power that he discusses under the heading of pastoral power and modern biopolitics.

[169] Consider Isobel Frye's (then at NALEDI) characterisation of GEAR: "the fact that GEAR failed to meet its targets on most of its goals, including increased levels of local foreign investment, as well as employment creation, government for its part continues to hail the success of GEAR based solely on the attainment of two indicators, namely the reduction of the budget deficit, and the reduction in inflation" (Frye 2007: 156). See also *Chapter 1* for a discussion of GEAR.

[170] The most obvious example here is its usage by the government initiated think tank 'Trade and Industrial Policy Strategies' (TIPS). However as du Toit and Neves point out, "conservative policy think-tanks like the Centre for the Development of Enterprise were quick to appropriate this language and use it to ram home especially neoliberal policy lessons" (du Toit & Neves 2007: 132).

[171] Such a perspective, as we saw, is present in Isobel Frye's remarks on the thesis (Frye 2007). du Toit and Neves, albeit with less emphasis on the duplicity of Mbeki's statements, also link "the rise of 'second economy' talk", to Mbeki's attempts at sidestepping the political fault lines opening in the wake of GEAR's failures on the front of Job creation and redistribution (du Toit & Neves 2007: 129). Unlike Frye, however, du Toit and Neves do see the thesis coinciding with a "significant shift" in governmental approaches (ibid: 131). However, even beyond these examples, critical commentary has often treated the motivation for Mbeki's statements on a "Second Economy" with real suspicion. Thus in Skinner and Valodia (2007), critique puts into the question the depth of the shift represented by the two economies thesis.

[172] In an excellent essay on the Expanded Public Works Programme (EPWP), 'When public works create second economy conditions', Samson for instance shows how the project both undermined job creation while at same time consigning those employed on the EPWP to "inferior jobs" (2007). See also Du Toit and Neves (2007).

[173] See for instance Skinner and Valodia (2007).

[174] See Patrick Bond's Introduction in *Africanus* (2007) and Skinner and Valodia's critique of the thesis.

[175] Beyond the ways this is apparent reading across the changes in official iterations of the thesis, Vusi Gumede, a policy analyst attached to the presidency, for instance acknowledges both du Toit and Neves and Frye's critiques in his paper on the second economy, while insisting that the notion of a ""second economy" means different things to different people or contexts" (2008: 16). TIPS, who have done much to deepen the notion of a second economy in relation to actual government programmes such as AsgiSA, are even more explicit in their acknowledgment of the 'sway' of critique: "While the processes that generate wealth and poverty are clearly linked and interdependent in South Africa, much debate has focused on the nature of the relationship between the two – and between the 'first' and 'second' economy. This debate has deepened analysis of the wide range of connections and disconnections, dependencies and interdependencies that exist between the most marginal economic activities and the developed end of the South African economy" (TIPS 2008: 2).

[176] The document is interesting for a number of reasons, not least of which is its authorship. Although officially insignificant, part of document will be directly pasted into the 2007 Policy conference discussion document. Parts of it also appear in a paper by Vusi Gumede (2008) who worked in the presidency's policy arm. It also corresponds word-for-word to sections of Netshitenzhe's address (who was in fact Gumede's boss) to the conference 'Living on the Margins'. This would suggest that the document was either written by Gumede or Netshitenzhe.

[177] The phrase appears in both the Presidency's 'synopsis clarification' and Netshitenzhe's address.

[178] While this approach shifts the emphasis of the notion of an underclass from the "attitudes and behaviours" with which it has been associated, to locate it within "class theory", it also seems to shift class-theory from the universalist-Marxist emphasis on the question of exploitation towards a more Weberian centred account. Notwithstanding this, the authors argue that both neo-Marxist and neo-Weberian approaches have stumbled in classifying people without occupations, that is, the unemployed, let alone being able to account for differences with respect to labour market opportunities.

[179] While Gumede's piece suggests a variable for identifying 'second economy subjects', it does not go on to explore whether a group so defined displays any distinctive disadvantage as Nattrass and Seekings do.

[180] I am of course borrowing, and in a way intentionally misusing, this important phrase from the work of Rancière.

[181] See report on the interview with Zuma in the *Financial Mail* (22 February 2008). After the article was printed, however, COSATU's General Secretary Vavi, responded: "He [Zuma] is seen to be advocating labour market flexibility and an accord between business, labour and government...Those are pre-Polokwane positions that were defeated" (*Business Report*, 11 March 2008).

[182] In a recent interview with Prishani Naidoo the city's director for social assistance Jak Koseff puts the matter in surprisingly clear terms in considering the "key differences" in the population that UK welfare-to-work programmes are targeted to:

> We don't have a universal adult grant; we don't have a long history of warehousing poverty in gigantic council estate-type set-ups; so therefore You don't have nearly as much of a dependent population that can be coaxed into employment which is what most of the developed country systems do. What you do have, however, which is comparable, is a population that can coaxed into employment which is what most of the developed country systems do. What you do have, however, which is comparable, is a population with very limited experience of the formal labour market, very poor understanding of how to access the labour market…(Koseff, interview, 15/06/2010)

[183] This could be said of writers like Franco Barchiesi and also of du Toit and Neves.

[184] To be sure however something like 'the national economy', as a specific object of knowledge, only becomes intelligible in relation to a specific set of indicators focused on aspects of social production, and whose subject is the national population.

[185] My usage of the term milieu follows Foucault (see *Dossier on (Bio)Power*).
[186] This conference will probably be remembered for its place in the story of Zuma's ascendancy.
[187] A 2005 National General Council of the ANC discussion document outlines the thesis as follows:

> In South African 'two economies' persist in one country. The first is an advanced, sophisticated economy, based on skilled labour, which is becoming more globally competitive. The second is mainly an informal, marginalised and unskilled economy, populated by the unemployed and those unemployable in the formal sector. Despite the impressive gains made in the First Economy over the last decade, the benefits of growth have yet to reach the Second Economy, and with the enormity of the challenges arising from the social transition, the Second Economy risks falling further behind if there is no decisive government intervention. The First and Second economies in our country are separated from each other by a structural fault. The Second Economy emerged during the long period of colonialism and apartheid as a result of the deliberate imposition of social, political and economic exclusion of the African majority by a racist state. This process aimed to achieve the enrichment of the white minority at the cost of the impoverishment of the black majority. Consequently, the Second Economy is today caught in a 'poverty trap'. It is unable to generate the internal savings that would enable it to achieve the high rates of investment it needs. Accordingly, on its own, it is unable to attain the rates of growth that would ultimately end its condition of underdevelopment" (ANC June 2005).

[188] Exceptions relate directly to divisions in the levels of access to social goods within the national population, for example, in relation to the digital divide.
[189] Manuel's speech says: "President Mbeki has challenged us to increase the number of people in society who depend for their livelihood, not on social grants, but on normal participation in the economy" (Manuel 2004). In his 2004 State of the Nation, Mbeki repeats the previous year's injunction: "Among other things, our successes with regard to both the First and Second Economies must create the conditions for us to reduce the numbers of our people dependent on social grants" (Mbeki 2004).
[190] "In the words of President Thabo Mbeki, the objective must be to reduce the number of people on social grants and increase the number of people who earn an income from normal participation in a growing economy" (ANC June 2005).
[191] In his 22 August 2003, Letter from the President - one of the earliest iterations of the thesis - Mbeki explicitly speaks to the relationship between the trickle-down effect and the division between the first and second economy: "It is sometimes argued that higher rates of economic growth, of 6 percent and above, would, on their own, lead to the reduction of the levels of unemployment in our country. This is part of a proposition about an automatic so-called trickle-down effect that would allegedly impact on the "third world economy" as a result of a stronger 'first world economy'. None of this is true. The reality is that those who would be affected positively, as projected by these theories, would be those who, essentially because of their skills, can be defined as already belonging to the 'first world economy'" (Mbeki August 2003). However, what Mbeki offers here is less a rejection to the trickle-down effect thesis than the suggestion that the externalities of growth (or collateral effects) it presupposes is restricted to subjects already participating in the first (world) economy. The short-circuit in the logic of trickle-down is then a consequence of the structural flaw (of two economies), not the logic itself.
[192] While it is important to resist the tendency towards the homogenisation of the wide range of protests that have since 2004, been called service delivery protests, as I show there are both important reasons to place these local protests into a wider narrative of contestations between communities and the local state, and understand how such protests have come to take on the aspect of a distinct political phenomenon. To be sure, however, attitudes to these local uprising have shifted tremendously over the last 5 years. While the first response to these protests remains the police-force, whether under the auspices of unblocking a road or protecting property, official statements on such protests have changed dramatically. From Mbeki's first suggestion of a third force driving these protests, through guarded and somewhat belated official acknowledgments of a ('capacity') problem at the level of local government, to the recent about turn which have included visits by ANC officials to troubled areas, there has been, at least at an official level, something of a softening of attitudes to these protests (see *Chapter 4*).
[193] This is less true with respect to Hart's invocation, and especially if we read this theme across her wider work.
[194] It is worth noting however that post-apartheid South Africa has a somewhat ambivalent image of wage labour. While I do not have space to develop this point here, one the one hand, wage labour is cast in model that draws inspiration from the image of the 19th and 20th century figure of the industrial worker: the male breadwinner in full time factory employment (see for instance, Dean 1991). On the other hand, the image of wage labour increasingly comes to reflect neoliberal entrepreneurial themes. In this case, wage labour moves in the direction of the mould given to homo oeconomicus in neoliberal tracts, where the worker now figures as "entrepreneur of himself" (see Foucault 2008).

[195] This characterisation of primitive accumulation as involving 'the reproduction of capitalist relations of production and social classes' is borrowed from Hardt and Negri's discussion in *Empire* (2000).
[196] Indeed in this sense, different process of commodification support and reinforce each other. For instance, the commodification of water, or the privatisation of social security become directly functional to the deepening of the commodification of labour, especially where the such goods had previously been part of non-wage contributions to individual or household social income (see *Dossier on Primitive Accumulation*).
[197] This, I believe, is one of the reasons that so many statistical studies on poverty are focused on shifts since the end of apartheid.
[198] Academic Consensus is here, however, merely a agreement amongst those writers that have participated in debates over income poverty statistics
[199] Which as Bond, following David Masondo points out, is reminiscent of modernisation theory (Bond 2007).
[200] Whose dualism corresponds with that of the CST characterisation.
[201] While characterisations of the second economy have suggested that it does not have a specific special location, it seems clear that what is called the second economy relates to the space of the township, urban shack settlements and the wide ranging sites of rural poverty.
[202] In this sense the, these process might be related to a telling paradox with respect to neoliberal rationality that is highlighted be Lemke, that is, that it attempts to construct the world it pretends already exists.
[203] In fact one of the dangers Hayek sees in poverty is that it is exploited to reinforce calls "collectivism".
[204] This risk is twin edged in the sense that it is both the risk of the occurrence of social misery, and, at the same time risks of its effects in the form of the potential political compulsion that the poor might bring on society as a whole as a result.
[205] "…departments such as Social Development, Provincial and Local Government, Trade and Industry, Agriculture and Land Affairs, Public Works and Health as well as provincial and local administrations…"
[206] I borrow the term 'material constitution' from Antonio Negri. In a general sense I mean the "intrinsic normatively" that is produced by the "forces that constitute society politically", and in the ceaseless movement through which they do so (see Negri 1999). At stake here are both the operating practices that determine the forms of governmental practice as well as the formal and informal regulatory frameworks within which they take shape. In Negri this material constitution takes shape by means of continual institutional compromises, in terms of the thesis of this dissertation, within the ceaseless movement between resistance and governmentalisation. In some ways then, we could also relate the material constitution to an existing 'strategical situation' with respect what Foucault called 'the moving substrate of force relations'. We return to this question of the material constitution in *Chapter 4* in relation the institutional framework for the delivery of basic services, showing its relationship to the production of governmental norms, and the form of 'actually existing neoliberalism' in post-apartheid South Africa.
[207] The idea of a 'collateral effect' comes out of my research around the relationship between government and sovereignty, and specifically, my reading of a recent line of Agamben's work (Agamben 2007a). Moving from Agamben's thesis that liberalism is based on a providential model, based on a separation of will (sovereignty) and execution (government), in this case 'will' is realised, as a collateral effect of the good government of the economy. I discuss this thesis in the *Dossier on Government and Sovereignty*.
[208] The paradox is given precisely in apparent antagonism between nationalism and neoliberlism, found for instance in the work of Hayek, but perhaps also in the neoliberal frame of the dream of globalisation, in which relations are established in a global village that is the same time a global market, over and beyond the identities characteristic of the nation-state. But while the nation-state today seems to occupy a less central place as in structuring 'political' life, with power circulating within far wider network of (economic, social and political) relations, rather than disappearing, nationalism has in fact often found itself mobilised in driving the processes globalisation (as in, for instance, the suggestion that economic integration is nation's claim to its space in the global community), which has itself run parallel to renewed forms of racism and xenophobia that take the imagined nation as their frame of reference and principle of belonging.
[209] This formulation is one that I am unsure of, and indeed it is among the many question I still have to resolve. It is based on my reading of Agamben, and his development of Schmitt's thesis on the political function of acclamation (Agamben 2007a). I discuss this issue in the *Dossier on Government and Sovereignty.*
[210] Hart largely seems to agree with this position especially in so far as she notes the sustained challenged presented by the service delivery protests in the context of the 'disarray' of social movements. It is therefore only with respect to accounting for the wider sources of the governmental problem she underlines that her otherwise outstanding analysis seems to fall short.
[211] This phrase is borrowed from Anderson, who in imagined communities points to the ambivalence in discourses on the nation, strung between the subjective antiquity of the nation (in the eyes of nationalist) vs its modernity in the eyes of the historian. My own interest in this respect is precisely to point to the fact that demands for national sovereignty has often been related to a national subject (a people) that is imagined as

eternal. And it is with respect to such a subject that a mythology of national oppression is maintained. What separates Fanon from this tradition is precisely to relate the question of nation to the 'occult zone of instability where the people dwell', and in which a national culture is not so much as discovered as made in the living process of struggle. The people, as subject, is therefore always in a process of self-making, a process that the leader and the national bourgeoisie ground to a halt. Significantly, however, Fanon seems less concerned with the realisation of a national people, since national making only marks the passage towards true internationalism, a passage characterised by struggle and collective mobilisation. However, it is by no means the case that in Mbeki's nationalism we discover the model that finally transcends Fanon's leader, or a pedagogy to 'fling' the people onto the path that leads to 'national reconstruction', but rather that this reading brushes a decisive, albeit rare, limit in Fanon's work. As Burawoy has perceptively noted, what Fanon saw were two nationalist projects existing alongside each other. The first was the empty project of the national bourgeoisie that consisted in nothing more than "being the transmission line between the nation and a capitalism, rampant through camouflaged, which today puts on the mask of neocolonialism" (Fanon 2001: 122). The second national project, running out of that of the 'occult zone of instability where the people dwell', is what much of Fanon's political writing is directed to giving programmatic expression to. The great force of the piece has always been its poetic denunciation of political modernity's entanglements with a comprador bourgeoisie's nationalist project, but it remains a critique that, in the name of the second nationalism, shifts from a vision of progress that never escapes the canons of modernity. Thus, if the frame of Fanon's dialectic of experience had grounded his politics in a teleology whose site was now consciousness, it nevertheless remained shackled to a concept of historical progress that cannot, as Benjamin might have said, be "sundered from the concept of its progression through a homogeneous, empty time" (Benjamin 1998: 252). It is as if, in the 'Pitfalls of National Consciousness', Fanon, having caught that vision of history so beautifully captured in Benjamin's image of the angel of history, desperately tries to turn his head in the other direction, feverishly writing to reawaken and free the future with a new nationalist pedagogy.

[212] If there is rupture between the discourse of coiners of the 1996 class project characterisation and Mbeki it relates precisely to a particular conception of progress. If at the one end there is retention of messianic themes in conceiving of an NDR, at the other, the NDR becomes a space that extends into the limitless future (a passage through homogenous open time).

[213] Žižek's explanation of the return of the repressed perhaps captures the way in which the very act of concealment exposes the traumatic element:

> When, in February 2003, Colin Powell addressed the UN assembly in order to advocate the attack on Iraq, the US delegation asked the large reproduction of Picasso's *Guernica* on the wall behind the speaker's podium to be covered with a different visual ornament. Although the official explanation was that *Guernica* does not provide the adequate optical background for the televised transmission of Powell's speech, it was clear to everyone what the U.S. delegation was afraid of: that *Guernica*, the painting supposed to be depicting the catastrophic results of the German aerial bombing of the Spanish city in the civil war, would give rise to the "wrong kind of associations" if it were to serve as the background to Powell advocating the bombing of Iraq by the far superior U.S. air force. This is what Lacan means when he claims that repression and the return of the repressed are one and the same process: if the U.S. delegation had abstained from demanding that *Guernica* be covered up, probably no one would associate Powell's speech with the painting displayed behind him - the very change, the very gesture of concealing the painting, drew attention to it and imposed the wrong association, confirming its truth. (Žižek 2006: 19).

[214] Although the full set of lectures was only released in English in 2007, the lecture in question was originally translated and published in the Rabinow edited volume on power under the title 'Governmentality', and has proved extremely influential in shaping the research agenda of many areas of the social sciences. For instance, of the vast English literature that has followed Foucault's suggestion of a research agenda focused on 'Governmentality', the most cited piece of literature on the question remains the lecture in question (with no less than 2055 academic citations according to Google's academic search engine, 'Google Scholar').

[215] "[in reference to the previous course] I left to one side all that is usually understood, and that for a long time was understood, as the government of children, of families, of a household, of souls, of communities, and so forth. I only considered, and again this year will only consider the government of men insofar as it appears as the exercise of political sovereignty" (Foucault 2008: 2).

[216] It is worth noting, in this respect, something of a real disjuncture between Marxism and Foucault's approach to modern power; for while Marx would no doubt have agreed on the mystifying vocation of modern universals, and certainly shared Foucault's suspicion of Cartesian causal accounts, his own notes on method suggest, instead, a constant analytical movement between the concrete and the abstract as the form through which the concrete of the world is appropriated as such in thought (see Marx *2005*).

[217] This does not imply a contradiction. Instead, Foucault seems to be tracing the emergence of modern mechanisms of power by constantly shifting his genealogical analysis further into the past.
[218] The lecture goes on to point out that, in the 16th century, the government of the state is just one within multiplicity of forms of governing, hence the, 'political form of government'.
[219] That *The Prince* operates in Foucault's exposition to denote a paradigm of the juridical theory of sovereignty is not said explicitly. Instead, in the essay Foucault tends to either run them together or refer to them in a sense that would suggest their interchangeability.
[220] It is worth noting that such a reading departs dramatically from many contemporary readings of Machiavelli, from Lefort to Negri. In the lecture Foucault clarifies that the account he is presenting is not his own, but that of the literature on the art of government. However, it seems clear that Foucault is doing more than this. For instance, where thinkers like Negri place Machiavelli squarely on the side of the transition that in empire is characterised as the discovery of the plane of immanence, in an earlier lecture Foucault seems to say something else: "far from thinking that Machiavelli opens up the field of political thought to modernity, I would say that he marks instead the end of an age" (Foucault 2007: 65).
[221] Foucault doesn't seem to distinguish between the two – that is family and household.
[222] Specifically Foucault speaks about the 18th century Physiocrat, François Quesnay's, suggestion that "good government" is "economic government" (2007: 94)
[223] We can also note in Foucault's emphasis on 'government as the correct disposition of things' a correspondence with the practices that he discusses under the heading of 'apparatuses of security'. However, this correspondence relates not only to the issue of security, but to the very sense of the word 'apparatus' in Foucault's formulation, which as the course's translator notes, is rendered in French as 'dispositif'. As Agamben has noted, this term, which has come to stand as an important concept in Foucault's writings on power, shares a common root with the word 'disposer' (See also *Chapter 5*). In Agamben, this all gets folded onto the theological key that I discuss in the next section.
[224] Foucault suggests that if the art of government had attempted to combine with the theory of sovereignty, in writers like Hobbes and Locke, this nevertheless "remained at the level of the formulation of general principles of public law" (Foucault 2007: 103). However, so long as the exercise of power was still conceived of in terms of sovereignty and the mechanisms that belong to it, the art of government was blocked from developing in a "specific and autonomous way". On the other hand, in so far as the notion of economy remained bound to "small ensemble" of the family, it provided slim foundation as a model of government.
[225] To be sure, in Marx, that which "appears" to us as concrete, as for instance, the population, is not yet so in thought. In order to be appropriated as such (as concrete) we need to grasp the totality of relations in which it is submerged, a process that turns precisely on a movement between the concrete and the abstract. In the passage immediately following the section quoted, Marx goes on to say: "However, on closer examination this proves false. The population is an abstraction if I leave out, for example, the classes of which it is composed. These classes in turn are an empty phrase if I am not familiar with the elements on which they rest. E.g. wage labour, capital, etc. These latter in turn presuppose exchange, division of labour, prices, etc. For example, capital is nothing without wage labour, without value, money, price etc. Thus, if I were to begin with the population, this would be a chaotic conception [Vorstellung] of the whole, and I would then, by means of further determination, move analytically towards ever more simple concepts [Begriff], from the imagined concrete towards ever thinner abstractions until I had arrived at the simplest determinations. From there the journey would have to be retraced until I had finally arrived at the population again, but this time not as the chaotic conception of a whole, but as a rich totality of many determinations and relations." (Marx 2005)
[226] In spite of my attempts at dropping most of it.
[227] There are a number of more minor statements which have prefigured the argument set out there (for instance, the essay 'What is an apparatus' and his contribution to the recent collection *Democracy: In what state?)*.
[228] *State of Exception* begins with the challenge: "Quare siletis juristae in munere vestro [Why are you Jurists silent about that which concerns you?]" (Agamben 2005: iv).
[229] Along the same lines, in 'The Power and the Glory' he says:

> Political theology grounds in the one god transcendence of sovereign power, and this is the new thing, economical theology, which bases itself on the notion of an Oikonomia, an economy conceived as an immanent order, domestic and not properly political of both human and divine life. The first paradigm [political theology] is juridical, or juridical-political, and will give rise to the modern theory of sovereignty. The second one [economical theology] is managerial and will lead to modern biopolitics, up to the present domination of economy and management over all aspects of social life (Agamben 2007a).

[230] Although I do not have the space to draw out all of the implications of this new line of research, it seems important to point out that, when read as a whole, *The Kingdom and the Glory* substantially shifts Agamben's project.

[231] Agamben's argument focuses on the importance of Irenaeus, Hippolytus, and Tertullian, and the particular disputes they become involved in. Although my discussion focuses mainly on the ways in which Hippolytus, and Tertullian's conflicts with the monarchians lead to the elaboration of a divine oikonomia, it is important to also note here that Agamben shows how in Irenaeus' disputes with the Gnostics oikonomia is also deployed in a way that is important to the theological genealogy of the term.
[232] For Agamben, from this moment, the "substantial link" in "classical Greek ontology, between being and logos, being and language, but also between being and praxis, action, is ruined forever" (2007a). Returning to Aristotle he points out that where, for the latter, god moves the world and the heavens, not because he wants to, but because "his being coincided with this action", in the writings of the Christian fathers this perspective is reversed, and god's being becomes separated from god's action. This reversal and the implication of a separation, of being from action, is carried through occidental philosophy with the effect of rendering "extremely problematic" many of our conceptions of what it means to act (2007a).
[233] Crucially however, providence, is an important channel through which the theological legacy of the concept of oikonomia finds a place in occidental political philosophy. From its first formulation in the 2nd century, through until the 17th, "almost without interruption", the theme of providence was to "give rise to an incredible amount philosophical and theological literature" (2007a).
[234] Although what follows is not an exact quote I have set it out as one as it closely follows the text of Agamben's lecture
[235] Although what follows is not an exact quote I have set it out as one as it closely follows the text of Agamben's lecture
[236] Doxa, Agamben points out, means glory.
[237] "Blessed be his name, glory to god forever and ever, glory are they…."
[238] In fact, the relationship between religious ceremonial practices and those of the profane order are said to be so close that historians have often had great difficulty in distinguishing between them
[239] Agamben gives the example of the Italian fascism under Benito Mussolini. Here he points out that in the same year that the fascist came into power, the church introduced the feast of Christos Rex (Christ the King). A few years later, the acclamation that had been revived by the ceremony – Christ wins Christ reigns – was taken up by the fascist militia in the Spanish civil war, and later included in public ceremonies, substituting the name of Christ with Mussolini.
[240] More recently, another initiative has emerged to resurrect the APF by calling a meeting of the defunct office bearers, as well as long time APF activists.
[241] This phrase is lifted from Walter Benjamin's *Theses on the Philosophy of History* (1992: 247).
[242] Developing in the latter part of the nineteenth century in response to the dominance of "Imperial and Missionary historiographies", this work is said to have "revolved around the organic unity and national destiny of Afrikanerdom" (Murray 1982: 1). Along these lines Neville Alexander writes that there were two "socio-historical complexes" that settler tradition historians attempted to 'explain':

> The first complex pertains to the relations between people of European descent who had an interest in the colony, on the one hand, and the people of African or Asian descent, who they conquered or enslaved, on the other hand. The second complex is connected to the relations between the two groups of people of European descent who, notionally, competed with each other for hegemony on the subcontinent. The entire set of complexes are viewed and treated in terms of an ideology of promoting "Western Christian Civilisation" in Africa (Alexander 2002: 10).

In this respect, Afrikaner historians developed a perspective alternating between "bitterly condemning the ruthless and unscrupulous nature of British imperialism", on the one hand, and "magnifying the "heroic" and freedom loving exploits of Boer settlers on competition with "less civilised" African "tribes" in the struggle for a birthright", on the other (Murray 1982: 1-2). Engendering and reinforcing the popular mythologies that had underpinned the development of Afrikaner nationalism, these histories firmed up the ideological ground within which the system of apartheid was later rooted
[243] For the radical tradition, the sense in which what had been staked on these debates went beyond the indifferent telling of events, was given not only by the ferocity of the more polemical contributions, but the imagined 'symbiosis' between these historians and "the developing political struggle" as well. In an important edition of the journal *Radical History Review*, published just a month before FW de Klerk announced the far reaching reforms that set South Africa firmly on a track towards a negotiated resolution of the political crisis, the journal's editors noted that "[r]adicals have filled the gap left by the collapse of a coherent mainstream ideology which failed to construct a historical rationale for reform" (Bozzoli and Delius 1990: 10). Leaving the aside the question of whether the radical tradition had indeed filled the space vacated by "mainstream ideology", or the broader congruity of its individual strands, what is at stake in its articulation of a 'historical rationale for

reform', was often the same set of signs at the centre of the political contests of our present, that is, *'an image of the past'* and its *'vision of the future'* in whose name the struggle was said to have been waged.

It is also not without significance that what had been called the radical tradition had, in part, self-consciously expressed itself in opposition to what Alexander calls the 'liberal pluralist orthodoxy'. Often traced to work of historians such as WM Macmillan and his student C.W. de Kiewiet, this perspective tended to analyse the history of the South African social formation in "terms of 'race-relations', and later a 'plural society'" (Alexander 2002: 13). While the work of both Macmillan and C.W. de Kiewiet would later be criticised by the radical school for its inattention to the problem of class, it is noteworthy that Bozzoli and Delius, in their attempt at giving a "sense" of a (radical) tradition that was "more than the warring parts", insist on separating the pair from the "conservative liberal historiography" of those "those who replaced them" (1990: 13). However, if the latter generation of liberal scholarship had often seemed "the continuation of the Anglo Boer war by historiographical means", as Alexander quips, or lacked Macmillan and CW de Kiewiet's "sensitivity to process of proletarianisation and socio-economic division", they none the less worked under the cover of a perspective already present in the work of both men. Alexander (2002) sums up the critique of fathers of the 'liberal pluralist orthodoxy':

> Although both Macmillan and De Kiewiet went very far in order to introduce notions of class into their historical research, in the final analysis, their writing entrenched the perception of modern South Africa as being a 'dual economy', in which whites and blacks were neatly cordoned off to a relatively wealthy modern sector and a poor or 'traditional' sector respectively. However the decisive issue is that they perpetuated the view that racial ideology, racial prejudice and racial discrimination were inimical to capitalist development and economic growth. Conversely they held that the rational colour blind logic of the market would, even if only in the long term, lead to the disappearance of 'race' as a factor in South Africa (13) .

If the importance of Macmillan and de Kiewiet's work ultimately lay in its challenge to perspective of the "frontier tradition", the radicals' critique of the liberal historians who followed in their footsteps focused precisely on the narrowness of this challenge, and its failure to recognise the economic rationality woven into the 'frontier traditions' deployments of race. While the liberal tradition was by no means homogenous, it is also true that within this tradition, attempts at understanding the transition from segregation to apartheid, or the forms through which race and class were brought into relation within the South African social formation, largely remained trapped within a perspective in which race and ideology remained the primary factors in explaining social change (interestingly, a contemporary representative of this perspective can be found in RW Johnson's work). Thus, as Murray points out, some liberal historians went so far as to attribute "the succession of segregationists and apartheid policies to the triumph of the "frontier tradition" over "Cape liberalism" (1982: 4). More importantly, in the perspective of the liberal tradition, apartheid (as a manifestation of the backward racial prejudice of the "frontier tradition") was seen as antithetical to the modernising imperative of the market, which it was believed would, in the long run, move South Africa beyond apartheid.

[244] "The extended family in the Reserves is able to, and does, fulfil social security functions necessary for the reproduction of the migrant worker in periods of 'rest', by educating the young, etc., the Reserve families relieve the capitalist sector and its State from the need to expend resources on these necessary functions" (Wolpe 1972: 435).

[245] "[T]he preservation of the social relations of familial community is, quite obviously, one aspect of the migrant cheap labour system. The social obligation to provide subsistence and security is only of relevance to both migrant and employer if the obligation can actually be met for the agricultural product. But this requires both the retention of the pre-capitalist mode of production, at least in so far as this guarantees the allocation of productive land to all members of the community, and the maintenance of certain levels of production." (Wolpe 1972: 436).

[246] It is, of course, also here, in posing apartheid as an attempt to maintain the rate of profit, that Wolpe's thesis opens itself to the charge of reductionism.

[247] The most stark manifestation of such coding were the categories listed in the pass books that African people were forced to carry.

[248] John Appolis, for instance, recounts his experience in civic movements in the Western Cape in the 1980s (interview 2003). Similarly, Bricks Mokolo speaks often of his civic activism in the Vaal during this period (interview 2004). Both are former chairpersons of the APF.

[249] Highlighting the contradictory practice of the JCC Bonner and Segal write:

> The Council had good reasons for its concerns about inner city slums. Sanitary conditions were indeed shocking and diseases were rife, but the concerns of both the council and the government about the health situation in slums were hypocritical. Conditions in Klipspruit were even more unhealthy than those in the

slums. Klipspruit was surrounded on three sides by the municipal sewage farm – which soon advanced within 300 meters of its perimeter – and most families lived in municipality-built V-shaped huts which, with no more than an iron roof placed over the ground. The stench of the sewage farm permeated every dwelling (2005: 13)

I, however, suspect that within the racist perspective of authorities, not only were disease and race link in the imagination, but blacks were made to bear a far greater share of social risk.

[250] This tied into South Africa's accumulation strategy that resisted and discouraged large scale African urbanisation, preferring migrant labour.

[251] Nelson Botie, a resident of Soweto's first housing project describes his new home as follows:

> The walls were not plastered, they were rough and the floor was just grass. It was not cemented. My father started plastering the house once we were inside. The houses had no taps. We didn't have sewage – we had what was called a bucket system and we had these people coming at night to remove the sanitation. The streets were not tarred and they had no names. The houses only had numbers (quoted in Bonner and Segal 2005: 18).

[252] The Sofasonke party charged an admission fee to join the camp which had a formal system of organisation.

[253] In motivating the occupation, Mpanza pointed out the new houses going to be given for the people being evicted from white areas and people living in Orlando, and said that the council were planning to raise the rent on these houses.

[254] Largely within government, between government and council, or between government and industry.

[255] This is why, for instance, one of the most poignant narratives on the evils of apartheid was, *in the first place*, a story of resistance At the centre of the popular *Sizwe Bansi is Dead*, are the apparatuses for the management of African labour, both at the level of the factory and the township. In the play, one of the main characters finds himself without a valid pass, and therefore an illegal in the city. The juridical vulnerability (exposing life to the power of the state), that is a consequence of finding oneself without a pass, is here bypassed by forging a new identity, by making oneself appear legal in navigating the apparatus for the government of labour. One night, the protagonist comes into possession of the pass book of someone who has passed away, which allows for him to take on a new identity. Rather than simply a literary invention, *Sizwe Bansi is Dead* captures something crucial about many forms of everyday resistances to apartheid through which people 'hack' the governmental machine to produce effects beyond its architect's will. *Sizwe Bansi* is the subject of political society.

[256] As is well known, the 1976 uprising was a response to an attempt to impose Afrikaans as a medium of instruction for African learners. As many popular accounts explained it, the usage of Afrikaans was part of the Bantu Education strategy of making docile workers.

[257] Planact describes the houses as follows:

> This unit was approximately 40sq/m in size and was provided with an outside lavatory…these units are basic in the extreme. Most of the houses have 230mm external cavity walls with brick laid on edge. Few were built with floors and none were built with ceilings, whereas roofing consists of (hazardous and unhealthy) asbestos sheeting with no gutters. Two steel outside doors were provided while steel door frames were only provided internally. Running water was provided from one external tap, usually next to the outside lavatory, which was connected to a water-borne sewage system (Planact: 35).

Some of the other models of houses were even more basic, like the pre-cast concrete 'elephant houses' typical of the Mzimphlope area which consisted of "three attached units comprising two 3 roomed and one two roomed unit. An Urban Foundation survey, done in 1980, reported that just 6% of houses had bathrooms while on 13% had toilets inside the house (cited in Planact: 35).

[258] Planact estimated that in 1989 the housing backlog stood at around 66 100 units. Living conditions were thus marked by severe overcrowding with Soweto boasting average household size of 8 people, with this rising to almost 15 for certain areas. Soweto was also now home to numerous squatter communities, including large settlements in Dlamini, Mshenguville, Fred Clarke and Tladi. Planact describes the conditions in these 'camps' as 'shocking', with the Fred Clark camp, for instance, having just 6 toilets, 3 free standing taps and a washbasin for a population of 12 000. Nevertheless, and in spite of very little being done to improve conditions in the camps, residents were charged a rent that ranged from R21 to R50 (Planact 1989: 34).

[259] On commercialisation, Heymans writes:

> A 1980 progress report on the National Privatisation Committee – which has been investigating privatisation at a local level states that privatisation 'also suggests that sound private sector business principles, management techniques and work habits be introduced'. This view that the process entails more than mere transfers to services to private concerns – is directly relevant to local level privatisation. It raises the notion of commercialisation – a concept which was closely associated with privatisation, but which is now increasingly being used on its own. Whereas privatisation seems to imply – at least in the perception

of many observers – a transfer of ownership or control, commercialisation points at methods of management. the difference could be highly significant. The cabinet minister in charge of the privatisation process, Dr Wim de Villiers, told Leadership that there are two key aspects of underpinning commercialisation. The first is that capital has to be raised in capital markets 'rather than by way of government handouts', and it 'must be utilised in accordance with the discipline of profit and loss account and balance sheet'. De Villiers said that management style is of more immediate concern to his department than the transfer of ownership which 'can be argued about endlessly' (1991: 164).

[260] We are here within an ontology of the political that is very far from that of Agamben (see Dossier on (bio)Power) or what we encounter in a writer like Lefort. I do not claim to understand this tradition of thought, only to be still engaging with it – as best as I can.

[261] I am borrowing this phrase from Adler and Steinberg (2000: 7).

[262] The SCA was formed in 1979

[263] An example cite in the Planact report is the common problem of sewage blockage that were made worst when water was disconnected due to non payment

[264] The irreverent quote is attributed to 'an economist' that teaches at the same university as Tomlinson.

[265] This word is not innocent, and as I show later, already represents an ideological shift with respect to the role of government and the market in the delivery of basic services.

[266] Tomlinson remarks, "The local learning process was rapid, however, and with ad hoc support from USAID and the World Bank in respect of municipal finance, the South African team borrowed and amended the Bank methodology and soon the first final (!) draft of the MIIF was completed (2002: 381).

[267] The MIIF would later be reinterpreted in line with the introduction of the 6kl life-line discussed later in this section.

[268] 20% and 90% are respectively what the MIIF estimated would be the percentage of urban and rural households earning under R800

[269] Specifically, Tomlinson points to strategies and frameworks for the creation of a municipal bond market and Municipal Service Partnerships (MSPs) "that together, were intended to ameliorate the debt and institutional constraints confronting most local governments" (2002: 382).

[270] SAMWU's opposition to privatisation would eventually lead to the South African Government, South African Local Government Association and SAMWU signing an agreement - the Framework for the restructuring of municipal services provision - in 1998 that the preferred mode of service delivery was the public sector. This did not however foreclose the possibility of local government going the route of MSPs or even full privatisation (Tomlinson 2002: 383).

[271] This included for instance the lack of easily accessible sites where residents could make municipal payments.

[272] Project Viability had in fact been launched in 1995 to monitor "short-term liquidity of municipalities, including payment levels, the position with regard to arrears and the effectiveness of the credit control (collection) function." (http://www.thedplg.gov.za/subwebsites/projectviabilityjune98.htm). Later the project was extended to assisting municipalities in systematising municipal financial reporting to national government in order to monitor the financial status of municipalities. This would also lend support to a broader strategy for assisting municipalities in introducing 'best practice' financial management systems including strategies geared towards ringfencing and corporatisation of basic services.

[273] This phrase is borrowed from Greg Ruiters. Although Batho Pele would be launched much later, Moosa's speech illustrates how the notion of "customer service" that underpins this project was beginning to shape the state's conception of its service delivery framework.

[274] One might notice a similar form of genesis in the Concerned Citizens' Group (CCG) in Chatsworth, for instance, which came into existence, in part, in relation to the ways in which activists like Ashwin Desai and Fatima Meer related to community struggles in the area. Although the Abahlali base 'Mjondolo (ABM) literature often emphasises this movement's organic, autonomous development, perhaps more than any other movement in South Africa, it not only emerged, but was sustained within a particular relation between grassroots struggles and middle class publics.

[275] I am in a certain way exaggerating the form of externality of the organisers and facilitators of these initial workshops, at least in Trevor Ngwane's case, who was a resident of Soweto as well.

[276] For instance, SECC members were encouraged to keep whistles, so that they could alert neighbours when Eskom officials arrived.

[277] "When they switch off, Trevor says, 'Turn on your light'" (Florence Kwashu, interview, 22/08/2010).

[278] The ostensible reason for delaying bail was the police's claims that they needed time to be able to verify the physical addresses of those who had been arrested.

[279] The fact that the service delivery riots - as they are sometimes called - emerged outside of the traditional circuits of post-apartheid civil society, presented a real challenge to how they would be understood within mainstream discourse. On the left, these protests were treated as spontaneous manifestations of the poor's anger

over the slow pace of 'delivery'. For the man of the state, on the other hand, the inability to locate these protests within tradition civil society had a far more sinister twist. Rather than acknowledge a failure on its part, they initially attempted to side step the issue by suggesting that these 'outbursts' were in fact the work of an unnamed third force. Under public scrutiny, they failed to identify any third force outside of the poor themselves, and were forced to abandon the (conspiracy) theory. Ironically, in both the state's and the left's characterisation of the service delivery protests, the poor are denied any real agency or capacity for self-organisation.

[280] I am borrowing this phrase from the title of a recent joint publication by CSVR/SWOP (von Holdt et al. 2011).

[281] No doubt the left critique – whose emphasis on the path from the RDP to GEAR had itself been submerged in the discourse of popular nationalism – in part motivated and enabled this repositioning. But if the weakness of the 'new left' was to have emphasised a critique of GEAR over the complex web of policies and practices that have shaped the character of service delivery and the transition itself, in its struggles against cost recovery measures such as PPWMs, these movements have forced a broader perspective. And ironically, but perhaps not surprisingly, neither Haffajee nor those whose political sophistication the piece holds up as an example to emulate, have gone as far in adumbrating the complex ways in which neoliberal rationality comes to shape "the nuts and bolts of local government finance… the technicalities and policies required to extend a water connection and keep it running."

[282] Patrick Bond has also offered statistics from the Department of Water Affairs and Forestry (DWAF) that lend support to McDonald's figures. In a 2004 article, he wrote, "According to chief water bureaucrat Michael Muller, for example, '275 000 of all households attributed interruptions to cut-offs for non-payment' in 2003 alone, which extrapolates to in excess of 10 million people affected since liberation" (Bond 2004: 5). Although this maths is suspicious for its homogenization of the history of this problem, in a more recent article, Bond also wrote,

> In May 2003, after embarrassing, high profile media revelations about disconnections, Kasrils promised in his parliamentary budget speech to 'name and shame' municipalities that disconnected residents without a nearby standpipe backup supply or 'trickler' restrictor device (such as a washer with a tiny hole in the middle inserted across the diameter of the water pipe, allowing mere drips through). But in 2003, Kasrils admitted that the three largest cities in South Africa were still disconnecting 17 800 households a month" (Bond and Dugard, 2007:11).

Although government emphasised the need to monitor and track the capacity of municipalities to implement changing policies of cost recovery and credit control in the mid-1990s, its initially public campaigns neglected to release statistics on cut offs, particularly after 1998 (McDonald 2002a). In 1995, Project Viability was set up by the Department of Constitutional Development, which was to become the DPLG, "with the objective of monitoring the short-term liquidity of municipalities, including payment levels, the position with regard to arrears and the effectiveness of municipalities' credit control (collection) function" (DPLG 1998). Its only available report (for 1998) contains figures for the number of debtors per municipality and the number of electricity cut offs, stating that

> The steady increase in debtors reflects the inability of municipalities to deal with the level of non-payment. This is due to the number of accounts in arrears, insufficient contributions for bad debts or lack of credit control policies and support measures to support indigents. It is also indicative of the ineffectiveness of the measures available to municipalities to collect outstanding debts.

In relation to electricity cut offs, it stated:

> Between March 1998 and June 1998, disconnections increased by 5 241 or 6% from 85 148 to 90 389 overall. Notwithstanding that a moratorium may have been applied by some municipalities, this represents an all-time high since the inception of Project Viability.

Whilst a press release recommitted government to Project Viability at the end of June 1998, stating "Project Viability is aimed at bringing back sound financial practices and building financial capacity at local government level", no figures have been made public from this project to date, and all attempts to access any figures that might have been collected have been fruitless. While it could be suggested that the DPLG might be trying to hide the numbers from the public, telephone conversations with numerous DPLG officials conducted for this project suggest that it could just as easily have been a problem of the transition from the Department of Constitutional Development to the DPLG that Project Viability ceased to exist. While Project Viability may no

longer exist in its original form, its underlying principles and values have been incorporated into all parts of local government, with fiscal efficiency and cost-recovery through the enforcement of the principle of 'user pays' coming to define the nature of the institutional mechanisms and priorities for service delivery. The monitoring and tracking functions prioritised by Project Viability, that is, distinguishing between those who are able to pay and those who are not able to pay ('the indigent') for their services, have continued to define how municipalities have come to restructure themselves, in particular around the development of processes towards the establishment indigent registers and indigent management policies.

[283] In spite of what has been said by the CoJ in the context of the PPWM case, while the installation of prepaid meters has not been restricted to poor residential areas, most large-scale prepayment projects have targeted poor black townships (Ruiters 2008: 256-7; Water Research Commission 2004: 28).

[284] The highest number of deaths due to cholera in South Africa were recorded in Kwazulu Natal during the period between 1999 and 2000, with Madlebe being noted as the source. While DWAF has denied the relation between the cholera outbreak and the introduction of cost recovery practices in the area, a study conducted by Cottle and Deedat (2002) has shown that the introduction of prepaid water meters in 1999 in Madlebe resulted in poor residents using cholera-infected water from rivers and dams due to the unaffordability of water through the prepaid system. In DWAF's own research, while it denies the relation between the installation of the prepaid meters in Madlebe and the increase in cholera in the area, it admits that other cost recovery processes implemented in a neighbouring municipality may have been the cause. Either way, it is the fact that residents could not afford to pay for water and resorted to the use of infected water from rivers and dams that led to the epidemic.

[285] In fact, the introduction of a free basic water policy in 2001, by which all South African households would be entitled to an amount of 6 kl of water per month, was preceded by a period of research dedicated towards understanding what constituted the most viable options with regard to water delivery. In particular, a desktop study looking at six areas nationally (Nelspruit/Ntsikazi, Bloemfontein/Botshabelo/Thaba' Nchu, Harrismith/Qwa-Qwa, Wild Coast, DC 25 (Utrecht area), and Odi) was conducted by DWAF:

> The study drew heavily on the Durban model as a possible approach that could be replicated nationally. In terms of this model, the first six kilolitres of water had been provided free to all consumers, regardless of whether the household was rich or poor. Durban has also applied a rising block tariff system that promoted cross-subsidisation to good effect (Mosdell, 2006: 287).

Looking at the 'viability' of providing free basic water to three categories – all households, those households with a monthly income of less than R800, and standpipe water consumers – the study assumed that an accompanying rising block tariff structure with three bands (0 to 6 kilolitres, 6 to 30 kilolitres, and greater than 30 kilolitres) was in place, and that the equitable share received by municipalities benefited only 'the poor' directly. It concluded that "the provision of free water to the poor was practically and financially feasible" (Mosdell, 2006: 287). While it argued for the universal provision of the amount of 6 kl per household per month at a national level, it also made exception for areas where such an approach might not be feasible, allowing ultimately for local municipalities to determine their own policies with regard to the provision of free basic water. However, it argued that cost recovery be prioritised in all local strategies adopted.

With regard to the introduction of a universal provision of free basic water together with a system of rising block tariffs, the study argued that only those municipalities with "a sufficiently high number of middle- to high-income users to facilitate effective cross-subsidisation" should undertake such an approach, with a more targeted approach "best suited for areas where there are many poor below or just above the poverty line used in allocating equitable share" (Mosdell, 2006: 292). From this initial research report on which the policy of free basic water would be based, then, we can clearly observe the underlying commitment to entrenching the practice of cost recovery in the policy of free basic water.

[286] Patrick Bond has pointed out that the Durban pilot project "involved the municipality giving away 220 litre drums of water each day to each shack (with an average of 7 persons per shack) in an informal settlement because it was cheaper to give away water than to administer bills for it" (Bond, 2007: 8).

[287] One line of criticism of free basic water, and indeed also free basic electricity, centred on the adequacy of allocations and the effectiveness of the strategy in ameliorating poverty. According to DWAF, the 6 kl would provide 25l of water per person per day, working on an average of 8 people per household (Bond, 2007: 9). The Coalition Against Water Privatisation, supported by independent researchers and legal experts, has argued that 25l per person per day is only sufficient for the very basic survival needs of a person (quoting the WHO as stating that around 20l constitutes a "high health concern" (ibid)), and that 50l per person per day is the minimum basic water required to meet the human needs of drinking, bathing, sanitation and food preparation (ibid). It has also been argued that South African townships are characterised by what have come to be known

as ‘multi-unit dwellings’, where more than one family occupies a site through rental of backyard rooms or the erection of shacks in individual resident’s backyards. With the amount of 6 kl being calculated according to the projected needs of a single household, many families do not benefit from the 6 kl allocation at all. This has been the case in Phiri, Soweto, where even the City of Johannesburg has acknowledged, through its own research processes, that the average household size in multi-unit dwellings, which characterise Phiri, is 10 (Eales 2011).

By the end of 2004, DWAF claimed that free basic water was reaching half of South Africa’s 29 million poor (Ruiters, 2005: 7). However, non-payment and cut offs continued to occur.

While free basic electricity (of 50 kW per household per month) was also promised in 2000, its delivery would take longer to become a reality. The Department of Minerals and Energy only began implementing a formal national free basic electricity policy in July 2003 after a period of research into its ‘viability’ i.e. cost-efficiency and cost-effectiveness (Mosdell, 2006: 298). Similar commitments were made to those related to free basic water, and similar criticisms raised about the policy.

As with regard to the free basic water policy, critics and movements charged that the allocation of 50 kW was insufficient for the needs of the average South African household. Greg Ruiters provides the following example to illustrate this inadequacy:

> … a hotplate used for 1 hour per day for 25 days would use 25 kW (half the allocation) while a small fridge would use 50 kW (the entire free allocation) (Ruiters 2007: 494).

By 2003, Eskom (service provider of 48 percent of all domestic users in the country) had not yet extended its service to the poor in many of its areas of supply, mainly former black townships and Bantustans (Ruiters, 2008: 255).

> In 2004 it [Eskom] spent a paltry R46 million on free basic electricity. By early 2005 there was some progress, with ‘322 000 of Eskom’s 1.9 million poor qualifying customers receiving the benefit’ (*Business Day*, 19 January 2005). In 2006, Eskom reported that 84 per cent of its qualifying customers had had their meters reconfigured for free electricity (ibid).

With regard to municipal supply (covering 52 per cent of domestic consumers), progress was slightly quicker, with 12 per cent of the poor receiving their free allocation of electricity by 2002, and 64.6 per cent of 4.7 million electrified households receiving their free benefit (ibid). At present, benefits in the city are mediated through the City’s indigent management policy. See main text.

[288] *The Institutes* was a legal textbook from the late Roman Empire.

[289] Apart from Bond and myself, the reading group also included Prishani Naidoo, Trevor Ngwane and Rob Rees, all of whom - with the exception of Bond – were active in the APF. However, the decisive fault line of the group, it turned out, was not academic vs. social movement militant, but autonomist vs. socialist; with Naidoo and myself labelled by way of the former, and Bond, Ngwane and Rees enthusiastically associating themselves with the (equally ambiguous) political identity, socialist. In truth the nature of differences and affinities between the participants of the reading group was more complex.

[290] The first meetings of the group centred on the work of Gramsci, or at least a selection of his work compiled by Bond. For whatever reason, this portion of the intellectual engagement proved forgettable, and I mostly remember being bored and a little confused as Bond moved us through his reading of the Italian Marxist during the first meetings of the group.

[291] Komnas Poriazis had earlier insisted I read De Angelis’s work on primitive accumulation and he is credited with opening up this thread for me (which I resisted).

[292] For instance, after *The Commoner* (an important web based radical journal) published an edition on the relationship between neoliberalism and primitive accumulation, it was followed by a special edition showcasing a debate between Paul Zarembka and Werner Bonefeld on the usage of the term. Briefly, the argument against the usage of the concept, championed by Zarembka, rests on two assertions. Firstly, the concept of primitive accumulation in Marx - specifically Volume One of *Capital* - refers to a particular phase within the history of capitalism and adds nothing to our understanding of its contemporary forms. Secondly, capitalism implies the separation of the producer from the means of production in a general sense, and there is therefore no need to invoke the concept of primitive accumulation to draw attention to what is already implied in the Marxist definition of this *mode of production*.

Although it is not really possible for me to enter these debates in this thesis, a few points can be made. Firstly, Marx's discussion on 'primitive accumulation' is to a large extent a response to classical political economy's treatment of the origins of capitalism, and he therefore develops our conception in relation to a historically specific context. Marx's account also spans an extremely long period, in which primitive accumulation is occurring in different degrees at different times across Europe (although, for the most part, Marx focuses on the development of capitalism in England). However, the mobilisations of this account in writers like Harvey and De Angelis has been primarily aimed at drawing attention to the "extra economic character of separation", which is somewhat different from that implied in a general account of 'expanded reproduction' or (the 'ordinary' economic process of separation). See also Bonefeld (2002). Finally Marx's particular usage of this (or any other) concept should not foreclose its development in a different direction on condition that this is analytically justified and is consistent with the broader trajectory of Marx's work - that is, to demystify our world with an eye to changing it. The latter, I would argue, is exactly the spirit that characterises both Harvey and De Angelis's return to Marx's discussion of the emergence of the capitalist mode of production.

[293] David Harvey argues that the limits encountered within expanded reproduction - as a consequence of systemic contradictions - drive capital to seek out, and open up, new markets and areas for investment and, in this way to strategies of accumulation by dispossession. In this account, accumulation by dispossession comes to represent an important means through which capital addresses limits to capitalist accumulation.

[294] It should in fact come as no surprise that Agamben explicitly correlates free labour, that is, Marx's proletariat, with his own concept of bare life, such that what Marx calls the class struggle, in Agamben becomes the strife that characterises the relations between bare life and the politically qualified life of the citizenry, between the *people* as the excluded and destitute, and the *People* as the bearer of sovereignty (1998).

[295] In order to grasp what this thought on 'life strategies' was attempting to get at, it is worth thinking about the kinds of problems it was attempting to think through. Although for others who I collaborated with in developing this concept the point of inspiration was not always the same, of paramount importance for me was the question of 'non-payment for basic services' and the possibility of saying something different from what were the standard narratives for accounting for this widespread phenomenon.

While the notion of 'a culture of non-payment' (which tends to be motivated in relation to deductive modes of argument) was the primary target of the alternative narrative I wanted to suggest with the concept of life strategies, it was by no means the only one. For, at the other end of the political spectrum, approaches to the question of non-payment seemed to me to also miss something important and carried equally depoliticising connotations. This position, whose paradigmatic instance can be found in Patrick Bond's writings on the delivery and restructuring of basic services, also moves from a critique of statements of a culture of non-payment. Correctly pointing out that such approaches are grounded in racist stereotypes about black township residents, in this account the cause of non-payment is in fact the poverty of township residents, made worse, it is said, by neoliberalism.

I have a great deal of sympathy with the account, for it is a undeniable fact that widespread poverty is the context of the high levels of non-payment for basic services registered in townships. The problem, however, is this account erases any decision and agency on the part of those doing the non-paying, and for this very reason cannot adequately respond to the evidence that the right puts forward in support of their claims about a culture of non-payment. For instance, in reports like R.W. Johnson's 'Not so close to their hearts' (1999), one of the primary lines of argument is to show that township residents often spend on less-essential items than water and electricity, while choosing not to pay for the latter

Now in this regard, as I show, one can highlight differential opportunity structures, as well the political thematic of the ways in which people come to see their rights and entitlements to various services. With the notion of life strategies, then, what I wanted to highlight was both a strategic rationality which (gesturing to Bourdieu's concept of habitus) emerges with peoples 'feel for the rules of the game', as well as (gesturing at E.P. Thompson's work) a 'moral economy' that authorises act of non-payment. Critical in this regard was to shift thought from the narrow emphasis on 'survival', and beyond existence considered merely in relation to securing the necessities of life. For it occurred to us – through the research that we were engaged in and in political work in poor people's movements – that there was always more at stake in these questions than survival. (See also the work of Prishani Naidoo).

[296] This formulation owes a debt to my reading of those texts often grouped under the heading of 'Foucault's ethics'.

[297] Noting that there is often a "blatant disjuncture between neoliberal ideology and its everyday political operations and societal effects", Brenner and Theodore motivate for a mode of analysis that simultaneously grasps the "ideological foundations" of neoliberal restructuring projects as well as their "multifarious institutional forms, their developmental tendencies, their diverse socio-spatial effects and their multiple contexts" at a range of scales (nonetheless, Brenner and Theodor highlight the "strategically crucial" role of modern cities as "geographic arenas in which a variety of [neoliberal] initiatives have been articulated" (2003:

349)). What is important to underline here is that, for this "polycentric" and "multiscalar" account of neoliberal restructuring, the various strategies and interventions deployed in confronting the contradictions and failures internal to neoliberalism as a 'politico-regulatory project', are less a departure than a moment within a broader process of 'localisation'.

[298] These accounts, although this is especially true of De Angelis, are better suited to the contexts of the demise of the European welfare state, and need to be amended in order to be extended to the South African context (see Veriava 2007a).

[299] In fact, the characterisation, 'neither public nor private', and its association with JW, owes its places here to an essay by Laila Smith (2006) which I discuss in this chapter and the next. See also *Chapter 3*

[300] The characterisation of Operation Gcin'amanzi as a 'make-or-break' project is also used in the UN-Habitat report.

[301] Along with the utility's corporatisation model and the broader "enabling environment" that underpinned it.

[302] Briefly, the report lists five factors which here give the foundation of JW's "success". Firstly, JW is said to be bolstered by the "*enabling* institutional and policy arrangements" (UN-Habitat 2006: 7; my emphasis). The referent here is the multi-scale political, institutional and legislative frameworks that we encountered in the previous chapter. Second, the utility is profiled as being strengthened by "well co-ordinated partnership arrangements" (ibid) including not only the interactions between the City and multi-national corporations such as Suez, but the whole range of relationships that shape the institutional contexts of the utility; from Black Economic Empowerment (BEE) deals to its 'partnerships' with local communities. The third element of this 'success story' is the establishment of what the authors call a "transparent and effective management system" (ibid), with the body of the report highlighting both the arrangements through which the City exercises 'oversight' over the operation of JW, as well as the systems the corporatised utility has put in place for managing its day-to-day activities – systems that, more broadly, are said to evince a shift to *decentralisation*. Fourth, JW's success is ascribed to its supposed "exclusive focus on the provision of water services to the poor" (ibid), here said to be reflected in everything from the design of projects like OGA, through technologies utilised (such as prepaid meters), to the tariff models put in place. Finally, the success of JW is attributed to the "participation and consultation of target beneficiaries" (ibid), a feat that the report suggests is accomplished by the project's apparent "pro-poor approach" (ibid: 5) and the emphasis placed by JW on including target communities.

[303] There have recently been a number of criticisms made of 'NGO activism' in South Africa, and its conflict with social movement struggles. While these criticisms are far too broad to attempt a summary here, social movement activists have often suggested that many NGOs use social movements in order to access funding networks in ways that often do little for the development of these struggles.

[304] Unlike the situation for the majority of residents in Soweto, before OGA in Stretford extension 4, residents collected water from communal standpipes (Fiil-Flynn and Naidoo 2004: 23).

[305] However, that the antagonism amongst the protagonists of debate has also been accompanied by expressions of 'violence' has also meant that there is no shortage of commentary rushing for the cover of the centre, a determined search for a middle ground that might suspend the messy business of taking sides (see for instance Buur 2006).

[306] In the public debate over social movements' apparent 'turn to law' that followed the Constitutional Court's ruling, Bohmke (himself borrowing a characterisation emerging out of my research) launched a critique of emerging social movement practice as precisely a "juridification of politics" (Bohmke, email communication 2009). With respect to the issue of 'commoning', as an affirmation of the tactic of illegally bypassing prepaid meters, this was exactly the direction of the prefacing comment of Patrick Bond in his daily CCS update that circulated news of the court's decision (Bond, email communication 2009).

[307] Schematically, there have been three broad areas that have figured as the object of critical treatments of the question of OGA. Firstly, numerous writers have focused on the decision to install prepaid meters in Soweto and the significance of the deployment of this technology within the evolution of post-apartheid cost recovery practices and forms of rule (Harvey 2003; Ngwane and Veriava 2004; Harvey 2005; Ruiters 2005; Smith 2006; Naidoo 2007; Ruiters 2007; see also *Chapter 3* and *Chapter 6*; Veriava 2007b; Hart 2007a; von Schnitzler 2008; Harvey 2009; Naidoo 2009). Significantly such work has also provided the context for a discussion of the forms of citizenship that emerge on the horizon of neoliberal governmental strategies (Hart 2007a; von Schnitzler 2008; see also *Chapter 3*). The second area, collecting a wide range of statements – from media releases, through interventions in the mainstream press, to more scholarly treatments – focuses on the actual roll-out of the project, and (to a lesser extent) the resistance against it (Ngwane and Veriava 2004; McKinley and Veriava 2005; Buur 2006; Harvey 2007; see also Chapter 6). Finally a number of works have thrown light on community perceptions of the project and its effects on different aspects of people's lives (APF and Coalition Against Water Privatisation 2004; Fiil-Flynn and Naidoo 2004; Harvey 2007; Veriava 2007; Veriava 2007b; von Schnitzler 2008).

[308] My usage of the term apparatus in this chapter explicitly invokes Foucaultian usage of this term, which in French is given as 'dispositif' (for a more detailed discussion of this term see below).
[309] Although not exactly a coveted title, JW's triumph demonstrates the centrality of the Johannesburg experience to fostering and opening up a market for prepaid water meter technologies. OGA would go on to win a number of other prizes as well, including the City's own Innovation Award.
[310] It should be noted that the innovation award presentation concerns the shape, size and scope of the project in 2006. Although the various elements of the project will remain more or less constant from this point, it does not reflect on the period between 2006 and 2008 where aspects of the scope and context of the project shift nor can it foresee the framework of the project after the constitutional case.
[311] The 'rebranding' of pre-paid meters as 'Free pay meters' was part of JW's strategy in marketing the new technology, and emphasised the combination of the usage of the technology with the FBW 6kl life line allocation (see *Chapter 6*).
[312] JW does not clarify the nature of this research. I, however, surmise that they are using the 2006 figures made available from Phiri's post intervention water sales. This seems like a safe assumption given correspondence of these figures and, as we will see, what has been said about this question in other statements made by JW.
[313] In spite of the quotation marks this is obviously not a real quote since the actual speech is rendered in the third person. The presentation reads: "Most customers are happy with the project as they see the benefits. For instance one of the customers was quoted at a public meeting of 19 February 2005 at Phiri Township, saying "she would like to know how to finish her Free Basic Water so she can purchase water credits like other people". Placing the statement in quotation marks, and including the date of the meeting in which the statement was supposedly made serves to reinforce the idea of a project grounded in community perceptions.
[314] The representation of the APF offered in the presentation is, however, factually flawed:

> [D]espite all the above-mentioned benefits and achievements of the project, there are those people who are not fully happy about the project. These people are mostly represented by an organisation or a lobby group calling itself Operation Khanyisa Movement (OKM), formerly known as the Anti-Privatisation Forum (APF). The OKM has recently registered itself as a political party and has participated in the recent local government elections winning a proportional representation seat within the City of Johannesburg…Some of its key demands are way above the scope of the OGA project, such as: their demand "to replace the government of capitalists with a worker's government" (JW 2006).

Although I deal with question of resistance later , it seems important to point out that the OKM did not replace the APF. OKM was an electoral front formed by some affiliates of the APF, specifically members of the Johannesburg region (see Naidoo and Veriava 2008). The launch of the OKM was in fact a response by some affiliates to the APF's decision not to contest elections, after these affiliates failed to persuade the organisation to register as an electoral party.
[315] Greg Ruiters, for instance, cites the Treasury's 20-30 kl estimate as acknowledgment by government of this range of consumption amongst poor urban communities (2005).
[316] I am in this section only dealing with JW's usage of the term UFW in the early 2000s, which, as we will see, needs to be distinguished from the more generic connotations and auditing practices associated with this term.
[317] While I cite Bond and his reading of the demands of grassroots movements in the late 1990s, demands for water infrastructure upgrades of this sort go back much further. In fact, in Planact's report on the rent boycott in Soweto, published in the late 80s, it is clear that this was already an issue (Planact 1989).
[318] The mode of characterisation, in which the different aspects of UFW are represented as a proportion of a hundred (that is as a percentage), is traced from Smith's presentation.
[319] We use the characterisation public with caution, since precisely what OGA will do is render such a determination questionable. Ironically the opposite is the case with regard to household installations, whose 'privatisation' is completed with OGA.
[320] While we deal with some problems with Smith's account later in this chapter, it is worth noting that there are real inconsistencies in this treatment. For instance, it does not necessarily make sense to use 20kl as the average flat rate for Johannesburg, since the latter varied from 5kl in Ivory Park to 20 kl in Soweto. This, for instance, is clear even using JW's problematic 2001 outline of the UFW (reproduced later in this chapter) in deemed consumption areas (where the average flat rate is 14.65 or 10 kl depending on whether this is calculated using the total number stands and the total billed amount, or using the flat rates in each of the areas divided by the number of areas).
[321]Still, he fact that she does so, should lead us to wonder if this in not one of the reasons that (in spite of its tempered critical account) her UN commissioned report, suggestively titled 'Neither Private nor Public', stands as the immediate basis for UN-Habitat's canonisation of JW and OGA as best practice models
[322] I obtained this document from JW and CoJ's answering papers for of the Constitutional Court case brought against OGA and the usage of prepaid meters. A number of documents obtained in this manner do not have a

publication date as such and it is difficult to know exactly when they were written. For such documents I have therefore used the date 2007, as this represents the date in which these documents passed into the public realm as a consequence of the court case. In the actual instance of the content outline for OGA community workshops it is clear that these were developed in in 2003.

[323] Although I discuss the practice that is the referent of the characterisation, 'the Soweto washing machine' in *Chapter 6*, it is important to clarify what is being talked about here. The apartheid government built 2 and 3 roomed houses that tend not to have basins, or baths that can be used to rinse clothing. As a consequence, clothes are often rinsed by leaving them in a bucket under a running tap. Not being able to do this has made the chore of washing considerably more difficult. In addition to further elaborating on the challenges this has posed to 'house-work', in *Chapter 6* I look at how women have responded to these 'new domestic' challenges.

[324] The sum outlined in JW's powerpoint presentation for "political audiences" is as follows:

> Current yearly purchases of water from Rand Water = 12 300 ml
> Total number of formal erven in Soweto = 151 000
> Therefore Average monthly supply per formal erf = 68 kl

This is far greater than the 20kl currently levied as deemed consumption per month per property (JW 2007z).

[325] In this respect, it is worth noting something of the ambivalence in JW's representation of Sowetans. Responding to criticism of the ways the representation of the multifaceted nature of OGA works to mask its more specific aim of dealing with non-payment, Still insists on the folly of reducing the project to a single objective.

> The multifaceted nature of OGA was a key aspect from the outset…it was targeted at reducing unaccounted for water, metering, removing deemed consumption, water conservation, education regarding usage and non-payment for services etc. – all different aspects of the water demand problem JW was experiencing…it is extremely misleading and utterly inaccurate to view one the objectives of the "OGA" as the "main objective" or as the "only objective"….OGA was a holistic solution to fundamental and unsustainable problems with water delivery (Still 2007).

This argument notwithstanding, as I show with respect to ambiguous representation of the problem of UFW, it is less the multifaceted nature of the project that proves problematic, than the superficial, ahistorical and often ambivalent ways these different aspects of the projects are represented as parts of the whole. Moreover, part of the approach of OGA has been to make specific aspects of the project non-negotiable aspects of the whole, thus running together incontestably necessary interventions to reduce water loss, with those objectives that have become the object of political contestation.

The importance of the question of UFW then is that OGA's representations of itself places this problem at the centre of public motivation for the project, and thereby the end of reducing the massive amounts of water lost as a result of 'inefficiencies' in the circulation and consumption of water in Soweto.

As I have already noted, UFW is not simply the difference between that water that is pumped into Soweto and the amount that will eventually be consumed by residents, but crucially the difference between the amount of water that enters the system and the amount billed to users. However, in this respect the distinction between commercial losses and physical losses, resting on the neat division between JW's infrastructure and the private infrastructure of users, is a sum whose imagined ideal is a context in which fully ring fenced and metered consumption is the other side of a (fully ring fenced) institutional form capable of accurately determining, billing and, we might also add, recovering revenue for household consumption. If JW insists on OGA as a multifaceted, enabling project to get at UFW in Soweto, refusing the emphasis on cost recovery, I argue in this chapter that very ways in which JW comes to apprehend this problem presupposes an institutional, physical and social environment that is inextricably bound to the imperative of neoliberal cost recovery. And indeed, it is precisely in this context that we must understand OGA's representation of project's approach to the problem of non-payment.

In terms strongly reminiscent of Still's defence of the multifaceted nature of the project, the OGA presentation prepared for political audiences - after emphasising that the main objectives of the intervention is addressing the water supply and water consumption problem - relates these to the question of payment, characterised here as question of environment

> [The project] is not perse to directly address the non-payment issue, but rather to address the issues surrounding supply, affordability, wastage and loss and in so doing *create an environment conducive to the payment for services of water and sewage* (JW 2006: my emphasis)

If we set aside the euphemistic frame of this formulation, or the fact the utilization of prepaid meters (rather than conventional credit meters) built a direct and immediate mechanism for cost recovery into the project, this characterisation – of an environment conducive to the payment of water services – should not be seen as altogether imprecise, if by it we are to understand not merely an objective of the project, but the something of the ideal that

determines its approach to the central objectives of the project (that is getting at the so called 'water supply' and 'water consumption' problems). And it is this ideal (that as I will show is already presupposed in the very sum that articulates the problem of UFW), that the project sets out to create, mobilising an array of strategies and technologies to this end.

If the perspective and insights of the governmentality studies allows us to recognise in contemporary governmental practices something of the rationality that presupposes a particular idealised image of the word only to set about trying to construct it (see Lemke 2001; 2002; See also Chapter 3), it is less able to grapple with the ambivalent articulations that establish the shifting boundaries of "community" and "subject" in whose name intervention is made (nor its governmental effects). Are we, for instance, to understand the neoliberal re-articulation of the figure of homo oeconomicus as sufficient to the task of explaining the ambivalent representations of the "beneficiaries" of the project?

On the one hand, there is certainly a strong sense in which the heroic subject of OGA, and increasingly municipal policy more generally (see *Chapter 3*) is the empowered consumer as customer, who never uses more than s/he can afford and always makes decisions on the basis of 'rational' cost-benefit calculation. While it is precisely in the name of this subject that the new system is motivated, such representations also underline the task of disciplining an 'other' who wastes. For instance, in the information booklet and prepaid meter user manual distributed to residents, the problem of deemed consumption will be explained in terms of the opposition between these two subjects:

> With the flat rate even those who use less than 6kl per month must still pay the same as those using in excess of 20000 litres per month. Whatever the amount of water you use, you still pay the flat rate. The careful and reasonable consumer is therefore subsidising the person who wastes water (JW 2006).

As we have seen, this account is but one side of the representation of the commercial losses problem of UFW, and its relation to the deemed consumption system: that is where the careful and reasonable consumer shoulders the losses of the deemed consumption system (see above). However, as we have also seen, the far more common motivation for moving off the deemed consumption system, and building into the project and aggressive approach to reducing consumption, was the perception of widespread wastage and excessive usage above the 20kl flat rate amongst Sowetans (thus accounting for high commercial losses). While it is true that we must be attuned to difference with respect to the audiences various accounts are pitched at, this ambivalence cuts across the various presentations, a fact we should therefore account for.

A way of understanding this ambivalence is perhaps offered by the Slovenian Marxist psychoanalyst Slavoj Žižek. In a compelling discussion of the racist media representation of black victims of hurricane Katrina, Žižek postulates that, in order to for the ideological mechanism of belief to function, "there must be some ultimate guarantor of it". However in Žižek's account this guarantor (of belief) is never present *in persona*, but is, instead, always deferred, displaced onto an Other - what he calls "the subject supposed to…" In Žižek's terms, even in cases where such suppositions turn out to be true, such representations would nevertheless remain pathological and even racist, since what ultimately motivated these representations was a particular prejudice (2006: 321). This explains how easily such representation pass from anecdote to 'statements of fact', from stereotype to survey results. It is precisely this deferring of the substantiation of an other, in this case, the subject supposed to waste, which enables the ambivalent representations of Sowetans as both the 'careful and reasonable customer' and the subject supposed to waste. And as we will see, the topological double of the latter is the subject supposed to 'won't pay'.

An aspect of the virtue of Žižek's work, one that gives its perversely entertaining quality, is his uncanny ability for rendering complex philosophical problems immediately intelligible by grounding them in sometimes surprising examples from contemporary popular culture and politics. In outlining the coordinates of the realm that his work is properly concerned with, and indeed the realm whose "unearthing" is for Žižek the very task of the intellectual, the eccentric Lacanian-Marxist philosopher often calls on Donald Rumsfeld's comic summary of the intelligence challenges of US's war on terror and its elusive search for Iraq's Weapons of Mass Destruction:

> In 2003, Donald Rumsfeld engaged in a little bit of amateur philosophising: "There are known knowns. These are the things we know that we know. There are known unknowns. That is to say there are things we know that we don't know. But there unknown unknowns. There are thing we don't know that we don't know". What he forget to add was the crucial fourth term: the "unknown knowns"; things we don't know we know – which is precisely the Freudian unconscious (Žižek 2005 - http://www.lacan.com/zizekempty.htm).

While I prefer to avoid psychoanalytic explanation for social phenomena, it remains possible to recognise in the significations that arise as effects of these 'unknown knowns' - "the disavowed beliefs, superstitions and

obscene practices" that, in spite of forming the background of public values, are often unacknowledged – something that shapes not only how we perceive reality, but also how we intervene in it.

[326] The meaning of conservation, today, often implies an orientation to what we call the environment; however, in a far more general sense it means simply guarding against loss. It is the latter meaning that is implied above, in order to illustrate how the first meaning takes on a specific ideological tint in relation to the priorities presupposed in contemporary auditing practices.

[327] However, as we suggest later in this chapter, with the publication of the 1999 SABS standard that defines UFW for the South African context, the concept takes on a somewhat different meaning in the local context.

[328] In this respect Seago and Mckenzie refer to UFW water balances as an unacceptably "subjective" form of "water auditing", that is open to "abuse and manipulation" (Seago & McKenzie 2007: 6-7). Here, the authors highlight the ways in which the ascription of estimates to different categories of "authorised" use and allowable unavoidable losses can significantly reduce UFW values without any systemic intervention. For instance, in an illustration of what the authors call the UFW "cheat sheet" significant reduction can be shown by simply adjusting the estimates of unmetered authorised use (such as water used hydrants, or for public works, and so on) or losses that any reticulation is likely to experience (such as meter errors or what is called unavoidable leakage). In this case, the problem is less whether these categories represent real elements of "authorised consumption" (fire fighting or public works), or legitimately represent unavoidable physical and commercial losses (allowable and unavoidable levels of leakage and meter error, for instance), but that the default values assigned to these categories are subjective and therefore open to manipulation.

[329] In fact, the report suggests that the only section of society in the developing world from which support for NRW reduction might come are "customers who do pay their bills" (Kingdom et al 2006: 7).

[330] Although, it is worth noting that the term NRW was also being used in Malaysia and the Philippines. Moreover, UFW was in some places defined according to "difference between the quantity of water entering a system and the sum of water billed, including the water which is measured but for some reason not paid for" (Vallier and Broadhurst 1997: 7). In my reading, it seems that the traction gained by such practices helped in shaping the present model.

[331] Perhaps also interesting at this level is the fact that, for the WB authors, "unbilled authorised consumption" does not necessarily reflect operational inefficiencies and can also be consequent to public policy decisions.

[332] Even beyond such usage, which might still be integrated into a water balance with more rigorous auditing, there is still a question about less directly serviced informal users (from those living in smaller settlements on open patches of land, to Soweto's army of backyard dwellers - with it not at all uncommon for a single property to house 3 families, each operating as a discreet household unit).

[333] The significant detail is how UFW is here defined: "UFW is calculated as the difference between the bulk purchase made from Rand Water less the water that is billed *or accounted for*" (JW 2006: 67; my emphasis). Moreover the water balance table calculates UFW as|: (1) [that is, "Bulk supply"] – (2) [that is, "total metered and billed"] + (3) [that is, Not metered and billed] +(4) [that is, not billed and accounted]. In the quarterly report, the volume of unbilled accounted for water represents about 2.5% of the bulk amount entering the Johannesburg system as a whole.

[334] The consumption figures are in fact very realistic in terms of what has been found to be the case when comparing consumption between high-income and low income areas.

[335] In Smith's tabular representation of 'UFW' in Johannesburg - which reinforces the impression that the major category of losses for deemed consumption areas fell on the commercial side of the 'UFW' sum – the almost negligible 2% difference in physical losses between metered and unmetered areas takes on new sharpness if we consider it alongside a more rigorous representation of leakage from around the same period:

> The physical losses in metered areas, as confirmed through the various pilot projects , are in the range of 10kl/km/day, which is in line with international standards. In unmetered areas physical losses are in the range of 20kl/km/day which by international standards is unacceptable (JW 2006b: 104).

[336] This is especially true where system leakage deforms per capita consumption amounts. For instance, in comparing the 'UFW' values reported for two deemed consumption areas serviced by JW, one would be tempted to assume a relatively homogenous context, and an undifferentiated set of problems facing water utilities in each of these areas. Thus in JW's 2001 discussion paper on 'UFW' in Soweto, Soweto and Ivory Park boast similarly high values of 75% and 73% respectively. Moreover this figure is broadly in-line with the global picture of 'UFW' in deemed consumption areas, given here as 73%. However, where the report estimates that the total monthly volume supplied to a stand in Soweto is 81kl, this is a mere 18kl in Ivory Park. Part of the enormous difference in the per stand consumption amounts - both with relation to other estimates offered by JW of the situation in Soweto (usually in the region of 65kl/property/month) and in relation to the Ivory Park figure[336] – is that this figure of 81kl is based on a relatively conservative estimate of the number of properties in Soweto (113 225 as opposed to, for

instance, the much high 169 000 that is the basis of the innovation awards 61kl/property/month figure). Far more important, however, for a comparison between Ivory Park and Soweto, is the fact that the latter's infrastructure is thought to be in far worse condition than that of Ivory Park. The discussion paper thus notes that the "reason for the relatively low excess monthly consumption is that in Ivory Park reticulations are relatively new as they were constructed during 1992/1993 by the former TPA" (JW 2001). Here the agreement between 'UFW' values does not indicate the similarity between the two cases but, on inspection, should rather draw us to their key differences.

Given that the population in Ivory park is broadly thought to be of a similar economic profile to that of Soweto, and was billed on a flat rate that is substantially lower than that of Soweto (just 5kl as opposed to 20kl), we should expect a high commercial losses dimension to Ivory Park's 73% 'UFW' figure, and far higher proportion of physical losses in the Soweto context. Ironically, this is not the case if we compare the percentage figures offered in the discussion paper: 12, 72% and 13,63% physical losses for Ivory Park and Soweto respectively. A different picture, however, emerges if, using the data tabulated in the discussion document, we represent losses according to the losses/connection/day indicator. And here, where Ivory Park's physical losses might be represented as 77l/connection/day, Soweto's losses are almost 5 times higher at 362, 91l/connection/day. As we will see, there is good reason to believe in relation to Soweto that even this rate of losses is an underestimation, or based on problematic calculations, a fact that in part accounts for the relatively similar ratio of commercial losses to physical losses between the two systems (1:3.5 in Ivory Park and 1:3.8 in Soweto).

[337] That is, whether it is the responsibility of the service provider (as is the case, for instance, for standpipes in informal settlements), or respective individual users.

[338] I have chosen to represent UFW, from this point as 'UFW' to highlight the ambiguity of JW's usage of the term.

[339] Since it is unclear to me what other pilot studies Smith's report could potentially be referring to, this seems like a plausible assumption. On the other hand, given the disagreement between the figures in the body of the report, as well as those of the actual pilot studies, when read against those given in Smith's report, we are left wondering how Smith arrives at her breakdown. When I called her in late 2009 she seemed unaware of the details of the studies, and seemed to have received a report on the results from JW (Telephonic conversation, November 2009).

[340] Under the heading 'purpose' the document remarks that, "the report seeks to obtain a decision and commitment from Management on which of the short as well as long term strategies should be followed to improve the situation" (JW 2001: 1).

[341] Since ascertaining the exact proportion of each bar is only possible using a ruler, I have chosen to scan in the graph reproducing it as it is found in the report.

[342] According to a 1999 study done by Wits sociology department, 57% of Soweto's population lived in council built houses (Morris et. al 1999: 5), the majority of which were the two and three room units (ibid: 14), with an outside toilet at the rear of the property. While I do not have data on how many houses still use these toilets, observation during my field work would suggest that they are not uncommon.

[343] These ring fenced water districts allow for surveillance over a small section of the network. OGA endeavoured to create such districts across the entire system.

[344] Smith's figures represent the situation across Johannesburg's deemed consumption areas.

[345] For instance calculations of monthly property consumption volumes, on their own, risk assuming homogenous residential environments, which is often not the case for South African townships. This is especially true of Soweto. Wits Sociology Department's survey on Soweto (1999), for instance, identifies no fewer than 6 housing types, which are often differentiated in terms of both their levels of water service, as well as the conditions under which they receive this service. Using these different categories of housing we can place JW per property monthly volumes and indeed also 'UFW' values into the heterogeneous contexts of actual water consumption in Soweto. In fact, of the six different housing types, JW's reflections on Soweto seem to only 'account' for the first two of the categories of housing, that is council built house and private sector house. This ignores backyard structures, informal shacks, site and service dwelling and hostel rooms. Even if we exclude site and service dwelling and hostel rooms, which might still be integrated into the JW's 'UFW' balance with more rigorous auditing, this still leaves out 138 240 structures, representing the residential forms of just over a quarter of the total population in Soweto according to the 1999 study (see Morris et al 1999). In its tabular representation of Soweto's reticulation, the Seago & McKenzie study, in fact, makes a distinction between number of connections and number of properties. And, in this case, where it lists 168 103 connections, which is in the region of JW's revaluated 2006 property estimate, the number of properties is given as 320 146 (Seago & McKenzi 2007).

[346] Deleuze speaks about the apparatus as a "tangle, a multilinear ensemble" (Deleuze 1992: 159), that is composed of lines of various types: lines of force (relating to relations of power), lines of enunciation (relating to relations of knowledge) and lines of subjectification (relating to modes of subjectivity). The lines themselves

are characterised as "broken and subject to *changes in direction*, bifurcating and forked, and subject to *drifting*" (ibid; author's emphasis)

[347] 2001 being the date of the study I referenced earlier.

[348] This was in fact suggested to me during a conversation with a former JW official and influential demand management consultant, who asked not to be quoted directly.

[349] Noting what is perceived as a high rate of consumption in the area, the report estimates that "20% of water is being lost through consumer wastage and pipes and appliances being in need of repair) (Morris & Cilliers 1980: 98).

[350] For instance, in relation to what the report characterises as wastage, it argues that "to reduce wastage by consumers, the possibility of introducing metering should be considered" (Morris & Cilliers 1980: 99).

[351] For instance the Urban Foundation report points out that consumption in Mondeor is 207.1l/person/day. While this figure is in fact higher than that of Soweto, the report reasons that since in the former (Mondeor) "most homes have two bathrooms, hot and cold water in the kitchen and in outside servants quarters, the consumption in Soweto is high" (ibid: 97).

[352] The publication also commits the ministry to making available financial resources for such purposes in the future.

[353] Vallier and Broadhurst for instance cite a study done in the mid-1980s by the WRC and Johannesburg City Council, which covered just 14% of the municipal area of the city, and which found UFW to be in the region of 29% (Vallier & Broadhurst 1997: 3). Highlighting the fact that there was very little information on the country's UFW situation at the time, this figure (representing just a small sample of the situation in a single municipal area) was submitted as an estimate of UFW for South Africa as a whole (ibid).

[354] For instance, of the 141 questionnaires - "aimed at establishing the status quo of UAW" (Valliers & Broadhurst 1997: 14) - sent out to municipalities, just 55 questionnaires were returned. Of these, only 31 "were found suitable for analytic purposes", with some of the discarded questionnaires even reporting higher consumption figures than bulk water purchases. The low level of response and the poor quality of data testified to a fact that UFW auditing was not only uncommon, but in many cases municipalities simply did not have the capacity to compile the appropriate data for such audits.

[355] In this respect, the Vallier and Broadhurst study undertook a literature review focused on approaches used in different countries, with the guidelines compiled by Vallier (1997) drawing extensively from British approaches. Interesting, however, are the definitions used by different countries at the time that are given in the study based on its literature review:

> Germany : "UAW is the difference between the quantity of water entering a system and the sum of water billed, including the water which is measured but for some reason not paid for".
> Hong Kong : "UAW is the unrecorded consumption represented by the total raw water input into a system less the recorded consumption in domestic, commercial and industrial supplies to consumers as measured by consumer meters, and other known quantities of free supplies and system losses such as wash water in treatment works".
> Malaysia and Philippines prefer the term "non-revenue water" (NRW) to UAW.
> Japan and Brazil prefer the term "effectively used water". (Valliers and Broadhurst 1997: 7) .

[356] The WRC guidelines for the management of UFW, authored by Valliers and published in 1997, were thus superseded with the publication of the SABS standard in 1999.

[357] For instance, in relation to water used for fire fighting, the standard defined the process of quantification as follows: "The Fire Chief shall submit monthly a fire water audit report to the CEO of the water department, indicating an estimate of the amount of unmetered water used by the fire department, for what purpose it was used (fires, drills, hydrant flushing, testing, etc.), and the method of estimation." (SABS 1999: 65).

[358] According to an online 'Water Encyclopaedia' structural elements can be characterised as manmade and natural. With respect to the former, they are described as follows: "Structural components used in human-made systems control water flow and quality and include conveyance systems (channels, canals, and pipes), diversion structures, dams and storage facilities, treatment plants, pumping stations and hydroelectric plants, wells, and appurtenances". Natural structural elements, on the other hand, are given as follows: Elements of natural water resources systems include the atmosphere, watersheds (drainage basins), stream channels, wetlands, floodplains, aquifers , lakes, estuaries, seas, and the ocean." By contrast, according to the Water Encyclopaedia, "[e]xamples of nonstructural measures, which do not require constructed facilities, are pricing schedules, zoning, incentives, public relations, regulatory programs, and insurance" (http://www.waterencyclopedia.com/)

[359] See Water Encyclopedia, http://www.waterencyclopedia.com/.

[360] GWP was founded in 1996 by the World Bank, the United Nations Development Programme (UNDP), and the Swedish International Development Agency (SIDA) to foster integrated water resource management (IWRM) (http://www.gwpforum.org/).

[361] The principles initially emerged out of the of the International Conference on Water and Environment held in Dublin in 1992 and were adopted at the United Nations Conference on Environment and Development held in Rio de Janeiro in 1992, and contributed to Agenda 21 recommendations.
[362] This is apparent for instance in the Key Performance Indicator (KPI) table on the DWAF website. Specifically see the table detailing water use efficiency (DWAF, http://www.dwaf.gov.za/, accessed 1 May, 2010).
[363] With respect to an imperative of functional coordination, this is perhaps not immediately apparent based on the preceding discussion. However, there has been much said about OGA's encouragment of efficient water usage that can perhaps be seen to lend itself to such an end (see *Chapter 6*). Moreover the prevention of unauthorised water usage at for instance fire hydrants for purposes other than fire fighting and more generally creating a system where domestic usage is individualised at the level of household, preventing communal usages such as community gardening, can be seen as a functional coding of space. Nevertheless these examples take a somewhat different meaning from that of Foucault's discussion, which relate to how individual parts are made to function better within a particular multiplicity through modes of disciplinary coordination. However this is precisely the sense taken if efficient human consumption is seen as part of the efficiency of the water system more generally, a position which is indeed increasingly reflected in the perspective of demand management principles.
[364] The term came to be used in the APF to characterise the prepaid's form of disconnection unmediated by any institutional process.
[365] Seago and McKenzie make the case as follows:

> It is very important to realise that in the South African situation, it is unlikely that much of the authorised (currently both billed and unbilled) water that is not paid for can in fact be converted to fully recovered revenue water. As soon as the payment process is formalised and enforced, the water consumption tends to drop significantly. For example 5000 households in a certain area do not pay for water because they do not receive a bill or because payment is not enforced. These 5000 households each use on average 50 kℓ per month of which 6 kℓ / household / month is the free basic component and 44 kℓ / household / month should effectively be paid for. The WSA that supplies these households sells water at R2 / kilolitre. The WSA should not assume that it will automatically obtain R440 000 (44 kℓ x 5000 houses x R2) if payment is enforced. This is because it is likely that much of the 44 kℓ / household / month is wasted as the users never intend to pay for it. Should payment be enforced they are likely to use water much more sparingly and could drastically drop their consumption (Seago & McKenzie 2007: 50-51).

[366] Although in so doing one would necessarily have go beyond what Deleuze means by the term diagram, which has a much more specific meaning in his book on Foucault
[367] We can, perhaps, think about the relationship between the apparatuses and the diagrams in the same way as Agamben proposes we think about individuation and common form: "The individuation of a singular existence is not a punctual fact, but a *linea generationis substantiae* that varies in every direction according to a continual gradation of growth and remission, of appropriation and impropriation. The image of the line is not gratuitous. In a line of writing the ductus of the hand passes continually from the common form of the letters to the particular marks that identify its singular presence, and no one, even using the scrupulous rigor of graphology, could ever trace the real division between these two spheres. So too in a face, human nature continually passes into existence, and it is precisely this incessant emergence that constitutes its expressivity. But it would be equally plausible to say the opposite: **It is from the hundred idiosyncrasies that characterise my way of writing the letter p or of pronouncing its phoneme that its common form is engendered**" (Agamben 1993: 18-19; my emphasis in bold).

[368] One could, of course, begin earlier, for instance, when briefings on the project were first made in November 2002. Or in March 2002, when Mike Rabe was appointed to begin conceptualising the project.We could even go further back, to the back story, so to speak, to the project in Orange Farm.
[369] For a more specific exploration of the theme of calculability in relation OGA see Von Schnitzler (2008).
[370] In part, through the work of Khanya College, some of whose staff were active in the APF, the group from Orange Farm were invited to participate in the march at the WCAR in Durban as part of the APF contingent. Later, it also attended protests in solidarity with the Kensington 87.
[371] Bricks Mokolo would perhaps take objection to my characterisation of him as a leader (in fact, he has often insisted on community agency outside of established leaders). Whether rhetorical or indeed political conviction, the truth is that since the formation of the crisis committee Bricks Mokolo functions as something of a local, benevolent patriarch. Such is, in fact, not at all unusual in social movements, and one often finds, at the centre of many community organisations, a patriarch entrusted with administering the affairs of the structure. One can even discern at times, a pastoral character to the relationships between the community patriarch and his flock.

[372] This also illustrates the centrality of the experience of the SECC in inspiring the resistances of other communities that came into contact with it.
[373] The context of Mokolo's reflection here is not, however, the decision to change the organisation's name, but his explanation – some time later - of why that name implies a concern with electricity as well.
[374] A consistent aspect of Heinrich Bohmke's intellectual production has centred on this theme, what he has at times referred to as the 'Social Movement Hustle'. Although I do not have time to go into it here, part of my problem with Bohmke account is that – while correctly undermining forms of political romantisisaion of subaltern practice in left academic writing – it inadvertently reinforces mainstream prejudices against the poor. Unfortunately, in understanding subaltern practice , Bohmke doesn't take us any closer than those writers that are the focus ofhis critique. For me, what Bohmke calls the 'hustle' is just one dimension of what I refer to in this thesis as 'the politics of the governed'. The virtue of Bohmke's writing – and what partly rescues this otherwise dodgy project – is that it expresses a subjectivity completely subversive to civil society and it formal ethics - his 'kak style' rather than the actual terms of his argument is what I find attractive in this work.
[375] While this aspect of community politics is sometimes sneered at by middle class commentators, such aspects of 'the hustle' of social movement politics is itself conditioned by the forms of the government of the poor, which extends far beyond simply 'state action'.
[376] The majority of residents previously had pit latrines which they dug themselves.
[377] These were in fact not minutes, but as I would later come to understand, reports prepared by the committee and submitted to the City. The APF had gotten hold of early reports through a PhD student named Antina Von Schnitzler, who had found them filed in the City's archive (this fact was omitted in the Ngwane-Veriava essay that quotes the reports so as not to curtail her access to JW if it came to be known that she had some association with members of the APF). These reports later became publically available through the Mazibuko case.
[378] A simple example that illustrates this relationship are OGA project reports themselves. Part of the documentary work around OGA involved preparing reports to be reviewed both within JW and the City. One of the things that can be noted, reading across these reports, is the ways in which their preparation becomes not only regularised but internally systematised. For instance, while its initial reporting on refusals in Phiri takes the form of narrative, an accounting of a 'new phenomenon', by the time JW was well into rolling the project out beyond Phiri, it had developed systematised ways of reporting on refusals, which included an account of where households were within an established process for dealing with this phenomenon (see below).
[379] By then, the APF had three distinct levels of decision-making. Outside of its annual general meeting (AGM), the highest decision making forums were bi-monthly co-ordinating committee meetings (or CCs). The CC was exactly the opposite of a central committee, and its meetings often had over a hundred people in attendance. While the APF never restricted access and participation in these open meetings, the formal composition of the structure for the purposes of voting was strongly weighted on the side of community affiliates. The next level of decision-making was meetings of the executive committee and elected office bearers. Finally, there were subcommittees, which then included education, media and legal. Subcommittees were the functional organs of the APF, and generally were made up of middle-class city activists as well as representatives from community affiliates (with an identifiable division of labour and authority between these two categories). In my own case, I became co-ordinator of the subcommittee by default. Leading up to the WSSD, various arrests as well as attempts to curtail protests prompted the formation of the legal subcommittee. My practical preoccupation with finding ways around police, as well as my classed skills set, are perhaps what marked me out to be nominated for this position during a CC.
[380] For instance, not only Demand 10, but also the thoughtfulness of insisting that workers on the project be given a living wage and not be contracted on a casual basis, for me, is characteristic of a Trotskyist thoughtfulness.
[381] Some of the leaders of the SECC in this period, including Bongani Lubisi, SECC Organiser and Trevor Ngwane, were members of a small Trotskyist organisation called the Socialist Group (SG).
[382] However, the PCR did see itself somewhat differently from a branch of the SECC, a fact that will gain some relevance later in our story.
[383] JW could already cite the extensive damage to its infrastructure (by then already exceeding R100 000), in motivating the interdict.
[384] Add The interdict suggested a perimeter order of 50 metres and allowed JW to determine what construed interference. This meant that even toyi-toyiing nearby the work site could be construed, and was, as interference. But, the means JW eventually came to use to ensure the installation of pipes and meters eventually went beyond the latitude allowed by the interdict.
[385] Although I have heard the figure 12,5 % used as well, in citing the 10% estimate I am following Anthony Still, former head of JW. In his affidavit prepared during the prepaid water meter case, amongst the motivations for OGA Still lists the problem of non-payment and characterises it as follows:

> [T]here was a cutulre of non-payment for services that arose from the boycotts of the 1980s that meant even the deemed consumption amounts were very seldom being paid. The payment rate of municipal bills was less than 10%. It is therefore difficult to differentiate between this and genuine lack of affordability as reasons for non payment (Still 2007).

[386] This impression was formed during focused research in Phiri in 2006, funded by a grant from The Centre for Civil Society (see methodology).

[387] For instance, by upgrading the secondary mains, it got rid of the recurrent pressure problems that plagued the system.

[388] Aspects of the project were, however, also discussed earlier than this at ward committee meetings.

[389] While the majority of study tours were to Stretford Extension 4 in Orange Farm, JW also organised trips to Mogale City, Kagiso.

[390] As *Society Must Be Defended*, seems to suggest.

[391] The old system was decommissioned on 17 March 2004 and the Human Rights Commission received the complaint on 23 March 2004.

[392] I, however, got the sense that Nicholls Cambanis and Associates were not very comfortable with the politics of the APF, especially its promotion of forms of illegality as well as the 'unreasonableness' of its conviction that water should be free.

[393] The booklet was probably already developed by early 2004. A project report presented to council on 2004-02-24 notes the development of a "comprehensive brochure".

[394] Jabu Molabela, And AFP activist and friend, work as my research assistant and translator during my 2006 Soweto fieldwork.

[395] The internalisation of the logic of self-regulation and restraint as well as its social cost, were evident in the numerous changes individuals and households made in their use of water. In the APF research as well as in my own interviews and observations, changes observed and noted have included the use of the same bathing water by different household members; not flushing the toilet after every use; using water used for washing dishes and clothes to water the garden; and preventing children from playing with water. Significantly, most households were meeting their very basic water needs, cutting down on tasks needing water that were seen as 'secondary' to their 'primary' needs e.g. washing of cars, and watering of gardens. It is also interesting to note how recreational uses of water came to be viewed as 'unnecessary' and 'wasteful', with the example of 'children playing with water' coming to be viewed as 'children wasting water' quite striking in this respect. In discussions in the APF, when sitting down in small groups to count up our results from questionnaires, people decided to collapse the categories of 'children playing with water' with 'children wasting water', illustrating just how deep this logic had begun to take root.

[396] A comparison of results from household surveys conducted by the APF research subcommittee in Phiri in 2003 and 2006 are striking in this respect. In 2003, 95% of respondents in the APF's survey agreed with the statement 'government is forcing us to take the prepaid water meter' and 97% said that 'government is unfair to come with prepaid for poor people'. In 2006 60% of respondents said that they were not happy with the prepaid system, and 40% stated that they were happy. It is also significant that the poorer households were more likely to be unhappy with prepaid. Nevertheless there was certainly a shift in people's perceptions with respect to prepaid.

[397] This was in itself, in part, the product of the emergence of a new cadre of social movement activist that became active in the FXI and the APF.

[398] The point I want to make is likely to be a controversial one, but it was nevertheless often explicitly referred to as one of the reasons for the decline of resistance in Phiri.

[399] Cost recovery might be broadly defined as the principle by which the recurrent costs of providing a service are levied to consumers. In practice it will also imply the development of systems and tactics to guard against the possibility of non-payment, and for instituting punitive remedies where it occurs

[400] This particular phrase was used in the first article released by Macdonald and Pape outlining the outcome of the MSP's research on cut offs, some months before it was republished in the HSRC book

[401] It is worth noting that not all the writers he mentions treat matters in these terms.

[402] This line through which the struggles of the poor are themselves evidence in critique takes its extreme form in Patrick Bond, where the tally of yearly protests becomes a negative economic indicator that can be presented alongside gini coefficient data.

[403] It is also important to look more closely at the distinction that is made in the literature between 'old' and 'new' social movements. In Wallerstein broad 'anti-systemic' movements tend to refer to old movements, that is, to mass political parties and labour movements. By contrast, new social movements emerged, then, in part in response to the failure of these older movements, in particular to the dominance of leaders, hierarchical forms of organising, and exclusion of minorities. Linked to the transformation of politics underpinned by the 1968 mass uprisings, new social movements (e.g. feminist, environmental, anti-racist, gay rights) are here thought of as

often being single-issue-driven formations, and (against the old) can be seen as experimenting with non-hierarchical forms of organizing. It bears mention that where 'old social movements' tended to focus on the state as a strategic terrain and potential means of transformation, 'new social movements' have generally been far more likely to be weary of the state, if not, in some cases, being anti-state. An important question remains how the anti/alter-globalisation movement, or what Hardt and Negri as well as others call "the movement of movements", fit into this division, which has often shown anti-systemic characteristics, while remaining within the frames of 'the new'.

[404] Some of these movements, in their organisational form, no longer exist or have dramatically transformed since their formation.

[405] Tarrow (1996: 874) defines "contentious politics" as "collective activity on the part of claimants – or those who claim to represent them – relying at least in part on non-institutional forms of interaction with elites, opponents or the state". He goes on to define "social movements" as "sustained challenges to powerholders in the name of a disadvantaged population living under the jurisdiction or influence of those powerholders", a definition he shares with Tilly (ibid).

[406] Testament to this influence is the fact that it has been prescribed for students of sociology and development studies at the University of the Witwatersrand and the University of Kwazulu-Natal respectively.

[407] Tilly's 1978 *From Mobilisation to Revolution* highlights four central aspects of collective action that are seen to be undertaken in the challenge of (or attempt to overthrow) an existing political or social order – the *organisation* of the group or groups involved; *resource mobilisation* (such as political support, finances, or weapons) necessary for a group to act collectively; *common interests* around which individuals in a group can cohere; and *opportunity* (understood as chance events that may take place, and which open up opportunities for a group to pursue the specific interests of a collective, including revolution. Tilly's four-points are often used as a model through which to describe and analyse the emergence and success or failure of collectives to sustain themselves in the form of a social movement (see Giddens and Dunneier 2000).

In his 1998 *Power in Movement: Social Movements and Contentious Politics*, Tarrow appropriates Tilly's approach to 'political opportunity structures' in developing an alternative form of analysis to theories of social change and movements that he surveys (including Marx, Lenin and Gramsci). Building on Tilly's analysis of collective action, he constructs a model in which movements come to be affected by relations that are characterised as "the opportunity-threat to challengers and facilitation-repression by authorities" (Tarrow 1998: 18), which, he argues "linked collective action to the state" (ibid). Drawing from Tilly's later work (1984) showing how the emergence of national social movements was dependent on the emergence of fully-fledged nation-states, Tarrow goes on to argue that "movements could be studied only in connection with politics, and would vary in their strategy, structure, and success in different kinds of states" (Tarrow 1998: 18).

Although Tilly's work on social movements is clearly important to the development of Tarrow's approach, he critiques the latter's structuralism and draws on a number of other theorists in overcoming this perceived limitation. In particular, he finds in Doug McAdam's tracing of "the development of the American civil rights movement to political, organisational, and consciousness change" something like "a fully- fledged 'political process model' of social movement mobilisation" (ibid). Bringing together different aspects of social movement theories under the overarching frame of political process, then, Tarrow offers the following summary:

> … contentious politics is produced when political opportunities broaden, when they demonstrate the potential for alliances, and when they reveal the opponents' vulnerability. Contention crystallises into a social movement when it taps embedded social networks and connective structures and produces collective action frames and supportive identities able to sustain contention with powerful opponents. By mounting familiar forms of contention, movements become focal points that transform external opportunities into resources. Repertoires of contention, social networks, and cultural frames lower the costs of bringing people into collective action, induce confidence that they are not alone, and give broader meaning to their claims. Together, these factors trigger the dynamic processes that have made social movements historically central to political and social change. (ibid: 23).

[408] In suggesting a connection between my concept of life strategies and E. P. Thompson's idea of a moral economy, I am grateful for an initial suggestion on this connection to Ulrike Kistner. For explaining E.P. Thompson to me I am grateful to Prishani Naidoo.

[409] Summarising this insight Thomspon wrote:

The working class did not rise like the sun at an appointed time. It was present at its own making. (Thompson 1965: 9).

[410]Established in 1996 by a small group of left academics and activists (including Patrick Bond, Ashwin Desai, Heinrich Bohmke, Rehad Desai, Darryl Moellendorf, and Franco Barchiesi), *Debate: Voices from the South African Left* was viewed as "a non-sectarian and socialist-orientated platform for a diverse left that was still grappling with the implications of South Africa's democratic transition, and with the class character of the new African National Congress (ANC) government" (Van Der Walt, 2001 - http://www.greenleft.org.au/node/25170).

[411] One outcome was the setting up of an alternative list serve to debate, called Ooltra-SA, which included, Ashwin Desai, Anna Weekes, Peter Van Heusden, Heinrich Bohmke, Richard Pithouse, Franco Barchiesi, Nicolas Dieltiens, Jo Guy and Prishani Naidoo. The list later dissolved when it became clear that outside of those they opposed, they had very little in common.

[412] For many activists texts like Khanya College's economic literacy series were important explaining the 'political economy' of emerging governmental policies. For instance, in 1997, the first of this series was produced and widely distributed amongst activists in the trade unions and the emerging movements, with the title *Debating GEAR*, and in which the key differences between the RDP and GEAR were highlighted. Importantly it explained the elements of this framework in a way that was targeted at unionists and ordinary activists, as part of a wider programme of popular education.

[413] The seminar brought Gwede Mantashe into debate with Trevor Ngwane, then recently appointed co-ordinator of the Soweto Electricity Crisis Committee and paid organiser of the Anti-Privatisation Forum.

[414] The exchange between Ngwane and Mantashe was published in the May 2004 edition of the *debate* journal that had the title 'Mind the Gap. Labour and the New Social Movements'. A December 2003 edition of the South African Labour Bulletin also carried a version of Mantashe's contribution to the seminar, the title for the edition being 'Social Movements. Rebels with a Clue?'.

[415] While the first report was submitted in 2003, a shorter version was published in a peer-reviewed collection in 2005.

[416] *Development Update* was a journal produced jointly by Interfund and the South African National NGO Coalition (SANGOCO).

[417] I very much agree with Peter Van Heusden's (co-author of one of the chapters in the book) description of *We Are The Poors* as "*The Poors of Chatsworth* on steroids" (see discussion below).

[418] It is not at all the case, as Hardt and Negri suggest in their book *Multitude*, that one can find "Black South Africans and South Africans of Indian descent march together saying 'We are not Indians, we are the poors'. 'We are not Africans, we are the poors'." (Hardt and Negri 2004: 135).

[419] That is to say such a politics of representation can be found in a range of left writing on social movements – socialist, as much as autonomist; Fanonist, as much as Trotskyist, and we might add, as much in Desai and Bohmke, as in Gibson and Pithouse.

[420] Much of the critique of *Voices of Protest* that follows in this thesis has already been published in the name of the author in 2008 as a review essay in the *Journal of Asian and African Studies (JAAS)*, Vol. 43, p. 482-488.

[421] Also, what is completely erased here are any voices from within movements that might be speaking of something outside and beyond the State and civil society.

[422] For example, Buhlungu incorrectly assigns one of his interviewees an organisational title she did not ever hold – Teboho Mashota is recorded as being the Chairperson of the SECC in 2004, an elected portfolio in the organisation. In fact, Mashota was the administrator of the SECC, and later the APF, both to which she was appointed rather than elected.

[423] The problem here was, in fact, less about whether the APF should work with COSATU, but how to draw COSATU into its campaigns.

[424] Gibson relies almost solely for his perspective on new social movements on e-mail notes, personal communications, and writings (newspaper articles and other forms) of Richard Pithouse who was connected at the time to a single social movement (the ABM) based in Durban. In fact, not only does Gibson's work seem to be completely parasitic off Pithouses's insights into social movements in South Africa, but, for the very same reason, it reproduces and often exaggerates the political prejudices that Pithouse's work moves from. A particularly important aspect of this work, however, is that unlike *Voices of Protest*, it does present a form of discussion on the relationship between the intellectual and the movements. While Gibson wants to embrace Raya Dunayevskaya's view that "the movements from practice are themselves forms of theory" (p. 42), he maintains a separation between what he calls 'the activist' and 'the academic/intellectual'. Although he writes that it is his belief "that theoretical intervention necessitates a critique of how knowledge is produced, as well as the overturning of the division between those who are supposed to do the thinking and those who are supposed to do the acting" (p. 42), he continually falls back on a separation between theory and practice in all of his discussions about the role of academics/intellectuals and their relationship to activists and movements. While he sometimes uses the term "activist-intellectuals", he does this to refer to academics and certain middle-class individuals who are involved in movements, and never to mean non-academic, working-class members of

movements. It would seem, then, that for him, intellectual interventions happen on the part of academics or well-read middle-class activists (while the theories that he does not agree with are conveniently ascribed as being 'imported from the north'). Coming close to a perspective in which the intellectual stands as interpreter of the form of universality of social movement struggles and as the agent to represent that universality back to the movement - the book erases *the problem* of representation.