BETWEEN CIVIL SOCIETY AND THE STATE: THE POLITICAL TRAJECTORIES OF SOUTH AFRICA'S INDEPENDENT TRADE UNION MOVEMENT FROM 1970-1993

by

Bettina von Lieres

DECLARATION

I declare that this dissertation is my own, unaided work. It is being submitted for the degree of Masters of Arts in the University of the Witwatersrand, Johannesburg. It has not been submitted before for any degree or examination in any other University.

Bettina von Lieres

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PREFACE

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ABSTRACT

This thesis examines the political trajectories of the independent union movement from 1970-1993. It argues that the political strategies adopted by the unions' leadership reflected significant differences with regard to the political contest over the democratic *form* of South African society. The political ideology of the unions' leadership was made up of two contrasting 'logics' of political struggle. The one, which we characterise as "simple polarisation", viewed the objective of the unions' struggles primarily in terms of a competition for political dominance which involved a simple dichotomy between the apartheid state and a unified opposition movement. In this view the opposition was conceived of as a homogenous, collective subject, unified in its common assault on the state. Underlying this logic of opposition was a denial of specific and different identities and interests and democracy was seen to be directly associated with the destiny of one distinct social actor. The logic of "simple polarisation" was dominant within the Congress of South African Trade Unions (COSATU) throughout the 1980's. It was nourished primarily by COSATU's close relationship with the Charterist section of the wider opposition movement.

There existed within the unions a second political tradition which emphasised a logic of "institutionalised pluralism". This current viewed the organisation of opposition primarily in *institutional* terms. It emphasised the building of union independence outside the aegis of the wider opposition movement. Underlying this tradition was a *pluralist* conception of democracy. Associated with the early Federation of South African Trade Unions legacy of institutional independence, this logic reared its head within COSATU towards the late 1980's when the federation entered a series of corporatist arrangements with employers and the state. Although there seems to be evidence that there existed (at least some) support within the ranks of FOSATU of a form of workers' control more easily reconcilable with an anti-pluralist than pluralist conception of democracy, the nature of FOSATU was such, that, when sufficiently pressed on the issue of which logic of democracy -

"simple polarisation" or "institutionalised pluralism" - it endorsed, the latter would have been selected over the former.

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INTRODUCTION

On the evening of the 24 January 1971, the newly elected Polish Communist Party leader, Edward Gierek, unexpectedly appeared at the gates of the occupied Warski shipyard in the Polish town of Szczecin. In the weeks preceding his arrival more than thirty Szczecin factories had set up a network of strike committees which effectively controlled the everyday life of the city. Their demands included not only the withdrawal of the price rises, but also the recognition of the strike committees as authentic permanent representatives of the workforce and, in the longer term, new and free, independent trade unions. The workers had deliberately organised themselves outside of the aegis of the ruling party. Following Gierek's arrival at the shipyard, there ensued an unprecedented nine-hour-long confrontation in which Gierek adopted a tone of frankness and humility. "When it was proposed that I take over the leadership of the Party at first I thought I would refuse...I am only a worker like you..." (quoted in Garton Ash 1983: 13) After deluging him in complaints about the official trade unions, the lies of the official media and the inefficiency of the ruling class, the workers finally shouted: "Pomozemy! Pomozemy!" ("We will help you!")

In August 1980, nearly ten years later, Gierek flew off for a three-week holiday in the Crimera during the strike that was to become, in the words of East European writer Milovan Djilas, "the most significant development in Eastern Europe since the second world war." (quoted in Garton Ash 1983: 68) When his deputy, Minister Jagielski, entered the Gdansk shipyard in which the government had agreed to meet the strike's leaders, he and his party had to push their way through a crowd of two-thousand hostile workers. This time, unlike the last time when they had shouted "Pomozemy", the workers and their leaders knew exactly what they wanted. "We are prepared to give up the zl.2,000 pay rise, but on the question of free trade unions we shall not be moved!" (quoted in Garton Ash 1983: 56)[1] And moved they were not. Their

[1] At the end of these negotiations the Polish workers knew that they had turned the infamous phrase on its head when, strike leader Lech Walesa read out the following statement: "Kochani! We return to work on 1 September. We all know what that day of, of what we think...of the fatherland...of the family which is called Poland..We got all we could in the present situation. And we will achieve the rest, because we now have the most important thing: our IN-DE-PEN-DENT- SELF-GOVERNING TRADE- UNIONS. This is our guarantee for the future" (quoted in Garton Ash 1983:66)

words reverberated at Solidarity's First National Congress in Gdansk on Saturday 5 September, 1981, when, in its first draft programme Solidarity defined itself as a mixture of a "trades union" and a "great social movement".

> What we had in mind was not only bread, butter and sausage, but also justice, democracy, truth, legality, human dignity, freedom of convictions and the repair of the republic. All elementary values had been too mistreated to believe that anything could improve without their rebirth. Thus the economic protest had to be simultaneously a social protest, and the social protest had to be simultaneously a moral protest. (quoted in Garton Ash 1983: 223)[2]

What Solidarity's own members intuitively grasped was that their union was much more than a simple trade union. Its significance lay in the building of a wider social movement which challenged the hitherto unquestioned authority of the communist party government. In his classic account of the birth of Solidarity in August 1980, Timothy Garton Ash, pondering on the phenomenal rise of Solidarity, concludes that "the impossible happened".

> It was impossible in the Marxist Leninist world view that workers should feel the need to revolt against a Workers' state. It was impossible for them to be authentically represented by an organisation in dependent of the communist party. It was impossible for a Leninist party to share power with such a rival. (Garton Ash 1983: 285)

The significance of Solidarity went far beyond its tenacity as a stubborn union movement. It signalled the beginning of *civil society* opposition in Eastern Europe. This, of course, was distinctly at odds with the official culture of politics within the East European party regimes, which were built on the assumption that there is no distinction between state and society. These party-state regimes had for decades attempted to prevent a genuine pluralism in the maintenance and distribution of power. The basic political,

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[2] In the same programme it was declared that the union had "a fundamental duty to take every possible...step to save the country from downfall and society from misery, apathy and self-destruction." This required "reforming the state and the economy on the basis of democracy and universal public initiative." (quoted in Garton Ash 1983: 223)

economic and cultural means of production of these societies were monopolised by a bureaucratic apparatus (supervised by the party), which smothered civil society by absorbing it fully into the structures of the state. For there to be any hope of governmental reform in the future, the opposition of the 1970's and early 1980's was forced to carry out a switch from state to society. In this context Solidarity's turn to society cultivated important new democratic meanings. In the course of its struggles, Solidarity became a puissant communicator of a new conception of democracy in Polish society. When the Polish workers voiced their demands they were not merely calling for specific policy changes on the part of the state: they were also implicitly demanding the *right* to criticise and to make demands. However much these workers insisted that they had no wish to engage in politics, their actions were prominently political. Their objections and demands called into question the very logic of the communist party regimes, i.e. the *totalitarian* tendency to absorb the public sphere and to imbibe civil society into the state.

For many commentators Solidarity became the catalyst for the emergence of a conflict between the symbolic dimensions of the two contrasting forms of society, i.e. *democracy* and *totalitarianism*. Even if the future of Solidarity did not reflect the exhilarating character of its initial tests of strength with the regime, the struggle which was conducted from 1980-1991 has been interpreted as embodying a crucial shift from one form of society to another. Solidarity moved beyond the dilemma of reform or destruction of the communist power and instead asserted the autonomy of civil society at a distance from the centrally organised communist power. In doing this it contradicted the logic of totalitarianism from within, by re-affirming the distinction between civil society and the state which the communist party had aimed to eradicate. With each demand Solidarity widened the gap between the communist power and the workers, in such a way that the former could not longer appear as the representative of the latter. Polan, for instance, has argued that

> what was involved...was the rejection of a single-celled political structure and the evolution of a far more highly diversified organism. In other words, an organism that would be able to cope with the complex social problems and the multiform human aspirations that are the concomitant of a modernised society. (Polan 1983: 4)

Commentators on the Polish situation have concentrated not so much on the narrow *structural* and institutional consequences of Solidarity's struggles for the political ordering of Polish society as on the wider *symbolic* dimensions and effects of its encounters with the ruling communist regime. (See, for example, Arato 1981, Lefort 1986, Polan 1984) By "symbolic" we understand to mean those representations which, alongside the concrete institutional structures of any given social formation, play an active role in the constitution and regulation of the *logic* of a specific historical period or political system. In *democracies*, e.g. the "symbolic" can be understood to underline the "disembodied" character of power, i.e. a conception of political power as unpossessed by a single social force. The occupation of political power is governed by a set of conventional and procedural rules. In *totalitarian* societies, by contrast, the "symbolic" can be understood to accentuate the "embodied" character of political power, i.e. a conception of political power possessed by and permanently embodied in one specific social identity. By "logic" we mean the organised system of social practices informed by such representations. In our view both these terms force us to move beyond the narrowly structural and institutional dimensions of a specific system of political domination into a wider consideration of the overall *form* of society which, in turn, is made up of the interplay between these dimensions and their symbolic representations. (Both terms will be considered more closely in our discussion of Claude Lefort's conception of "totalitarianism" in chapter one.) Considered in terms of the conceptual matrix of the democracy/totalitarianism distinction, Solidarity's achievements went way beyond the concrete institutionalisation of an independent base for trade unionism. Its assertion of 'civil society' signalled the beginning of a new democratic politics. It marked the beginning of a new democratic logic in the social ordering of Polish society.

By contrast, the literature on South Africa's political opposition movements has concentrated largely on the historical build-up of the *structural* conditions of the political struggles between dominant social actors. Little has been written on the value of opposition forces with regard to the constitution and organisation of the overall political *form* of society. Theoretical problems in the analyses of the economic and political conditions of social change in South Africa have focused, inter alia, on the relationship

between class and race and between the political structure of apartheid and the capitalist economy, as well as on changes in form of the apartheid state.

The central objective of the liberal and Marxist critiques of apartheid during the 1960's and 1970's was to give an account of the emergence and transformation of the system of racial domination. Both bodies of thought approached the analysis of South Africa's social formation in terms of the *historical* construction of the structure of apartheid. According to the liberal critique of the apartheid state, a distinction is postulated between apartheid ideology and practice on the one hand, and, on the other, a set of rational practices and developmental processes and possibilities imputed to the capitalist economy which, it is claimed, are warped and distorted in the politically imposed conditions of apartheid in South Africa. In more sophisticated versions of the liberal critique it is argued that capitalist development in South Africa, as elsewhere, required state coercion, repression, and denial of common political rights during the earlier stages of capitalist development. Political rights were fortuitously, not necessarily distributed according to racial criteria. As it matured, South Africa capitalism would follow more closely the trajectory of industrial capitalism elsewhere. Eventually, racial conflicts would dissolve into economic ones. (See, for example, Horwitz 1967, Lipton 1974, Marquard 1965, van den Berghe (ed.) 1979) Later liberal critiques of apartheid insisted that the origins of apartheid lay in a complex system of interaction between class interests (of white labour as well as of sections of capital) and racism/ethnicity, reinforced by ideological and security factors. The overall tenacity (and later erosion) of the apartheid project was located within an analysis of conflicting views and interests of different groups and classes within the ruling white oligarchy. (See, for example, Lipton 1985) The revisionist Marxists of the 1970's argued that liberal theory concealed a number of features of capitalism in South Africa, and in particular, the importance of labour repression and coercion in the constitution of the labour force. The revisionists pointed out that, in positing a tension and conflict between the logic of capitalism and the logic of the apartheid state, liberal analysts failed to explain the success of apartheid in realising the goals of both white supremacy and economic development. Questions were asked about the relationship between classes and racial politics, class interests and racial practices as well as between capital accumulation and state racial policies. (See,

for example, Johnstone 1970, Legassick 1975, Trapido 1971, Wolpe 1970) In time the revisionist Marxists were accused of neglecting a more detailed look at the form of the apartheid state. (See, for example, James 1984, Posel 1983, Wolpe 1988) They were accused of assigning to the state a merely "superstructural" role in the shaping of society and of disregarding empirical inquiry into the dynamics of state institutions. Revisionist Marxists had argued that racial politics were class politics and more detailed empirical inquiry about state institutions could merely flesh out the details of an already known dynamic. During the late 1970's, at the time when the apartheid state started to "reform" basic *Verwoerdian* ideology and practice a body of literature emerged which began to pay more attention to the *form* of the state and to the terrain of politics related to changes in the strategy of the apartheid state. Much of the literature around this time focused on the changing *structural* implications of *new* phases in state reconstruction. Issues covered included new adaptations (and phases) in state strategy for the maintenance of the structure of racial domination[3] and ideological struggles *within* the South African state. This included historical reconstructions of the ideological system of Afrikaner Nationalism and its relation to the overall development of the systems of class and racial domination[4].

For both liberals and Marxists the political logic of the system of racial domination was analysed, first and foremost, in terms of the overall *structural* (political, social and economic) underpinnings of the system of racial domination. Few attempts were made to situate analyses of the form of the apartheid state into a wider conceptual matrix which considered the overall (structural, institutional and *symbolic*) form of apartheid society. The revisionist Marxist approaches, albeit often implicitly, were predicated on a Marxist conception of the superiority of "proletarian democracy" over "bourgeois democracy", on, that is to say, a rejection of the conceptual couplet `democracy'/'totalitarianism' which, as we show in chapter

[3] The literature on the re-construction of state strategy in the period from 1970-1990 is vast and varied. See, for example, Adam 1980, Baldwin 1974, Bekker and Humphries 1985, Bloch and Wilkinson 1982, Frankel 1980, Freund 1984, Glaser 1984, Hindson 1987, Kallaway 1983, Lipton 1985 (Chapter three), Molteno 1977, Moss 1980, Nolutshungu 1980, Nolutshungu 1982, Platzky 1986, Stadler 1987. For an overview of state strategy during the 1980's, see, for example, Cobbett et al: 1986, Mare 1986, Morris and Padyachee 1988, Seegers 1984, Stadler 1984, Posel 1984b, Welsh 1984

[4] See, for example, Adam 1975, Adam 1983, Adam and Gilomee 1979b, du Toit 1981, du Toit 1983, Goldberg 1985, Mazrui and Tidy 1984, Moodie 1975, O'Meara 1977, O'Meara 1982

one, has no possible place or role to play in classical Marxism. As such the revisionists approached the *symbolic* and the *political* using a conceptual framework that excluded the "totalitarianism"/"democracy" distinction. In 1971 Adam ventured tentatively into an analysis which considered the appropriateness of the contrast between democracy and totalitarianism to the South African situation. He argued that the term "totalitarianism" was applicable to the South African state during the 1960's if the South Africa state is described as a "democratic police state". (Adam 1971: 37-52) In his characterisation of the state Adam refers largely to the concrete institutional aspects of the structures for political rule put into place by the state during this period[5]. In our view, and following Wolpe, Adam, however, merely registers the term "totalitarianism" and does not consider its applicability to the South Africa situation in terms of a wider contrast with the term "democracy"[6].

For the most part the literature on *opposition* to the apartheid system has concentrated on *historical* accounts of resistance politics. (See, for example, Feit 1967, Gerhart 1978, Hirson 1979, Karis and Carter 1972, 1973, 1977, Lodge 1983, Marx 1992 and Roux 1964) This literature has concentrated largely on the progress and chronology of resistance organisations and their ideological orientation. As one of its central aims the literature on resistance politics has attempted to classify the *strategic* orientations of resistance organisations. It has focused on debates concerned with whether or not resistance organisations concerned should target racial discrimination, national domination or economic exploitation in their struggle against apartheid. (See, for example Marx 1992)

Similarly, for the most part the literature on South African trade unionism has focused on the *structural organisation* and *strategic orientation* of the unions[7]. In the evolution of the analysis of unionism during

[5] In chapter four we contend that the term "totalitarianism" can be applied in an analysis of the apartheid state during the 1960's if located in a conceptual matrix that considers a re-fashioning of the term along the lines of the east European debate on "post-totalitarianism". (See our discussion in chapter four: pp 96-101)

[6] For a critique of Adam in this regard see Wolpe 1988: 44

[7] See, for example Baskin 1991, Bonner 1983, Browne 1987, Carrim 1986, Cronin 1986, Erwin 1985, Fine and Webster 1989, Friedman 1987, Golding 1984, Hindson 1983, Lambert 1983, Lambert 1987, Lambert 1989, Lambert and Webster 1988, Lewis 1983, Lewis 1985, Lewis 1988, Maree (ed.) 1987, Mlambo 1989, Naidoo 1985, Naidoo 1986, Njikelana 1984a, Njikelana 1984b, Obery 1987, Obery 1985, Pillay 1989, von Holdt 1987, Webster 1984

the 1970's and 1980's, the category of "political unionism" was developed in order to capture the wider political consequences of union struggles in South Africa[8]. The aims of the South African inventors of the category of "political unionism" were two-fold: Firstly, to identify the specificity of South African unionism vis-a-vis modes of unionism in other social contexts and secondly, to characterise its wider oppositional character. The Congress of South African Trade Unions (COSATU), for example, has been largely treated as a (wider) social movement in opposition to the apartheid state and its oppositional implications are analysed exclusively in terms of anti-racist and anti-capitalist criteria. (See, for example, Cooper 1991, Lambert 1989, Lambert and Webster 1988, Seidman 1991) As such studies of the unions' wider political identity have focused largely on the *strategic* questions faced by the unions, e.g. on debates concerned with whether or not the unions concerned should struggle against apartheid in this way or that, by forming alliances with this party or that, by submerging themselves in the Liberation Alliance or not or by struggling for socialism as an immediate objective or not. What they have not done is consider the nature and effectivity of different strategies from the point of view of the distinction between *democracy* and *totalitarianism* - a distinction which in our view cuts right across the usual array of conceptual distinctions deployed in the study of South African unionism. In our view the existing literature has been content to describe the content and conduct of union struggles as expressions of the unions' composition, organisation and the leadership's attitudes to the *strategic* debate on the transformation of the structural and institutional dimensions of the apartheid state. Too little attention has been paid to the question of the unions' effect on the *overall* political *form* of society and its *symbolic* construction.

The analysis in this thesis is concerned with situating the political trajectory of the independent union movement from 1970-1993 in a conceptual matrix which considers the symbolic construction of the

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[8] The most conventional argument in this regard is that under the specific conditions of racial domination in South Africa a new form of unionism emerged that differs from regular trade unionism in that it is concerned with labour as a social and political force, not simply as a commodity to be bargained over. As a result its concerns go beyond the workplace to include the sphere of reproduction. Under these conditions the trade unions, in alliance with students, the youth, the unemployed and community groups, begin to play a leading role in the struggle for democracy and political rights in society at large. Such political unionism reaches out to those sectors outside the formal proletariat and forms alliances with other groups in civil society, often turning to broad political answers for their members' problems. (See, for example, Munck 1987: 232-233, Lambert 1989, Lambert and Webster 1988)

overall form of South African society in terms of the contrast between *democracy* and *totalitarianism*. The argument runs as follows: We share with Norberto Bobbio the view (in chapter one) that modern democracy must come to terms with pluralism. Invoking, amongst others Norberto Bobbio and Claude Lefort, we develop a conception of democracy as *pluralist* and *procedural*. Pluralist, in that democracy requires that political differences be aired and not denied, and procedural in that claims to express the popular will are adjudicated by means of a set of procedures defining the conditions to be satisfied before the 'place of power' (Lefort) can be (legitimately) occupied. In contrast to the classical Marxist view in which democracy is closely tied up with the destiny of a particular social identity, that of the proletariat, and the specific historical movement of which it is part, i.e. the (inevitable) transition to socialism, and in which the problem of institutions which regulate political differentiation does not even arise, a pluralist and procedural conception of democracy relies on a very different conception of history and society, one that acknowledges the permanence and legitimacy of conflicting interests. Central to Lefort's definition of *democracy* is the idea that the political sphere of power becomes separated from society as a whole and that those who occupy can exercise public authority but never claim to appropriate it permanently. The notion of power as "an empty place" is crucial to the nature of modern democracies. Democratic societies assert a distinction between the *symbolic* and the *real* dimensions of political power. Power can never be permanently possessed by any person or group. A democratic society is an *indeterminate* one in which procedures (e.g. elections) play a role in the construction of its political identity. (See Lefort 1986) By contrast *totalitarianism*[9] is a *form* of society in which all activities are interrelated and in which the separation between different domains of social life is claimed to be negated. Totalitarian societies seek to subordinate other spheres in society such as the economic sphere, law, knowledge and so on, to absorb *civil society* into the *state* and to efface every form of social division.

[9] Totalitarianism, for Lefort, should not be seen as a specific political regime or as an assortment of political institutions. It is not the same thing as a political dictatorship, such as the one-time dictatorship of Franco. It must be viewed as a *symbolically* constituted *form* of society.

In chapter two we employ the "democracy\totalitarianism" distinction to examine the development of civil society opposition during the apartheid era. We argue that under Verwoerd limited freedom was "granted" to South Africa's disenfranchised by a centrally organised regime which bound the disenfranchised populace to its rule through a series of "social contracts" that had their roots in repressive labour controls. These controls were rooted in a *totalising* logic. They were predicated on the assumption that civil society had no place within apartheid society. Politics could therefore be only official apartheid politics. The emerging opposition during the 1970's represented an attempt to unseat the Nationalist Party from the "place of power". Pitted against a *post-totalitarian* regime the emerging opposition was engaged in an attempt to *restore* civil society, and with it democracy.

In chapters three and four we analyse the political identities of the independent trade union movement taking as our starting point the conceptual matrix outlined above. Although these two chapters include an empirical analysis of the unions' growth from 1970 -1993, our prime concern is to locate our analysis of the independent union movement within a general framework which considers the contrast between *democracy* and *totalitarianism*. In chapter three we argue that the emergence of trade unionism in the 1970's marked the beginning of an emerging contest between two distinct forms of political society, *democracy* and *totalitarianism*. The unions of the 1970's concentrated on building an independent institutional base and they sought to overcome the divorce of economics and politics by relating demands for a workplace "rule of law" to normal issues of pay and conditions. To a large extent the unions strategy to acquire power was based on a doctrine of worker control that broke with the formalistic notion of representation that characterised the old forms of liberation organisation. This doctrine was based on the notion of participatory democracy which emphasised accountability of delegates to members, open debate and grass-roots participation in decision-making. The principles of democratic worker control, albeit not always consistently implemented, became a crucial characteristic by which FOSATU affiliated unions in particular distinguished themselves from other unions. FOSATU unions emphasised the importance of trade union *independence* in the wider struggle for a non-racial democracy. They were distinguished by their refusal to engage in political action outside the ambit of the shop-floor concerns of their members

and eschewed alignment with national political movements. Although there seems to be evidence that there existed (at least some) support within the ranks of FOSATU of a form of workers' control more easily reconcilable with proletarian than pluralist democracy, the nature of FOSATU was such, that, when sufficiently pressed on the issue of which democracy - proletarian or procedural - it endorsed, the procedural would have been selected over the proletarian. Taken in the round the various features of FOSATU - the doctrine of worker control, its independence and its relation with the state - can be viewed as interdependent elements belonging to the same complex, democracy. They exhibit properties congruent with a conception of democracy as indeterminate and procedural. They stand in a relation of affinity to a fully blown democratic project as defined throughout in this thesis.

In chapter four we argue that the Congress of South African Trade Unions (COSATU) came into existence with a leadership whose political ideology was shaped by two conflicting views on the role of unions in the wider struggle for democratisation. On the one hand COSATU leadership included unionists who had matured in and through the political tradition of the Charterist movement which took as its guiding document the Freedom Charter. On the other hand COSATU's leadership included those unionists who in the 1970's had fought for an independent institutional base for unions outside of the aegis of both the wider liberation movement and the apartheid state. Throughout the 1980's COSATU's struggles were informed by both these traditions. A logic of *simple polarisation* was prominent in COSATU's discourse when the federation was fighting its struggles during the states of emergency. In 1987 COSATU adopted the Freedom Charter which, gave credence (however indirect) to orthodox notions of socialist transition and the accompanying assumption that all political (and otherwise) relevant knowledge is in possession of a single-celled political entity. This logic had its counterpart in a logic of *institutionalised pluralism* which was dominant in the 1970's and emerged again in 1986 during COSATU's May Day stayaway. The *institutional* logic was confirmed again during the late 1980's when COSATU begun to consider seriously its participation in corporatist arrangements with the state and employers. The Labour Relations Act campaign initiated an candid shift within COSATU's leadership away from the logic of *simple polarisation* towards a commitment to the logic of *institutionalised*

pluralism. Since 1990 COSATU's strategy has contributed to the emergence of institutional arrangements which pre-suppose a pluralist conception of democracy.

CHAPTER ONE: DEMOCRACY AND TOTALITARIANISM

On both the right and left of the political spectrum today contemporary developments underline the urgency of the search for new political policies, strategies and institutional arrangements. In the West liberal political thought appears to have come to a major point of transition as pressures for state intervention conflict with traditional emphases on individual liberty. In Africa the increasing move away from authoritarian regimes and one-party states has forced into the open questions around the extent to which the formal existence of individual rights can guarantee freedom for those massive number of individuals who are restricted systematically, for want of resources and opportunities, from participating actively in political and civil life. In the East the s of state-dominated societies and of ever greater pressures for democratic institutions has led to a questioning of the connections between democracy and bureaucracy. Eastern or Marxist political orthodoxy is vulnerable in the face of the demands for, among other things, a free public sphere safeguarded by a polity that respects human rights.

Renewed concern about the direction of contemporary politics has given way to fresh consideration of the very essence of democracy. The notion of democracy is, of course, a complex and contested notion, a notion which today means different things to different people and yet which is, in one form or another seemingly championed by all. There has recently emerged, however, the pre-dominance of distinct political values. Today multi-party pluralism and representative democracy stand unchallenged as the world's leading political principles. With the collapse of Soviet-style communism many socialists now find it difficult not to proclaim the liberal democratic doctrine of representative democracy as the most adequate form of democracy. Many who had previously envisaged a socialist society as one without a plurality of distinct interests, and homogenous in its *proletarian* identity, are now vigorous supporters of the doctrine of political pluralism. The rush to endorse liberal pluralism is based on the widely shared view that Marxism is insufficiently grounded in democratic theory. The shift towards a pluralist conception of democracy is based, at least in part, on the argument that Marxist theory itself offers no

viable political theory of the actual institutions and workings in a post-capitalist state. Some socialists, acknowledging this charge, have responded by rejecting socialism completely. Others, in the belief that socialism still has a necessary role to play, have done so by incorporating the liberal-democratic doctrine of representative democracy and political pluralism into a wider re-thinking about the conditions for a more pluralist socialism[10].

Recent socialist thought generally accepts that there are fundamental difficulties with orthodox Marxist theory. For Noberto Bobbio, for instance, the development of a repressive state in Soviet-style countries can be traced to problems in the thought and practice of classical Marxism. He has argued that there is an alarming lack of concrete institutional proposals of what should replace the political democracy under capitalism in the classical Marxist conception of political rule. Underlying the classical Marxist conception of democracy is a mistaken mistrust of the idea of competing centres of power in society. Classical Marxism's lack of a commitment to pluralist institutions of political rule produces an *anti-democratic* element in its conception of the political transition to socialism. (See Bobbio 1987: 34-41) Before we consider more carefully the way in which writers like Bobbio have attempted to develop a position which moves beyond a rigid juxtaposition of Marxism with liberalism, let us turn our attention to a consideration of the classical Marxist conception of democracy.

The Concept of Democracy in the Classical Marxist Canon

Central to the classical Marxist conception of democracy is the idea that the state, as an instrument of class rule, must be abolished. Marx argued that socialism emerged from the internal development of capitalism and the conditions of exploitation and oppression that it imposed on the working class. Change came from the formation of a revolutionary consciousness among the proletariat due to growing awareness

[10] In a recent article on the current trends in the re-thinking of socialism, Luke Martell, for example, argues that socialism has important contributions to make amidst the present ascendancy of pluralism and liberalism. There are specifically socialist principles which are important but lacking from the doctrines of pluralism and liberalism. Socialist values such as equality, co-operation and values and structures of mutual regard are necessary for a pluralist and liberal society, yet not conceivable within an exclusively liberal or pluralist perspective. (Martell 1992: 153)

that their emancipation entailed the overthrowing of capitalism. Unlike the other classes, the proletariat had no vested interests to defend, and hence had nothing to gain from the protection offered by the numerous bourgeois rights volunteered by the capitalist state.

The state, for Marx, is not an independent structure above society. On the contrary, it is deeply embedded in socio-economic relations and is lined with particular interests - the interests of the dominant propertied classes. Its institutions and apparatuses are the means through which a particular class secures its rule over society and polices those who challenge it. The state, from its origins to its present form, is nothing but the organised collective power of the possessing classes for the suppression of others. Since the state is a "superstructure" which develops on the foundations of social and economic relations, and since the state secures and expresses the structure of productive relations and cannot determine the nature and form of these, and since as an instrument of one class it co-ordinates society in accordance with the long-term interests of the dominant class, its abolition as an instrument of class rule is a crucial moment in the transition to a higher democratic order. In *The Critique of the Gotha Programme* Marx writes that

> The question then arises: what transformation will the state undergo in communist society? In other words, what social functions will remain in existence there that are analogous to present functions of the state? The question can only be answered scientifically, and one does not get a flea-hop nearer to the problem by a thousand fold combination of the word people with the word state. Between capitalist and communist society lies the period of the revolutionary transformation of the one into the other. There corresponds to this also a political transition period in which the state can be nothing but the revolutionary dictatorship of the proletariat. (Marx 1972b: 395)

The "Dictatorship of the Proletariat", the transitional period between capitalism and communism, marks the beginning of the withering away of the state.

Simple Communism

With the abolition of the state Marx anticipated the withering away of conflict in future communist societies. Marx supposed the state could be replaced by simple administrative functions. In *The Civil War*

In France Marx argues that under the "Dictatorship of the Proletariat" there will be no need to maintain the separation between the executive and the legislature which marks the capitalist state.

> The judicial functionaries were to be divested of that sham independence which had but served to mask their abject subserviency to all succeeding governments to which, in turn, they had taken, and broken, the oaths of allegiance. Like the rest of public servants, magistrates and judges were to be elective, responsible and revocable. (Marx 1972a: 555)

Marx believed that struggles between administrators and other communists, or conflicts over the distribution of the surplus product, would simply not arise. All communists would make decisions on all public matters and without resorting to separate political institutions for securing agreements or reconciling conflicts. The notion of being a citizen - acting in concert with others to resist or defend certain policy goals - would disappear. Freedom consists in breaking down the barriers between the state and the rest of society, and thereby maximising unity, harmony and fulfillment among self-determining individuals.

Central to the notion of a conflict-free, classless and stateless social order in the classical Marxist conception of political rule is the idea of the "end of politics". The "end of politics" (or the end of the era of the state) refers to the transformation of political life as it has been known in capitalist societies, i.e. the dismantling of politics as an institutionally distinct sphere in society used in the perpetuation of class rule. The emancipation of the working classes necessarily implies the creation of a new form of government. In *The Poverty of Philosophy* Marx wrote:

> The working class in the course of its development, will substitute for the old civil society an association which will exclude classes and their antagonism and there will be no more political power so-called, since political power is precisely the official expression of antagonism in civil society. (Marx 1963: 182)

Discussing the way in which the proletariat will use its political supremacy, in the *Communist Manifesto*, he wrote:

> When, in the course of development class distinctions have disappeared and all production has been concentrated in the hands of a vast association of the whole nation, the public power will lose its political character. Political power, properly called, is merely the organised power of one class oppressing another. If the proletariat during its contest with the bourgeoisie is compelled, by the force of circumstances, to organise itself as a class; if, by means of a revolution, it makes itself the ruling class and, as such, sweeps away by force the old conditions of production, then, it will, along with these conditions, have swept away the conditions for the existence of class antagonisms and of classes generally and will thereby have abolished it own supremacy as a class ... In place of the old bourgeois society, with its classes and class antagonism, we shall have an association, in which the free development of each is the condition for the free development of all. (Marx and Engels 1972: 352-353)

With the destruction of the bourgeois class, the need for "organised political power" will cease to exist. Since the state is a "superstructure" which develops on the foundations of social and economic relations and since it is an instrument of one class, when classes are finally smashed, all political power will be deprived of its footing and the state - and politics - as a distinct activity will no longer have a role. Classes are inscribed into the state. And precisely because so many of the apparatuses of the modern state are adjuncts of class domination the working classes cannot simply seize state power and turn it to their advantage after the revolution. Marx argues in the *Civil War in France* that the political instrument of their enslavement cannot serve as the political instrument of their emancipation. The "master of society" will not become a "servant" on request. (Marx 1972a: 356) The struggle to *abolish* the state and to bring an *end to politics* is thus the struggle for the *reabsorption* of the state by society.

Starting from Liberal Premises

The classical Marxist idea that the state must be reabsorbed by society can be seen to have important *anti-democratic* implications. It can be seen to imply the welding together of previously disparate social spheres and identities into one, homogenous social entity, society. If society is not divided into different

spheres, e.g. state and society, but conceived of without any type of social division, i.e. as a classless and stateless whole, then the problem of institutions which regulate political differentiation does not even arise. Under communism society becomes a simple political animal - it is made up of a single democratic identity, i.e. the political identity of the proletariat. Institutions of political pluralism become completely redundant in the context of a single pre-given *proletarian* society. By equating democracy with a substantive *proletarian* homogeneity Marxist theory can be seen to be unable to present an adequate theory of political rule.

Norberto Bobbio argues that it is this absence of *concrete institutional* proposals of what should replace the political democracy under capitalism that seriously weakens the Marxist political project. He argues that liberal-democratic freedoms are crucial for any democratic project. The only way forward for the socialist project lies in a reformulation of the classical Marxist conception of "proletarian democracy" away from its *substantive* core towards a more *procedural* one. Bobbio takes on board his socialist project the political features of liberal democracy such as constitutionalism, parliamentarism, and a competitive multi-party system. Modern democracy, Bobbio argues, must come to terms with pluralism. For Bobbio, only a liberal state can guarantee such pluralist arrangements and the rights that they entail: freedom of opinion, speech, assembly, the press, political association, and so on. This type of procedural democracy is different from the classical Marxist conception of democracy in that according to the latter only one political project is to be recognised as legitimate. Bobbio writes that

> Marx, together with his friend Engels abolished the legality of the representative state and maintained that all states, by virtue of being states, are dictatorships and that the transition from the bourgeois state to the proletarian state will simply be a transition from one dictatorship to another. Furthermore they consistently argued that the essential thing was that the historical subject changed for all to work out for the best, irrespective of the form (the legal form, that is in which the new historical subject organises its authority). Can we be at all surprised if socialist state continue to be dictatorships and their leaders claim that they are the sole interpreters of Marxism-Leninism? (Bobbio 1987: 106)

For Bobbio a political system is democratic if collective decisions, i.e. decisions that affect the whole community (no matter how small or large) are taken by all its members. (Bobbio 1987: 90) We should adopt what he calls a "minimal definition of democracy" as a form of government "characterised by a set of rules (primary or basic) that establish who is authorised to make collective decisions and which procedures are to be applied". (Bobbio 1987: 90) These "rules of the game" are designed to facilitate and guarantee the widest participation of the majority of citizens in the decisions that affect the whole of society. A minimal definition of democracy consists in the following rules:

1) That all citizens who have reached the age of majority, regardless of sex, race, creed or economic condition, possess rights and can vote on collective issues or elect someone to do so for them.

2) That everyone's vote has equal weight, counting for only one.

3) That all citizens can vote according to their own freely arrived at opinion, that is in a free competition between rival political groups which vie with each other to aggregate demands and transform them into collective decisions.

4) That they have a free choice in the sense of having real alternatives to pick from.

5) That they are bound by the majority decisions (whether relative, absolute or qualified).

6) That no majority decision can limit the rights of the minority to become in their turn, and on equal basis, the majority. (See Bobbio 1987: 66)

The function of some of these rules is to establish in advance the *procedural* character of the general will. Bobbio writes that

> ever since Rousseau we know that the general will should not be confused with the will of all. But we will never know what the general will is if we do not decide on which ways it is expressed. (Bobbio 1987: 111)

Democracy must not be based on the assumption of a pre-determined identity of society. (Bobbio 1987: 92) It must be viewed in procedural terms, i.e. as a *method* or a set of rules for forming the collective will. A democratic system must guarantee the existence of a plurality of organised political groupings that

compete with one another. Democracy is reliant on the idea that political power cannot be captured permanently by one single social force. Conflict and dissent are inevitable. In contrast to the idea that democracy is dependent on a very distinct social formation, Bobbio's conception of democracy is based on the very possibility of a *mutation* of any distinct form of society. Underlying Bobbio's procedural conception of democracy is the idea that political power is tied up with the *possibility* of different social actors acquiring political power and the *impossibility* of permanent closure with regard to the overall form of society.

Bobbio's procedural conception of democracy is an important departure from the classical Marxist conception of political democracy which relies on a conception of history and society in which conflicting interests have no permanence and legitimacy. In the classical Marxist view, democracy is closely tied up with the destiny of a specific social identity, that of the proletariat, and of the specific historical movement of which it is part, i.e. the (inevitable) transition to socialism. Political power (in the form of the state) becomes nothing more than the instrument of a social force whose identity is established *a priori*. Political power (and with it political democracy) is always a manifestation of something external to itself. The most democratic exercise of power, in the classical Marxist view, is that of *proletarian* rule, i.e., a form of rule, which for Marx, is necessarily linked to the disappearance of the state as an instrument of class rule. In the classical Marxist conception of political rule, then, democracy is linked, in a substantial way, to the destiny of one specific social actor. By contrast, Bobbio's procedures are based on the principle of political pluralism according to which a democratic system must guarantee the existence of a plurality of organised political groupings that compete with one another. Once the undesirable illusion of a substantive proletarian democracy is discarded we can begin to contemplate how the scope of democracy can be enlarged. For Bobbio this means the extension of representative democracy to more and more areas of social life. It is for this reason that Bobbio argues that the criterion for judging the state of democratisation achieved in a given country should no longer be to establish "who" votes, but rather "where" they can vote. This entails the extension of representative democracy to more and more areas of social life: the central question is not to look for the emergence of a new type of democracy but for a process "in which

quite traditional forms of democracy such as representative democracy, are infiltrating new spaces, spaces occupied until now by hierarchic or bureaucratic organisations". As Chantal Mouffe puts it, for Bobbio

> we should proceed from the democratisation of the state to the democratisation of society, struggling against autocratic power in all its forms in order to take over the various spaces still occupied by non democratic centres of power. To democratise society requires, for Bobbio, tackling all the institutions - from family to school, from big business to public administration - that are not run democratically. (Mouffe 1993: 83)

Claude Lefort and the Empty"Place of Power"

In the work of Claude Lefort an attempt is made to develop a systematic perspective on the *political* and *symbolic* forms which have come to prevail in modern societies. Lefort's understanding of the nature of democracy requires a vision of the political as a discursively constructed ensemble of social relations. In this regard Lefort's conception of the political carries the same meaning as Laclau and Mouffe's understanding of it. For Laclau and Mouffe the political can only be formulated adequately within a problematic that conceives of the social agent not as a unitary subject but as the articulation of an ensemble of subject positions, constructed within specific discourses and always precariously and temporarily sutured at the intersection of that subject position. This requires abandoning the reductionism and essentialism dominant in the classical Marxist and liberal interpretations of the political sphere, and acknowledging the contingency and ambiguity of every identity, as well as the constitutive character of social division and antagonism. (See Laclau 1988, Laclau and Mouffe 1985, Mouffe 1988)

In line with a conception of the political as an *indeterminate* entity, Lefort identifies democracy with the dissolution of landmarks of certainty. Democracy is far more than a cluster of institutions. It is a *politically* constituted, and indeterminate *form* of society. According to Lefort modern democratic society is a society in which power has become an "empty place" and is separated from Law and Knowledge. In such a society it is no longer possible to provide a final guarantee because power is no longer incorporated

into a transcendental instance. Power, Law and Knowledge are no longer servants of a determinate instance such as "the proletariat" in the classical Marxist conception of democracy. The notion of a substantive common good becomes impossible. Democracy is based on the uncertainty of who will hold power. As a result the democratic revolution, for Lefort, depends on struggles in the name of *rights* rather than *pre-determined interests*. Solidarity's challenge to the Polish communist regime was a democratic one because it demanded the right to make demands. Even though this did not seem to call into question the principles of the regime, this, for Lefort, is a dynamic which moves already beyond the closed space of totalitarianism. (See Lefort 1986)

In contrast of this kind of modern democracy *totalitarianism* is a model of society which seeks to institute itself without divisions, which seems to have mastery over its own organisation, a society in which each part seems to be related to every other and is imbued by one and the same project of building socialism. Socialism, e.g., in ideological terms is constructed as a social personification. There is the "People-as-One", and the 'Other". The "Other" is outside the body politic. As Lefort indicates this kind of social imagery reaches back to the Middle Ages, where the social body was represented by the King's body. Totalitarian regimes claim to embody the "Truth", as a result of which they are able to represent "the People" as if they were an homogenous group. In order to do this, these regimes need to control and transform all realms of life and to assert their authority across all division of the social body. Such a society can permit no opposition to its claim to embody the "Truth". Power, Law and Knowledge are, and can only be, indistinguishable. In democratic societies, by contrast, Power, Law and Knowledge are separated from another, and it becomes possible to celebrate the fact that there are different "spheres" in society each with their own "logic" and organisatory principles.

The conception of democracy as a *form* of society in which diversity is no longer regarded as subversive to any substantive definition of "Society" or of "The People", entails the rejection of homogeneity as a guiding principle of social organisation and an insistence on plurality, social heterogeneity and diversity. This conception of democracy entails a very specific conception of the nature of power. In democratic

societies, power is not something which can be embodied, as was the case in the *ancien regime* (in the person of the Prince), or under communism (in the Party). In democratic societies power becomes an "empty place". According to Lefort

> Democracy is sustained by the tension between two principles: on the one hand, power stems from the people; on the other hand, it is the power of nobody. The principle that power belongs to nobody is reflected in the contemporary institutionalised forms of competition between political parties, but the real significance of this principle goes beyond any particular institutional arrangement. The tension between these two principles is essential to democracy and it cannot be resolved without threatening to destroy democracy as such. (Lefort 1986: 21)

According to Lefort the distinction between `civil society' and the `state' is only possible in a *form* of society in which power can be exercised but not permanently embodied. Rather than treat the identity of society as something which derives from an a priori organisatory principle - i.e. God in the *ancien regime*, and Race or History in the fascist and communist varieties of totalitarianism - it is only possible to distinguish between different "spheres" of the social once we accept that power is irreducible and belongs to no-one. In such a society, conflict between different interest groups ceases to subvert the identity of the social and, instead, becomes its constitutive principle.

Democracy and `Civil Society'

So far we have developed a conception of democracy as *pluralist* and *procedural*. Pluralist, in that democracy requires that political differences be aired and not denied, and procedural in that claims to express the popular will are adjudicated by means of a set of procedures defining the conditions to be satisfied before the "place of power" (Lefort) can be (legitimately) occupied. The will of the people is not, then, defined ex ante in the terms of some body of theory claiming privileged access to "the good life" but is rather identified by means of regular elections held under specified conditions and according to specified procedures. Although the people are deemed sovereign, the identity and interests of the people are subject to change, hence the recourse to the regular electoral expression of the popular will. For Lefort, the "place of power" can thus be said to be "empty", to be a symbolic place quite distinct from any current

occupant of it. Democracy is not properly understood unless the role of institutions such as universal suffrage and regular elections is viewed in the light of all claims to an absolute knowledge able finally to identify a particular set of substantive arrangements with the universal political good. In contrast "totalitarianism" (as understood by Lefort) is a form and state of society which is based on the claim to possess some 'absolute knowledge'. Here all social practice is subordinated to the dictates of such a (supposedly) infallible claim to 'truth'. This eliminates the need for elections and, in fact, any institutionalised contestation of political power.

Democracy, thus, depends on and facilitates the pluralisation of political identities, or, put differently, the emergence of a 'civil society' not yoked to the exercise of state power. Let us now consider the role that civil society opposition can play in the establishment of democracy . The term 'civil society' has been used widely in Central and Eastern Europe with reference to the independent self-organisation of society as a response to centralised Communist regimes. It began to be used in the West, and occasionally in Poland, during the late 1970's with reference to a form of political dissent best exemplified by the Polish trade union movement Solidarity's independent social activity in the face of a state-directed society. (Arato 1981, Pelczynski 1988) As an alternative to centralised power relations in totalitarian communist regimes, 'civil society' became a synonym for a wide variety of different political and social processes associated with the self-defense of an independently organised society. As such it involved a challenge against the arbitrary use of state power and an attempt to prevent the state from imposing its will unilaterally on the rest of society. The emergence of these independently organised spheres was of crucial importance for the meaning of democracy in these societies. It signalled the beginning of a fundamental challenge to totalitarian regimes which regarded all individuals, groups and organisations as their property and as such sought to extinguish civil society by absorbing it fully into the structures of the state. As such 'civil society' is at the centre of images of opposition to totalitarianism in Eastern Europe and proved the forerunner to democracy. It ushered in a new set of democratic relations.

Originally the term 'civil society' was simply a synonym for the state. John Locke, for example, referred to "civil" or "political society" when discussing his conception of government. (See, for example, Locke 1960: 330-333) With Hegel the terms 'state' and 'civil society' became separated. The term 'civil society' came to mean a domain of interaction distinct from the state and the family. It was the market, the commercial sector of society and the institutions which were necessary to the functioning of the market. 'Civil society' became an aspect of the modern state, concerned with the economic sphere of production, exchange and other market relations, the social sphere of classes and autonomous organisations which he called "corporations", and the "civil " sphere of public institutions such as courts and various regulatory and welfare agencies. (See Pelczynski 1988: 364)

For Hegel 'civil society' is also an arena in which the modern individual legitimately gratifies her self-interest and develops her individuality, but also learns the value of group action and social solidarity, which educate her for citizenship and prepare her for participation in the political arena of the state[11]. Hegel used the term "buegerliche Gesellschaft" which has subsequently been translated as "bourgeois society" and as 'civil society'[12].

Marx appropriated the 'civil society' idea and made it the foundation of his whole theory of history, society and the state. He gave his attention to the economic aspect of 'civil society'. 'Civil society' was the realm in which the propertyless were subjugated by the owners of the instruments of production. At the heart of the Marxist conception of 'civil society' was the division of labour, exchange, and private ownership of the means of production, and the society divided into property-owners and the propertyless. Marx equated 'civil society' with "*bourgeois* society". He eliminated all distinctions between the legal existence of an independent public sphere and the orientation of its actors. That is, any legal framework of

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[11] The idea that "civil society" constitutes a sphere in which individuals and groups can actively practice their citizenship is central to the recent revival of the "citizenship" school as embodied in the work of Chantal Mouffe (1992) and "communitarian school" theorist Michael Walzer (1992).

[12] For a more detailed exposition of the Hegelian notion of "civil society in this regard, see Bobbio 1987: 139-161, Shils 1991, Weiner 1991: 307-323.

a civil society established within the context of bourgeois social relations would necessarily be dominated by public activity oriented towards the pursuit of *bourgeois* interests.

Thus, 'civil society' is presented by Marx as a contingent historical phenomenon, and not as a naturally given state of affairs. It is an historically determined entity, characterised by particular *forms* and *relations of production*, class divisions and struggles, and protected by "corresponding" political-legal mechanisms. In the *German Ideology* he writes,

> The form or relations determined by the existing productive forces at all previous historical stages, and in its turn determining these, is 'civil society'...Already here we see how this 'civil society' is the true focal point and theatre of all history, and how absurd is the conception of history held hitherto, which neglects the real relationships and confines itself to the actions of princes and states...'civil society' embraces all the material relations of individuals within a definite stage of the development of productive forces. It embraces the whole commercial and industrial life of a given stage and, hence transcends the State and the nation, though on the other hand again, it must assert itself in its foreign relations as nationality and inwardly must organise itself as state. (Marx 1972c: 127)

The power relations in 'civil society' are explained mainly in terms of forces and relations of production. 'Civil society' is viewed as the economic form in which the bourgeoisie creates a world after its own image. In the famous passage in *Preface to A Critique of Political Economy* Marx states:

> My investigation led me to the result that the legal relations as well as the forms of state are to be grasped neither from themselves not from the so-called development of the human mind, the sum total of which Hegel combines under the name "'civil society'", that, however, the anatomy of 'civil society' is to be sought in political economy. (Marx 1977: 389)

Marx perceives the modern separation of the state and 'civil society' as a *transitory* and *undesirable* phenomenon. The modern state is alienated social power, and for this reason struggles to abolish alienation within 'civil society' signal the obsolescence of the state. The life expectancy of bourgeois civil societies is limited, inasmuch as they give birth to the proletariat, the potentially universal class that

signals the dissolution of all classes. Modern `civil society' produces the universal class, the proletariat, which increasingly defines `civil society' as a site of struggle between classes. The historically determined victory of the proletariat make possible the *reabsorption* of state institutions into an active social order freed from bourgeois domination. Only through the prior transformation of `civil society' by class struggle, and the abolition of the divisions between the state and `civil society' can the proletariat complete its liberation and become able to organise its powers of self-determination into a fixed and harmonious social order, a communist society in which no-one else would rule over anyone else, and in which power would be exercised by all. Marx believed that "freedom consists in converting the state from an organ superimposed upon society into one completely subordinate to it." (Marx 1972b: 394 He assumed that the successful struggle of the working class for control over `civil society' would permit the abolition of the state. Freedom consists in breaking down the barriers between the state and `civil society', the barriers between different spheres of life, and thereby maximizing the unity, harmony and fulfillment amongst all individuals[13].Marx emphasised the centrality of market-related activities in civil society. In the Marxist conception `civil society' was the realm of capitalist exploitation. Bourgeois society replaced "`civil society'" and the problem of pluralism became a non-issue. Marx made the state entirely dependent on the ruling class in `civil society'" and in this sense placed society entirely under the control of the state. Marx's economistic account of `civil society' led him to ignore the democratic potential of the type of citizens' initiatives referred to earlier. Mechanisms such as an independent press, freedom of assembly and rights to vote were interpreted as the "form" through which only *bourgeois* power is consolidated, rather than as a necessary condition for post-bourgeois democracy. It encouraged its deliverance into the hands of revolutionaries contemptuous of "bourgeois freedoms" and obsessed with the trampling of the civil roots of political democracy in the name of eliminating capitalism.

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[13] Marx supposed the state could be abolished and replaced by simple administrative functions. He believed that struggles between administrators and other communists, or conflicts over the distribution of the surplus product would simply not arise. All communists would make decisions on all public matters and without resorting to separate political institutions for securing agreements or reconciling conflicts. (See our discussion in chapter one)

Gramsci retained the Marxist ideas of the state as predominantly an instrument of class rule, but insisted that 'civil society' was not merely an adjunct to the state. It was a sphere of various autonomous organisations and activities, which by no means merely perpetuated the ideology and class interests of the bourgeoisie. While in the economic and state spheres the bourgeoisie exercised more or less full "domination", in the civil sphere it did not always have a monopoly of political, moral and intellectual influence, or what he called "hegemony".

> What we can do, for the moment, is to fix two major superstructural "levels": the one that can be called 'civil society', that is the ensemble of organisms commonly called "private", and that of "political society" or "the State". These two levels correspond on the one hand to the function of "hegemony" which the dominant group exercises throughout society, and on the other hand to that of "direct domination" or rule exercised through the State and the juridical government. (Gramsci 1971: 12)

'Civil society' was, so to speak, the soft underbelly of the capitalist system. It offered other groups and classes a chance to undermine the bourgeoisie's position in the realm of ideals, values, culture, education and voluntary organisations, and thus prepare the way, gradually and over a long period, for a political, revolutionary struggle against the capitalist state and property relations. An arena of expression, interest articulation, and associational activity. 'civil society' could be used by the working class to slowly create its own hegemony of interests, cultural orientations, and ideological outlooks to mark the prelude to its own domination of the state and the eventual absorption of the state into a 'civil society' dominated by working class interests[14].

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[14] Norberto Bobbio argues that in the end, however, Gramsci remains faithful to the classical Marxist goal of a communist society without class divisions, and thus without the division between the state and society. The future struggle without a state, which Gramsci calls "regulated society" is the ultimate goal of working class struggles, guided by the party and its intellectuals, to establish an anti-bourgeois hegemony within "civil society", itself conceived as the mediating link between the class-structured economy and state institutions based on coercion. Gramsci supposed that in Western bourgeois systems ""civil society"" comprised a variety of institutions which function to reproduce or to transform the dominant bourgeois sense of reality, which is shared by the dominated classes and groups. "Civil society" resembles the trench system of modern warfare. Its labyrinth structure normally resists the "incursions" of economic crises and protects the state apparatus. Gramsci argued that a protracted "war of position" for control over "civil society" would be the most effective way of politically undermining the domination of the bourgeoisie in the economy and state. The empowerment of the proletariat depends centrally on the transformation of "civil society". However, in the end, even for Gramsci, a proletarian contestation of "civil society" would develop a communist society with the erasion of the distinction between civil society and the state and a determinate conception of democracy as a distinct, "proletarian" form of society. (See Bobbio 1987: 139-161)

Following the reception of Gramscian ideas in Western Marxism and more practico-strategic concerns around the failure of socialism in so-called existing socialist countries, there has been a renewed focus on 'civil society'. The re-vitalisation of the term 'civil society'' amongst the so-called "New Left" has come with institutional concerns regarding the prevention of a cumulation of power at the centre and a concern with the diffusion of power beyond the state. (See, for example, Arato and Cohen 1984, Bobbio 1987, Cohen 1982, Held 1987, Held 1989, Hirst 1986, Keane 1984, Keane 1988a, Keane 1988b) Contrary to the classical Marxist insistence on the *fusion* between 'civil society' and the state, these theorists are more concerned with the *separation* of both these domains. They have attempted to retain the collectivist and social commitments of socialism but to replace the statist forms with more pluralist forms.

Bobbio's re-assertion of the institutions of liberal democracy has been taken further by these theorists committed to the democratisation of socialism through new forms of democratic participation which goes beyond conventional liberal democracy. Proposing more than a mere accommodation of existing liberal democratic forms, these proponents of 'civil society' argue for the acceptance of traditional Western liberal democratic institutions and their extension from the polity to the economy and civil society. This project has involved, amongst other things, new pluralist, decentralised and participatory forms of democracy. (See, for example, Bowles and Gintis 1986, Dahl 1985, Held 1987, Hirst 1986, Keane 1988, Laclau and Mouffe 1985, Mouffe 1988a, Walzer 1989). Often proponents of this view have relied on the role of citizens' initiatives in an independently organised 'civil society' to signpost the way forward for democratisation. Independent secondary organisations in 'civil society' are seen as pressure points to act as a check upon and as a substitute for the state. In this context the civil society alternative relies on the generalisation of a sense of civil virtue into society as a whole, i.e. the spreading of a culture of commitment to public affairs and political activity into wider society. The task of the citizen is to become critically involved, not only in the state, but in society as a whole in which she participates through membership in a plurality of associations.

The search for a more active conception of citizenship is a response to the limitations of the statist conception of politics in many of the so-called existing socialist countries. Much of the recent re-vitalisation of the term 'civil society' has relied on the notion of "citizenship" as a means through which to examine anew the question of democracy. Compared to those proponents of 'civil society' who argue only for the separation between the state and civil society, emphasising an autonomous 'civil society' as a route to democracy, these so-called "citizenship" theorists are as concerned with democratising the state and decentralising state powers into 'civil society' as they are with separating off the state from 'civil society' and minimising its role.

Articulating Liberal Freedoms and the Common Good

The "citizenship" school has its roots in a revival of the civic republican view of politics that put a strong emphasis on the notion of a *public good*. It received its full expression in the Italian republics at the end of the Middle Ages but its origins go back to Greek and Roman thought. It was reformulated in England in the seventeenth century by James Harrington, John Milton and other republicans. (For a more detailed presentation of the history of this school of thought see Mouffe 1992) The "citizenship" school is based on the idea that politics is the realm in which individuals recognise themselves as participants in a wider political community. Proponents of this school call for a greater role for active citizens participating equally in politics to determine the common good. All citizens should be entitled to an active and equal part in the political governance of their society and should have the citizenship rights and the resources to make this possible. The emphasis on civil society as a bed for participative citizenship depends heavily on the generalisation of a sense of "civil virtue" in society, a culture of commitment to public affairs and political activity.

In this context 'civil society' emphasises the importance of a plurality of associations encouraging the democratic involvement of citizens. It is argued that this pluralism of autonomous organisations broadens our view of citizenship by not limiting it to membership of a state. The citizen is educated into citizenship

through voluntary participation in a variety of roles in a variety of associations. The individual is not sacrificed to the citizen. The plurality of identities through which we are constituted and which correspond to our insertion in a variety of social relations should be legitimised. (See, for example, Sandel 1982, Skinner 1984, Walzer 1992)

The emphasis on citizenship has been criticised from a number of different angles. One important criticism concerns its propagation of the notion of a "common good". It is argued that underlying the idea of "citizenship" democracy is a commitment to the idea of a *common will*. This idea arose in pre-modern times in the face of absolutism and before the days of mass nation-states when small republics or city-states could make a claim to an internal homogeneity[15]. The idea of a general will can be seen to pre-suppose the idea of a *single* substantive common good. In this sense, then, it potentially denies the plurality of a political community. It potentially re-invents the *anti-democratic* implications inherent in the classical Marxist conception of proletarian democracy which relies on the idea of a unified, single-ceiled communist society. It can be seen to imply the same totalising assumptions about a homogenous social entity implicit in the classical Marxist conception of the "dictatorship of the proletariat". As we have argued, for Marx, under communism society becomes a simple political animal - it is made up of a single democratic identity, i.e. the political identity of the proletariat. Institutions of political pluralism become completely redundant in the context of a single pre-given *proletarian* society[16].

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[15] Modern societies are too complex and pluralist to sustain a common will. In large complex societies, run through with plural divisions, differences and fractures, it is impossible to conceive of the possibility of a common will, arising spontaneously from the people as a whole and shared by them all.

[16] As we argued in chapter two, Marx reduced the civil society idea to its economic dimension, and made it the foundation of his whole theory of history, society and the state. Civil society is [illegible]uted by Marx as a contingent historical phenomenon, and not as a naturally given state of affairs. Civil society [illegible]istorically determined entity, characterized by particular forms and relations of production, class divisions and struggles, and protected by corresponding political-legal mechanisms. And not only are bourgeois civil societies products of modern times. Their life expectancy is limited, inasmuch as they give birth to the proletariat, the potentially universal class that signals the dissolution of all classes and of civil society. The power relations in civil society are explained mainly in terms of forces and relations of production. Civil society is viewed as the economic form in which the bourgeoisie creates a world after its own image. Marx's economistic account of civil society led him to ignore the democratic potential of the type of citizens' initiatives referred to earlier. Mechanisms such as an independent press, freedom of assembly and rights to vote were interpreted as the *form* through which only bourgeois power is consolidated, rather than as a necessary condition for a new socialist democracy.

In the attempt to avoid such totalising assumptions recent attempts to revitalise the idea of a political community are based on a fusion between aspects of political liberalism and the assertion of the idea of a "political community". This attempted articulation, which Mouffe describes as the articulation "between the logic of democracy and the logic of liberalism", brings together ideas about the "common good" with the modern idea of individual liberty. (See Mouffe 1992: 11) Such an articulation is only possible once we grasp that the specificity of modern democracy as a *new* political form of society lies in a rejection of a universal, substantive common good. In this regard Rawls argues that

> we must abandon the hope of a political community if by such a community we mean a political society united in affirming a general and comprehensive doctrine. (Rawls 1987: 10)

At the same time , however, there is a danger of separating struggles for individual rights completely from a conception of the political community. There *is* a danger in the liberal-democratic doctrine, Mouffe argues, of prioritising *right* over *good*. Charles Taylor points out that the mistake with the liberal approach is that

> It fails to take account of the degree to which the free individual with his own goals and aspirations whose just rewards it is trying to protect, is himself only possible within certain kinds of civilisation; that it took a long development of certain institutions and practices, of the rule of law, of rules of equal respect, of habits of common deliberation, of common association, of cultural development and so on, to produce the modern individual. (Taylor 1955: 200)

We should not accept a false dichotomy between individual liberty and rights on the one side and civic activity and political community on the other. The crucial democratic challenge is to envisage the modern democratic political community *outside* of this dichotomy.

> Modern democracy as a new "regime" is constituted by the articulation between the logic of democracy and the logic of liberalism; by the assertion of popular sovereignty together with the declaration of a set of fundamental human rights that need to be respected. It therefore establishes a particular form of human co-existence, which requires the distinction between a sphere of the public and a sphere of the private as well as the separation between church and state, civil law and religious law. This is the great contribution of political liberalism to modern democracy which guarantees the defence of pluralism and the respect of individual freedom. (Mouffe 1992: 11)

The articulation between the idea of individual freedom and the idea of a civic participation must be dependent not on any *substantive* idea of the good, but rather on a shared perception of a set of political principles - liberal democratic principles - which establish a common consensus around the *procedural* conditions for the political actions and judgments of citizens. In other words it is necessary to conceive of a *mode* of political association, based on the idea of an "ethico-political" bond that establishes linkages among the participants in the political process. To belong to this kind of political community requires a common commitment not to any substantive notion of a common good, such as *communism* in the classical Marxist conception of "proletarian democracy", but rather to a common bond based on a "public concern". It is therefore a community "without a definite shape or definite identity and in continuous re-enactment". (Mouffe 1992: 233)

The Limits of Pluralism

Pluralist socialists are aware that the project of pluralism is not without its pitfalls. The history of pluralism is, of course, long and complex. Anglo-American pluralism initially arose around the turn of the century and peaked over the decade following the first World War. It found its voices in the works of such Anglophone writers as Harold Laski and Arthur Bently. It countered those theoretical perspectives that affirmed the sovereign state as the centre of political life. The second generation of pluralism, found expression in the 1950's and 1960's in the work of Robert Dahl, amongst others. Unlike the first generation pluralists, whose connections to political struggle generated a critical perspective on the *state*, the second generation was concerned with the location of political power in *society*. This, in their account

operated through a diffuse concatenation of autonomous and competing groups, rather than through the socio-economic sovereignty of a dominant elite whose interests determined the policy outcomes of political institutions and processes. (Amongst the better known of this generation are Banfield 1965, Dahl 1961, Lindblom 1965, Truman 1967)

Kirstie McClure identifies a set of features common to both these generations of pluralism. Both pluralisms have been articulated in opposition to unitary, monolithic or totalizing conceptions of the political domain, particularly in so far as these presume some singularly sovereign or unique agency overseeing or determining political processes and/or social relations. Both pluralisms have insisted upon the irreducible plurality or multiplicity of social groups. For both pluralist generations, however, the political valence of such groups is understood to have no necessary ontological grounding. They are not, in other words, a political expression of essences, but appear, rather, as contingently constituted political entities, that is they emerge through the dynamics of particular struggles arising within the realm of the social, and are elaborated as *political* through a process of articulation. Both view the social subject as site of multiple and intersecting group memberships or identities within that social plurality. Both of these generation begin with a conception of the "political" which does not view different groups as essences of any deeper identity or social relation, but rather as self-defining and independent, in particular of the state. They are understood to have no necessary relation to state power except in so far as they articulate such a relationship. As McClure points out,

> Within pluralist constructs such groups have an objective political character and identity with regard to political power, processes and institutions only in so far as they have articulated a "subjective" political identity and character in these terms. (McClure 1992: 115)

At present we are in the midst of a third generation of pluralism which includes a range of perspectives. These include current arguments for cultural pluralism, the pluralist democratic theory of communitarians such as Michael Walzer and the recent theoretical work of Chantal Mouffe. (See, for example Dahl 1982,

Hirst 1990, Mouffe 1992, Walzer 1983, Walzer 1992) Mouffe's understanding of the nature of pluralism requires a vision of the *political* as a discursively constructed ensemble of social relations. Her conception of the *political*[17] and the "impossibility of society" carries the same meaning as the democratic revolution as analysed by Claude Lefort who identifies democracy with the disappearance of landmarks of certainty. In a democratic society power is no longer incorporated into a transcendental moment.

The third generation writers are painfully aware of the dangers of an excessive fragmentation of the political sphere through an overly particularist conception of pluralism. They argue that such an extreme form of pluralism according to which all interests, all opinions, all differences are seen as legitimate, could never provide the framework of a political regime[18]. Society can easily degenerate into a fragmented asociality which prevents any kind of social project. And this is precisely where the limits of pluralism lie. Pluralism can never be total in the sense of representing simply a collection of particularised identities. Pluralism requires some measure of consensus amongst its different entities as to the necessity of a pluralist framework in the first place. While it is important to defend the widest possible pluralism in many areas, culture, religion, morality, it is also necessary to acknowledge that citizenship as a *form* of political identification presupposes an allegiance to the political principles of modern democracy. The conditions which are necessary for an active citizenship have as their underlying premise the principles of liberty and equality. Antagonistic principles of legitimacy cannot co-exist within one single association. Modern democracy, far from being based on a relativist conception of the world, as it is sometimes argued, is articulated around a certain set of values which, like equality and liberty, constitute political principles. Those who conceive the pluralism of modern democracy as being total and as having as its

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[17] For Mouffe pluralism can only be formulated adequately within a problematic that conceives of the social agent not as a unitary subject but as the articulation of an ensemble of subject positions, constructed within specific discourses and always precariously and temporarily sutured at the intersection of that subject position. This requires abandoning the reductionism and essentialism dominant in the classical Marxist and liberal interpretations of pluralism, and acknowledging the contingency and ambiguity of every identity, as well as the constitutive character of social division and antagonism. (See Laclau and Mouffe 1985)

[18] As Laclau and Mouffe argue in *Hegemony and Socialist Strategy*, such an essentialism of the elements remains within the problematic it tries to replace, because a clear-cut identity presupposes a determinate set of relations with all the other fragments or elements. This, in turn amounts to nothing more than a reintroduction of the category of totality whose elimination was aspired to in the first place. (See Laclau and Mouffe 1985)

only restriction an agreement on procedural rules do not realise that there can never be pure, neutral procedures without reference to normative concerns. Thus, in arguing for a *procedural* definition of democracy we are not endorsing a liberal problematic which simply defines democracy as the absence of state interference in the lives of its subjects, and which reduces the tasks of the government to the maximisation of negative freedoms. On the contrary, procedures can never be independent from a distinct set of normative concerns. As Paul Hirst observes, pluralism must be viewed not as a given state of affairs, but rather as "an aspiration in a process of political development". (Hirst 1990: 40) The *logic* of pluralism, i.e. the assumption that power must be differentiated amongst a differentiated citizenry, only acquires a *democratic* identity under certain conditions and in the context of certain articulations. What then are these conditions? When Robert Dahl discusses the democratic conditions for pluralism, he provides the following checklist:

1) Equality in voting: In making collective binding decisions, the expressed preference of each citizen (citizens collectively constitute the demos) ought to be taken equally into account in determining the final solution.

2) Effective participation: Throughout the process of collective decision making, including the stage of putting matters on the agenda, each citizen ought to have adequate and equal opportunities for arriving at his of her considered judgement as to the most desirable outcome.

3) Enlightened understanding: In the time permitted by the need for a decision, each citizen ought to have adequate sand equal opportunities for arriving at his or her considered judgement as to the most desirable outcome.

4) Final control over the agenda. The body of citizens (the demos) should have the exclusive authority to determine what matters are or are not to be decided by means of processes that satisfy the first three criteria. (Put in another way, provided the demos does not alienate its final control over the agenda it may delegate authority to others who may make decisions by non democratic processes.) (Dahl 1982: 6)

Dahl argues that a process of decisions-making is democratic if it meets the criteria outlined above. However, these criteria are so demanding that no actual regime has ever fully met them. In today's large-

scale democracies the demos is too large to fulfil the participatory ideal. Because of this crucial shortcoming, Dahl argues that within a system of large-scale democracy, smaller democratic units are desirable. In large political systems smaller democratic units can help to prevent domination and to create mutual control. In this sense they are a necessary element in a large-scale democracy, both as a pre-requisite for its operation and as an inevitable consequence of its institutions. By this Dahl means that to prohibit citizens from organising into, for example, political parties or independent secondary organisations would violate the criteria of effective participation and would mock the idea of final control over the agenda by the citizen body. (Dahl 1982: 37) However, as desirable as independent small-scale democratic units such as political parties and secondary organisations are, they can also have anti-democratic consequences. In this regard Dahl argues that organisational pluralism can be consistent with extensive political and economic inequalities. Pluralism in and of itself does not lead to an equalisation of resources and capacity. Organisation is itself a resource and can be used for narrow interest, as opposed to common good purposes. As Dahl points out

> although organisation is indispensable for offsetting the universal tendency toward domination, the pattern of pluralism in a particular country even while checking domination may help sustain inequalities of various kinds, including inequality in control over the government of the state. For example, when organisations are not broadly inclusive in their membership, poetical inequality is a likely consequence, for, other things being equal, the organised are more influential than an equivalent number of unorganised citizens. (Dahl 1982: 40)

Not only can organisational pluralism exacerbate political inequalities, but it can also lead to the breakdown of what Dahl calls "civic consciousness". By this he means that because organisational pluralism implies a plurality of interests there exists the danger that by expressing and giving strength to particular interests, organisations would prevent the expression of the general will and sharpen particularist demands at the expense of a common democratic order. "Because associations help to fragment the concerns of citizens, interests that many citizens might share - latent ones perhaps - may be slighted." (Dahl 1982: 44) Thus, the result of marginalisation and competing groups representing

relatively particularist interests can damage the logic of pluralism by removing one of its roles, i.e. to give society as a whole an overall pluralist form.

Hirst argues that given the limitations of pluralist representative democracy in large-scale societies, democracy must be seen not so much as a question of popular sovereignty, but rather as a set of "political mechanisms, of which representation through elections is one, that exercise constraints on government but is not itself a from of popular government". (Hirst: 1990: 28) By formulating the problem of democracy in this way Hirst undercuts the idea of democracy as government by a sovereign people, whether directly or through representatives. For Hirst democracy is a question of public control[19]. If we want a more democratic society, we need to make room for a multiplicity of democratically managed associations and organisations which exercise effective control over the public agenda. Such a plurality of independent organisations are important for the democratisation the key public power, the state. A pluralist representation of organised social interests can enhance democracy in the sense of greater public influence. The specific form of such pluralist representation, for Hirst, lies in supplementing the institutions of representative democracy with those of *corporatist* forms of democracy.

Corporatism can, of course, take on many different forms. Authoritarian or state corporatism can be seen to have denied democracy in its attempt to impose corporatist relations on civil society. Even liberal and societal corporatism (based on voluntary participation) is in danger of creating corporatist pockets of political power that are organised, exclusive, self-serving means which bypass the conventional procedures of representative democracy. Aware of these dangers, Hirst's conception of corporatism is

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19 Although the "civil society/citizenship" paradigm makes an important contribution to the debate on the democratisation of socialism and liberalism, there are a number of other problems that plague this school of thought. As Martell points out it is difficult to see how the citizenship idea of individual participation is feasible in mass complex societies which do not provide sufficient opportunities for mass participatory democracy. It is difficult to see how mass participation can be compatible with the dominance of representative democracy in such societies. Representative democracy, on the face of it would seem to be an anathema to the participatory ideals of the citizenship democracy it involves decisions being made by an exclusive sector of society, politicians. The essence of representative democracy is that authority is given to a party to rule and what is not involved is rule by the people themselves. Despite pointing out that existing representative institutions are not up to making space for greater representation, proponents of the citizenship school do not really offer alternative concrete institutional arrangements which address the limits of representative democracy. (See, for instance, Martell 1992: 164-165)

based on two strands of "associationalism". It is based firstly, on the idea that associations can provide forums for the active popular participation of individuals in politics at accessible decentralised levels. Secondly, corporatist relations between associations can provide a mechanism through which interest groups can participate in government and pluralistically negotiate a common good. At an institutional level associations would be given a role in corporatist political forums. Corporatism can enhance democracy in two ways: Firstly, associations participating in corporatist arrangements can provide forums for the active popular participation of individuals in politics at accessible levels. Secondly, corporatist relations between associations can provide a mechanism through which interest groups can participate in government and pluralistically negotiate a common good and enable non-statist forms of planning and co-ordination. Corporatism ascribes a strong role for voluntary associations in a pluralist civil society and an inclusive corporatist polity comprised of associations representing the plurality of interests in society negotiating agreed social priorities. It is through the latter function that corporatist forums serve to facilitate consultation and bargaining between social interests and public bodies. They serve as channels for the reciprocal influence of governing bodies and those governed. (Hirst 1990: 14) Thus, for Hirst corporatism is a specific form of pluralism. It is a more democratic and *resilient* pluralism in the sense that it can achieve two things: firstly, limit political inequalities and secondly, foster a civic domain without undermining pluralism's emphasis on differentiated interests. Corporatism allows less powerful and resourceful interests to bargain for more equal distributions of the common good. Less powerful interest do not merely exist alongside or under more powerful ones, but both enter into a relationship with each other. In this sense corporatism enhances the democratic content of pluralism. Corporatism involves a commitment to an overall public or social good through the negotiation of compromise Corporatism *socialises* pluralism. Secondly, corporatism, through its emphasis on bargaining builds civic consciousness and a civic "domain" and is much better placed to avoid the danger of excessive fragmentation of the political space in which independent organisations function. A purely associational society could easily degenerate into a series of petty tyrannies, each at war with each other. Corporatism can provide the conditions for a co-operative and mutualist pluralism which prevents unfettered competitive fragmentation. Corporatism, then, describes a political structure and system of relations

intended to facilitate the pluralist negotiation of social priorities. The process is one in which social priorities are negotiated by independent interests interacting in pluralist, but inclusive structures and forums. It is based on the pluralist principle of power differentiation, but claims to democratise this principle by emphasising more co-operation between different pockets of interests.

Conclusion

In this chapter we have attempted to outline the theoretical grid employed in this thesis. Invoking, for the most part the works of Bobbio, Mouffe and Lefort, we have argued that democracy is not merely a form of government, but has rather to do with a form of society, vis one in which no single 'truth' pervades and governs all social spheres and practices and in which, as a consequence, these are able to develop according to their own exigencies and performance criteria. In other words, democracy depends on and facilitates the pluralisation of social identities, or, put differently, the emergence of a 'civil society' not yoked to the exercise of state power. In contrast, totalitarianism is a form of state and society which is based on the claim to possess some 'absolute knowledge'. Not only does this prevent the development of an autonomous civil society but it also eliminates the need any institutionalised contestation of political power. A pluralist conception of democracy, however, does not mean that individual struggles over substantive political claims have no place in a democratic society. Individual civic struggles over distinct political demands are a crucial component of the wider struggle for a pluralist democracy. However, in order for their participants to be able to claim that their struggles are aimed at the establishment of democracy, they need to share a perception of a set of political principles - liberal democratic principles - which establish a common consensus around the *procedural* conditions for the political actions and judgments of citizens. Let us now examine the development of South Africa's civil society in the light of the 'democracy'/totalitarianism' distinction.

CHAPTER TWO: DEMOCRACY, CIVIL SOCIETY AND THE STATE

South African 'civil society' opposition emerged in its most developed form during the 1980's as a counterweight to the suppression of 'civil society' by the apartheid regime through the restrictions i imposed on the civil and political rights of the disenfranchised populace. It was the decade which saw th collapse of the pillars of apartheid under social, economic and political pressures from the black majority Verwoerdian Apartheid rule during the 1960's had attempted to entrench white political control in Soutl Africa and to repress civil society. (See, for example, Adam and Gilomee 1979, Gilomee and Schlemme 1989) It constituted an attempt to permanently occupy the "place of power" and to suppress th emergence of any independent initiatives with the potential to threaten the apartheid project. Against thi background the struggles of the Chartersit opposition throughout the 1980's represented an attempte *restoration* of civil society. In this chapter it will be argued that the political identity of this oppositi was complex. More than not it can be seen to have involved a conception of democracy predicated on th assumptions of *proletarian* as opposed to *procedural* democracy, and as such, can be seen to have stood i a relation of affinity to that kind of political project that negates political differences.

Let us begin with an attempt to characterise Verwoerdian Apartheid in terms of the contrast betwee *democracy* and *totalitarianism*.

Totalitarianism Revisited

Western political science of the fifties defined totalitarianism by a set of criteria such a 'he presence of charismatic leader, mass terror, the permanent "purge", and ideological mobilisation. Classical theorist of totalitarianism such as Friedrich and Brzezinski, for example, argued that there were five features of totalitarian dictatorship: an official ideology, a single mass party under a dictatorial leader, terroristi authority of the secret police, a centralised control of the entire economy and a monopoly of arms. (See for example, Arendt 1952, Friedrich and Brzezinski 1964, Neumann 1957) These criteria were superseded in Eastern Europe and the Soviet Union by the advent of Khrushchevian reformism according to whicl

the "irrational terrorist" violence of the Stalinist era was replaced with less overt forms of totalitarian control. In this context the theme of "post-totalitarianism" gained prominence. (Linz 1975)[20] It arose as a major theme in studies of the political process in Soviet-type societies in the late 1960's and early 1970's. In the wake of events of the revolutions of Budapest 1956, the 1968 Prague Spring or Solidarity in Poland in 1980-1981, a new approach to the Communist system was pursued in the light of the concept of totalitarianism. It came to be recognised that totalitarianism was no longer what it used to be, and that the state-parties' hold over society had changed since the Stalin era. These struggles were proof that the system was far from static and that its stability was precarious. It was increasingly argued that authoritarian regimes of the "post-totalitarian" type differed from more classical totalitarian regimes by the fact that while they had at least the intent to be "total" regarding the basic raison d'être of the Stalinist state[21], they also recognised that Stalinist methods of state dominance and coercion were no longer tenable in conditions of national diversity and modernising societies. Whereas totalitarian regimes of the Stalinist variant emphasised centralised mobilisation for party-directed fulfillment of ideological and social goals, post-totalitarian Communist regimes de-emphasised mobilisation by reducing control over social processes and "granting"[22] increased autonomy for select groups[23]. In noting the impact of increased social participation, some analysts argued that Soviet-type states functioned according to a modified interest group model. The party-states had begun to recognise certain institutional interests as legitimate. (See, for example, Hough 1972, Janos 1970, Odom 1976, Skilling 1966) The "post-totalitarian" state had far more powerful weapons at its disposal than the use of terror. New techniques of "totalitarian" control included attempts by the regimes to bind the populace to the party-state through a so-called "social contract". In such situations the state was the sole employer of labour and this capacity

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20 The term "post-totalitarianism" required its definition as a particular type of authoritarianism in Linz's well-known essay.

21 The characteristics of the *post-totalitarian* system emphasised the party-state's predominance over social processes and refusal to allow for genuinely pluralist and independent social activity.

22 The term "granting" , as will be shown later, played a central role in the the verwoerdian discourse on the centrality of the Nationalist Party in the re-ordering of society during the 1960's.

23 For an overview of emerging dissenting interest groups in Central Europe and the Soviet Union during the 1960's and 1970's see Weigle and Butterfield 1992.

became a thoroughly modern weapon of totalitarian control. Since employment of labour was the pre-eminent instrument of social control, the workplace became the prime location for the regimentation of "post-totalitarian" societies. The citizens adapted themselves by giving up their individual rights and received in exchange job security. From social control it was a short step to an implicit "social contract" between the state and the citizen: Thus, as Rupnik observes,"post-totalitarianism" has nothing to do with the degree of violence or terror employed.

> Power remains totalitarian even when the forms of repression are less visible (albeit still virtually present). One could go as far to say that a system becomes truly totalitarian only when the "terrorist" phase is completed - when all the subjects have lost their autonomy and capacity for self-government. (Rupnik 1988: 272)

However, while "post-totalitarian" politics may have involved some sort of opposition and new non-violent methods of control within the parameters of the ruling power, in the end the political process still remained insulated from freely associated, non-state social interests. According to Rupnik at the end of the day the debate about whether or not the political systems deserved the totalitarian label (even as part of the "post-totalitarian" theme) hinged on the status of *ideology*. Rupnik maintains in his definition of totalitarianism our earlier theme vis-a-vis the *symbolic* projection of the party's internal structure into all spheres of society. (See Rupnik 1988) The ultimate logic of post-totalitarianism was still the instrumentalisation of all components of society as a consequence of society's lost autonomy. Autonomy was still limited in many other more "hidden" ways. For example, it was limited by the fact that those in power tended to control all these sources and circuits of information. The *erosion of memory* remained the permanent goal of post-totalitarian power. In this respect ideology continued to be the centre of totalitarian regimes by creating a system out of the "jamming" of information and memory. In the post-totalitarian phase ideology remained not only the sole discourse and means of communication between the state. It also remained the chief means of homogenising and integrating the ruling apparat. Let us now examine the debate of South Africa's regime form.

The Debate on Apartheid's Regime Form

During the 1970's and 1980's the debate about the relationship between apartheid and capitalism dominated much of the literature on the form of South African society. (See, for example, Adam 1971, Johnstone, Legassick 1975, Lipton 1985, Trapido 1971, Wolpe 1970) The central objective of the debate was to give an account of the emergence, persistence and transformation of the apartheid state. The debate focused on the impact of capitalist development on the system of racial domination[24]. A common criticism of the revisionist Marxist school, in particular, was that it neglected investigations into the specific form of the state and treated the state as a mere instrument of struggles that had their nexus elsewhere, "at a distance", from the state. (See, for example, James 1984, Wolpe 1988: 39) Critics argued that the neglect of state structure and the inherent economism in the revisionist Marxist approach made little room for a "specification of the political terrain outside of the state". (Wolpe 1988: 39) As a result there was too little attention paid to the specific form of the state.

One attempt during the 1960's to analyse the form of the state was the South African Communist Party's characterisation of post-1948 South African history in terms of stages of fascism. In his book *The Rise of the South African Reich* (1964) Brian Bunting attempted to provide an account of South African fascism through a comparison of the political-legal structure in South Africa with that which developed in Germany under Hitler. The argument was made that the Nationalist Party appropriated the state bureaucracy in a way as to become a "party-state" in the mode of the ruling party in Nazi Germany. State power had been utilised to introduce repressive measures to eliminate all extra-parliamentary opposition. In Bunting's account the growth of fascism was equated with the increasing utilisation by the

[24] The liberal pole of the debate argued that capitalist industrialisation would in the long run dismantle the irrational system of apartheid and that race relations in general would succumb to market imperatives and the substantive rationality of economic development. (See, for example, Horwitz 1967) The revisionist marxist pole of the debate argued that capitalist development would not, simply by virtue of some abstract market rationality, undermine the structure of racial domination. Far from undermining racial domination, capitalist development required and depended on authoritarian racial structures to mobilise labour and keep labour opposition in check. (For an overview of the revisionist argument see James 1984)

ruling National Party of the state as an instrument of control. It used this instrument to extend the army and police force and to intensify repression by attempting to eliminate opposition.

Critics argued that Bunting's description of South Africa as a "fascist" state was simplistic. Wolpe, for example, argued that if by fascism was meant, amongst other things, a situation in which the apparatuses of power (including state legislature and executive, judiciary, coercive organs and party) became fused in such as way that they had little autonomy from one another, (and when independent organisations in the sphere of `civil society' were eliminated or subjected to overwhelming controls such that they were unable to act as centres of opposition), then the South African state was not "fascist".The existence of white parliamentary democracy and a judiciary that had never been subordinated to the executive limited the executive's capacity to control the excluded black population. (See Wolpe 1988: 40-44)

Other writers that addressed the question of the form of the state included Heribert Adam in his famous analysis of apartheid during the 1960's. (See Adam 1971) Adam argued that the apartheid project during the 1960's could be described as "totalitarian" if totalitarianism is defined as the suppression of all attempts for change detrimental to the subordinate group. Accordingly a regime was considered totalitarian if it excluded alternatives to the established system, if it did not respect boundaries guaranteeing the freedom of political opponents, and if it prosecuted the advocates of structural change and bans their organisations. In this sense South Africa during the 1960's constituted a totalitarian state. All efforts to try to bring about changes in the social situation in the country either wittingly or unwittingly, were defined as Communist and, therefore, as illegal. The existing liberal white apartheid opposition had no chance of gaining support of the exclusively white electorate and was, therefore, permitted to exist but only under permanent supervision and restricted to new forms of censorship and political ostracism[25] (See Adam 1971: 37-52) In our view this relatively broad concept of totalitarianism -

[25]Berger and Godsell in contrast, argue that South Africa apartheid cannot be described as "totalitarian". They argue that non- democratic regimes can be divided into those organised along totalitarian, and those organised along authoritarian lines. In totalitarian states, the ruling group makes a total claim on society. All aspects of social organisation are rendered subordinate to the ruling political institution. The party controls all arenas of human endeavour through ideologically linked and subordinate organisations. In authoritarian regimes political power is

as exclusion of alternatives to the established system - offered several advantages over Wolpe's formulation. It avoided the static, *structural* distinction between supposedly democratic and supposedly totalitarian states, and focused instead directly on the question of the *degree* of suppression of opposition and, as such, offered a more layered analysis of the *symbolic* "threshold of autonomy"[26]. As we argued earlier no totalitarian regime achieves total control over society. It would be better to speak of the system's ***totalitarian tendencies***, anchored in ideology, with its own inherent and self-perpetuating logic. What differentiates totalitarian regimes from other so-called authoritarian regimes is not the degree of concrete totalitarian action but its ***intention***. The mere existence of some form of opposition can be compatible with the continued actuality of a post-totalitarian regime. There can exist a dichotomy in the system, which is *totalitarian* inside with the ruling party clinging to an ideological legitimacy and *post-totalitarian* outside where exists mere ideological ritual and some opposition. Let us now consider in more detail the political identity of the apartheid project.

The Logic of Apartheid : A Case of Post-totalitarianism?

In "post-totalitarian" regimes, there emerges, Rupnik argues, a *dichotomy* in the system, which is "totalitarian" inside the party (itself clinging to an ideological legitimacy) and "post-totalitarian" outside (where there is a mere ideological ritual). (See Rupnik 1988: 279) In this definition of totalitarianism the main thing is to discover the *inchoation* at which *autonomy* is lost in order to provide a definition of the

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exercised undemocratically, outside of any institutions making rulers accountable to the rules. However, society is not accommodated in a matrix of institutions all created by, or under control of, the political elite. Areas of organisational autonomy exist, though none powerful enough to challenge or change the political elite. South Africa, they argue, belongs to the authoritarian and not the totalitarian category. Political power is exercised undemocratically, but the "space" exists for churches and unions and artists and academics to operate outside of governmental frameworks. In a totalitarian state such new institutions immediately threaten the existing order, merely by their existence. The emergence of Solidarity in Poland challenged the state-recognised union movement, and indeed threatened the role of the state-supported unions as well as the Communist Party to which these unions owe allegiance. (See Berger and Godsell (eds.) 1988: 258)

26 If one presupposes the existence of all the classical features of totalitarianism (see our earlier discussion) then the South African state cannot be regarded as a totalitarian state, since some of the above mentioned features are either completely missing or exist only in a modified form. However, the classical view of totalitarianism can become a merely descriptive concept of totalitarianism. It is inadequate in that it does not take into account the historical developments in which these characteristics acquire their significance.

totalitarian situation. Thus, as soon as one moves from the theoretical model to the analysis of reality, the concept of totalitarianism makes room for notions such as "totalitarian situation" or an "underlying trend to totalitarianism" of the "impulse towards totalitarianism". No so-called totalitarian system can achieve total control over society. What differentiates totalitarian regimes from other so-called authoritarian regimes is not the degree of concrete totalitarian action but its intention. Although apartheid after 1948 was by no means a coherent blueprint, in our view it harboured an underlying *tendency* to totalitarianism[27]. Gilomee and Schlemmer argue that before 1960 there were two distinct phases of apartheid. During the first decade after 1948 the Nationalist Party introduced apartheid's statutory groups and compulsory residential segregation. In other areas, such as regulating labour, curbing African urbanisation and black opposition, its efforts were often hesitant and contradictory. (Gilomee and Schlemmer 1989: 64) After 1960, however, there was a far more determined and uncompromising effort to impose apartheid as a systematic policy. During the early 1960's the state had managed to suppress the upsurge of black resistance and the 1960's saw a great economic boom which made the government more confident. Apartheid, which had hitherto been presented by the Nationalist Party as separate development, intensified[28].

Archetypal apartheid was developed to its epitome under Verwoerd during the 1950's and 1960's. It represented a brutal and massive attempt on the part of the Nationalist Party to impose apartheid as a "grand" or total" experiment. During the early 1960's the state had managed to suppress the upsurge of black resistance with unexpected ease. All vestiges of black representation in the "white" political system were removed[29]. The apartheid system comprised the following main elements: labour regulation (influx

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[27] For a critique of the view that apartheid was a coherent blueprint see, for instance, Posel 1987.

[28] The apartheid system was tied to much more ambitious political and ideological objectives than the policy of separate development. For an overview of the difference between both systems of white domination see, for instance, Gilomee and Schlemmer1989: chapters one and two.

[29]Since South Africa's creation as a state in 1910 the black majority was largely excluded from political participation. Black South Africans were excluded from the institutions and procedures of formal democracy. Beginning in 1910 a wide range of measures was adopted to ensure that whites retained political power, including legislation that slowly, but remorselessly ended the limited access of Coloureds and Africans to the vote and removed even their indirect representation in the Parliament.

control and other forms of regulating labour[30]); communal apartheid and statutory race classification[31], group areas[32], separate education[33], separate amenities and other residual forms of apartheid[34]; and political control and privilege. Although apartheid was conceived of as being the mere instrument of Afrikaner Nationalism, it tended to assume a hegemonic position during the 1960's, when it was taken to its extreme in prescribing public behaviour and private intercourse and in regulating the position of blacks. The political dimension was equally indispensable in persuading the ordinary voter that the government was to ensure white unity[35].

In terms of the Bantu Homelands Citizenship Act, all Africans were regarded as citizens of different homelands. Since the homelands were supposed to compensate for representation in the white area, one would have expected the rapid development of these areas as alternatives to political integration. However, in the two decades that followed the government made it only too clear that it was not interested in "granting" any form of political empowerment. There was no attempt to increase the land allocated to the homelands over and above the thirteen percent which had been laid down in 1936. Far from recognising the human rights of urban Africans, the government used the homelands as a justification for the repatriation of surplus Africans and as an excuse to deny Africans in white areas citizenship and their South African nationality. The government's resettlement policy and strict curbs of African urbanisation

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30 For an overview of the way in which the Nationalist Party tightened up the system of influx control during the 1960's see Lipton 1986: 33-37. For a comprehensive analysis of the system of labour control see Greenberg 1987.

31 The policy of communal apartheid, with its drastic race classification, sex laws, and urban segregation was one of the most radical exercises in social engineering in the world. In the cities each group was supposed to develop its own communal life. In their systematic planning the apartheid cities were recognizably different from the segregation cities which had preceded them. Communal apartheid ensured that intergroup contact was kept to a minimum. It also provided the basis of segregated education, health facilities and social services. The great majority of black townships remained soulless dormitory towns.

32 See, for example, Kirkwood 1954

33 See, for example, Christie and Collins 1984

34 See, for example, Carter 1958

35 In the period prior to 1948 there had been nothing comparable to the forced removals which occurred between the early 1960's and the early 1980's. Nothing symbolisesdthe oppressive nature of apartheid more than the massive scale on which population relocation occurred

greatly impeded the prospects for growth. Apart from the rapid natural population increase, between 1960 and 1980 the homelands had to accommodate one million Africans removed from the farms, 600 000 from "black spots", and three-quarters of a million removed from white cities under a policy of township relocation. (For an overview of the operational features of apartheid see, for example, Adam and Gilomee 1979b, Gilomee and Schlemmer 1989, Lipton 1985, Stadler 1987)

Apartheid As Post-totalitarian Ideology

Apartheid in its most overt form during the 1960's displayed *totalitarian impulses*. It involved a type of post-totalitarian social contract in which society had no option but to participate. As an ideology apartheid dates back to the 1930's when church leaders, academics, journalists and politicians of D.F. Malan's National Party started formulating its underling principles. The Verwoerdian ideology of apartheid had embodied an ethical defence of separate development, as the inviolable right of each ethnic group. Whites, led politically by Afrikaners, were said to bear a moral obligation to bestow and preserve this right on the part of Indians, Coloureds and the various ethnic groupings. (See, Adam and Gilomee 1979: chapter four) Apartheid was vaunted as the only moral-Christian course for South African politics. The right of whites to national self-determination (manifest historically as white economic and political supremacy) was God-given, and any move towards political or social integration with other ethnic groups was morally indefensible.

The ideology of apartheid was historically and conceptually bound up with that of Afrikaner Nationalism. Afrikaners were depicted as the rightful purveyors of the white man's moral and political mission. In claiming this moral prerogative of undiluted power, the Afrikaner "volk" legitimated its drive towards national unity which would enable it to win and exercise such power. (See Adam and Gilomee 1979: chapter four) The apartheid model portrayed the individual as a social being who finds fulfillment only in a community. The individual was seen to have no rights while the volk had a god-given right to exist. Whatever rights the individuals enjoyed were derived from the collectivity. Gregor observes that

> Apartheid as a theoretical system is distinguished from other ideologies only when the collectivity with which the individual is identified is specified. Leninism originally identified that collectivity as the economic class. Fascism identified that collectivity as the nation-state. Apartheid, on the other hand, has identified that community as the historically constituted volk. (cited in Gilomee and Schlemmer 1989; 41)

The political order that the Nationalists constructed after 1948 was aimed at enhancing Afrikaner nationalism by entrenching white political control in South Africa. Through apartheid Afrikaners governed not only themselves, but also all other groups in society. Apartheid "granted" [36] others that which one group (the Afrikaner) demanded for itself. This argument was made by both religious leaders and by secular intellectuals.

By the mid-1960's Nationalists were expressing the ethic of "grant onto others" in grandiloquent terms. The Afrikaners mission as a "mature volk" was seen to be the rescue of other demoralised volke. This mission would be completed only if other volke and communities had accepted self-determination, which included complete independence. In the formulation of this ideology the Nationalist Party took on the status as the central force "granting" such separate freedoms.[37] These "granted" freedoms often took on a very repressive form. In Verwoerd's view it was only logical to remove the African representatives from parliament. He said in 1959

> The Native Representatives cannot be retained because they are declared enemies of the this policy of emancipation. What they say in Parliament is not so important, but it is because of the access they have to the Natives, and the status they have acquired to create the wrong impressions in the minds of the Bantu masses, to try to dissuade them from the process of growing independence, that they should be deprived of this opportunity to abuse their position. (Verwoerd HAD, 1959, col. 6237, cited in Gilomee and Schlemmer 1989: 98)

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[36] Apartheid gave expression to the Christian ethic of "grant onto others" that which one demanded for oneself.

[37] The logic of verwoerdian apartheid in so far as it constituted an attempt to imbue different parts of society with the same character was totalitarian. At the very heart of the apartheid project lay the intent to define every part of South African society in terms of its contribution to the *grand* project of verwoerdian apartheid. The National Party believed that it occupied a privileged position in determining the character of society. This single organ was seen to constitute the leading social force around which other forces had to gather in order to receive "freedom".

Verwoerd was quite blatant about his view that other races were not part of the South African nation. Coloured people were not allowed to participate in the referendum on the question of South Africa becoming a republic in 1960. Verwoerd said a year later:

> Let me be very clear about this: when I talk of the nation, I talk of the white people of South Africa. (Verwoerd 1960, cited in Gilomee and Schlemmer '89: 98)

In 1965 he argued that South Africa was a white state despite the resistance of other groups. A National Party pamphlet entitled "Apartheid and Guardianship" clearly spelt out the privileged status of the white National Party in society:

> The right of the Non-European to exist and to develop is acknowledged, but apart from and under the guidance of the European. (cited in Gilomee and Schlemmer 1989: 96)

The Nationalist Party's status as the "grantor" of freedom and the "donor" of the *form* of South African society translated itself into different forms of political oppression. On the one hand the Nationalist Party did not conceal the jackboot. Black activists and whites who supported them were subjected to political intimidation and physical violence. Heavy penalties, including bannings and house arrests were imposed for non-violent, passive resistance to apartheid measures. Opponents were subjected to police surveillance and harassment, to possible loss of jobs and, for Africans, endorsement out of the urban areas.

But there were also a range if "hidden" controls which displayed the same features as the so-called social contracts in "post-totalitarian" regimes. One of the hallmarks of Nationalist party rule was the vast network of bureaucratic controls, which bore heaviest on Africans but affected other groups as well. The most important controls were the pass laws, governing not only African mobility, but also access to jobs, housing and the right to have their families live with them, thus giving officials immense power over the basic requirements of existence. A large network of informers ensured that they could be used against the government's opponents. These control intimidated and demoralised people and acted as a deterrent from stepping out of line. Another deterrent was the prospect of lengthy and costly court cases, such as the four-

year treason trial, involving 156 leading opposition member (including whites). The expansion of the role and powers of the state gave officials a more subtle range of pressures which could be sued on Coloureds, Indians and Whites. Coloured and Indians needed official approval for housing and business. These hidden forms of control ensured the compliance of most Blacks and Whites. The police and armed forces were seldom required, and did not during this period grow as fast as the bureaucracy. Indirect coercion was the major control mechanism. (See, for example, Adam and Gilomee 1979b) As Adam pointed out in his 1971 overview of opposition,

> to stay out of trouble has now become the major overall attitude of most Africans and the political consequences of this way out have to be taken into account. (Adam 1971: 47)

Thus, in the 1960's the dichotomy was in place: on the one hand, the National Party constructing its identity as the sole "grantor" of freedom inside the party and, on the other hand, a disbelieving, but largely acquiescent "outside" society bound to the ruling party through a set of overt and hidden controls.

Civil Society and Opposition

So far we have argued that apartheid state intervention constituted an attempt to permanently occupy the "place of power" and to suppress the emergence of any independent initiatives with the potential to threaten the apartheid project. Nonetheless, opposition to the apartheid state did emerge. The political identity of this opposition was not always straightforward. It was made up of competing conceptions of democracy vis-a-vis the identity of the will of the people.

While the complex social development in South Africa defies strict categorisation, we suggest, following Weigle and Butterfield's characterisation of civil society's development in Central Europe that there were four stages in the ongoing development of civil society. Firstly, defensive, in which private individuals and independent groups actively or passively defended their autonomy vis-a-vis the apartheid regime; secondly, emergent, in which independent groups or movements sought limited goals in a widened public

sphere which was sanctioned or conceded by the reforming apartheid regime; thirdly, mobilisational, in which independent groups or movements undermined the legitimacy of the apartheid regime by offering alternative forms of governance to a politicised society; and fourthly, institutional, in which publicly supported leaders enacted laws guaranteeing autonomy of social action, leading to a contractual relationship between state and society regulated eventually by free and fair elections. (See Weigle and Butterfield 1992: 1)

The first "defensive" phase, in which individuals and independent groups actively or passively defended their autonomy vis-a-vis the state lasted until the early 1970's. When the Union of South Africa was formed in 1910, its Constitution excluded all Blacks from parliament and denied most of them the right to vote. During the first period of black protest, from 1912 through the 1940's Africans relied mainly on tactics that fell within the law. Convinced that whites would respond to persuasion, African leaders used petitions, deputations, and resolutions to lobby for their rights. If their tactics were moderate, so were their goals. Africans were willing to accept a qualified franchise for those who could pass a [illegible]ion" test. However, even these moderate aims were rebuffed. The land acts of 1913 and 1936 sharply limited the places where Africans could live or own property. Africans were removed from the common voters' role in Cape Province in 1936. (For an overview of this period, see Karis and Carter 1972, 1973, 1977, Lodge 1983) In 1948 the National Party was voted into power with the promise of apartheid - a system of greater racial separation. At the time a younger generation of African nationalists was gaining popularity within the ANC. Similar in background to the middle-class professionals who created the ANC in 1912, these younger activists were impatient with moderate tactics and the failure of the ANC to develop into a mass movement. Under pressure by this grouping, the ANC adopted a programme of African nationalism and mass action in 1949. This gave rise to the defiance campaign of 1952, a nation-wide civil disobedience movement which saw more than 8000 Africans and their allies going to jail for defying apartheid laws. But the campaign lapsed before it had broken down the laws dividing the races. New repressive laws were passed, including the sweeping Suppression Of Communism Act and others limiting demonstrations and meetings. (For a full description of this period see Gerhart 1978 and Lodge 1983) In 1956 the

government brought treason charges against 156 opposition leaders. Although the trial eventually ended in the acquittal of the defendants, it crippled the activities of the ANC and its allies, the Indian Congress movement and Communist Party of South Africa which had been formally banned in 1950. (Gerhart 1978, esp. chapters 5 and 6, Lodge 1983)

In 1959-1960 the Communist Party resurfaced as an independent political entity after almost a decade of subterranean life, having changed its name to the South African Communist Party (SACP.) The first issue of *African Communist* emerged in October 1959 and a leaflet in 1960 announced the re-emergence of the party in South Africa. It disavowed the old "united front" [38] tactics of Congress as inappropriate in the revolutionary situation now said to be confronting South Africa. It now gave prominence to socialist goals and the leading role of the working class in the national democratic revolution. The 1959 *African Communist* wrote of "the liberating spirit of communism" in Africa and "the proletariat as the most advanced class", since it alone would to the end against imperialism while the middle classes would like to compromise and accept minor concessions which will leave the masses little better off. It was necessary that the united front be led by the working class and that workers be organised not only in their own trade unions but also politically in their own party. (For an overview of this rupture of the SACP's overall orientation see Fine and Davies 1990: 208-211) The Party argued that the winning of political independence was only the "first" phase and that "the revolution must continue to wipe out all remnants of colonialism, including economic backwardness, in order to attain complete independence. In its 1962 programme, *The Road to South African Freedom*, the SACP spelt out the new revolutionary direction it had taken. Apartheid was analysed as a "special form of colonialism" designed to enforce the "maximum exploitation of labour" on behalf of the "monopolists" who are "the real power in South Africa". The state was characterised as moving "towards the pattern of fascism: an open, terrorist dictatorship" in which almost every "legal channel is closed". (See Fine and Davies 1990: 210) This type of political strategy subsumed the associations of civil society to its own centralised project, the revolutionary overthrow of the state. It opposed attempts to reform apartheid from below or to develop the popular organisations of civil

[38] See, for example Lodge 1983: 188-199

society except in so far as they fed into the armed revolutionary struggle. This strategy was not just a revolutionary strategy, but a revolutionism which counterpoised itself to civil society. Confounding the general question of reform with the top-down model of reform pursued in the previous period, this strategy ended up rejecting all partial reforms, all particular campaigns, all negotiations with the state and all participation in official bodies. In its theoretical aspect it explained apartheid as a specific form of capitalist state based on the super-exploitation of black labour and incorporation of white labour. It formulated the relationship between apartheid and capital in a functionalist mode, analysing the dynamics of apartheid by reference to the needs and interests of capital alone in isolation from the contested terrain of popular struggle. (See, for example, Johnstone 1970, Legassick 1975, Trapido 1971, Wolpe 1970) This strategy can be seen to have been predicated on the Marxist conception of the superiority of *proletarian* democracy over *bourgeois* democracy and its doctrine of procedural, *institutional* political contestation.

During the repressive period of the 1960's opponents of the apartheid state either utilised the limited structures of expression tolerated by the state or turned to underground activity. Deciding that their only choice was to submit or to fight, members of the ANC and their Communist allies turned to armed struggle and formed Umkhonto We Siswe (Spear of the Nation). It focused its attacks on elements of the economic infrastructure and symbols of the state. On July 11 security police captured Umkhonto leaders at their headquarters in Rivonia, a white suburb of Johannesburg. ANC leaders including Nelson Mandela were sentenced to life imprisonment. By the mid-1960's the government had not only uprooted most of the underground but had also demoralised the entire radical opposition. (See Lodge 1983: 231-255)

In the second "emergent" phase in the 1960's social groups or movements sought limited goals in a wider public sphere which was sanctioned by the reforming apartheid state. (See, for example Posel 1984) This stage lasted from the early 1970's to the early 1980's. A fresh generation of politicised African, Indian and Coloured students gave birth to a new doctrine and organisation of resistance in the late 1960's and early 1970's. They spread a doctrine of "black consciousness", which like the Africanism of the PAC, rejected claims for whites in the liberation struggle. In December 1968 African and Indian students formed the

South African Students' Organisation (SASO) with Steve Biko as its president. According to SASO it was necessary to liberate blacks from their own attitudes of inferiority and subservience before political rights could be achieved. Black consciousness also established a following in black theological seminaries and in the black communities though the black People's Convention, BPC which was launched in 1972. (See Pityana, Ramphele, Mpumlwana and Wilson (eds.) 1991.) During this period an attempt was made to build the foundations of an independent civil society by carving out a realm of autonomy for opposition movements. The government, however, cracked down on the black consciousness movement in March 1973 with the banning of Biko and seven other leaders. By late 1977 it looked as though the black consciousness movement had been crushed. Biko was killed in detention in September 1977, and in the same month the government banned nineteen black consciousness organisations. In early 1973, at the time of the crackdown on the black consciousness movement, a series of strikes broke out in Durban. Three years later discontent with the system of education for Africans erupted in 1976, when students in SOWETO organised a protest against the introduction of Afrikaans as the medium of instruction in African secondary schools. After a decade of apathy the SOWETO student uprisings roused much opposition. The protests revealed the ruthlessness of the government yet also showed its vulnerability. Once the 1976 uprising had been quelled, both the South African state and its opponents embarked on complementary efforts at pragmatism. The idealism and emotionalism of Black Consciousness were gradually replaced by a variety of popular organisations established by local activists. Eager to encourage this turn-away from mass militancy, the state did not hinder the development of these local organisations and also relaxed regulations controlling the legal growth of trade unions. The Wiehahn Commission's findings set out a new industrial relations framework which gave the unions more space to organise.

Civil Society Opposition During the 1980's

In the space provided by state reforms during the late 1970's, Charterist leaders formed the United Democratic Front (UDF) in 1983 and secured international donations to co-ordinate local initiatives. The formation of the UDF initiated the third phase in the ongoing development of civil society. It was a

mobilisational one in which independent groups or movements undermined the legitimacy of the state by offering alternative forms of governance to a political society. This phase was captured in slogans such as "ungovernability"[39]. During this phase new tactics took hold. Student, consumer, and voter boycotts, mass demonstrations, national "stayaways" from work, and the growth of trade union power - both in the workplace and as an adjunct to community-based action -rendered apartheid unworkable and forced the government to seek new political solutions. Despite several states of emergency black political organisations emerged stronger than at any time in South Africa's modern history. (For an overview of opposition during the 1980's see, for example, Lodge and Nasson (eds.) 1992, Marx 1992) It was during this phase that 'civil society' began to represent a more stable democratic challenge. Whereas before the boundaries between state and civil society had been amorphous insofar they lacked institutional guarantees and opposition was easily crushed, during this phase opposition movements began to build concrete oppositional centres that fundamentally challenged the centrality of the Nationalist Party. Even in the face of harsh resistance independent opposition movements persisted in articulating and attaining independent goals. As opposition became more adept at publicising its aims and reaching a wider audience, its goals became increasingly far-reaching. Opposition movements began to associate their goals with changes in the entire system, including a fundamental reformulation of their objectives vis-a-vis the apartheid regime.

A central feature of civil society opposition during the 1980's was the logic of showdown with the centrally organised powerful state apparatus and a belief that the fundamental contradiction of the system was embodied in the opposing interests of the ruling elite and society at large. The revolt in the mid-1980's heightened the conflict in South Africa, promoting a euphoric belief among many opposition leaders and their followers that

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[39] During this phase resistance was often couched in "us" and "them" terms, terms which suggested an artificial polarisation of society into two relatively homogenous camps. In many cases theorists in this vein consciously drew on Lenin"s concept of "dual power", and whilst they continually stressed the importance of struggles wages within civil society, at both local and national levels, this was simply seen as a means to build up an alternative power base through which to overthrow the state. In no sense did they acknowledge the independent and irreducible identity of the various actors within civil society, or regard the separation between these spheres as having anything other than tactical significance. For the most part, the political projects endorsed by these thinkers focused almost exclusively on the role of the state in articulating social change. (See, for example, Fine 1993)

the apartheid regime was on the verge of collapse. Responding to the spontaneous militancy in the townships, the organisations of the popular classes counterpoised to the state's reform process a strategy of "ungovernability". The ideology of "people's power" together with the strategy of "ungovernability" (the struggle for "liberated people's zones" which the state was unable to penetrate), was based on the belief that South African society was entering a period during which "dual power" was possible. As advocated in a significant speech by Zwelakhe Sisulu to the NECC in 1986, unbridled "ungovernability" was to be moderated by the development of alternative governance structures that could exercise "people's power" in the short term and provide the basis for more formal democratic governance in the long term. UDF activists were not so naive as to believe that the state would cede local power to such popular structures, but they did believe that state power could be offset, if not replaced in the liberated zones of townships that the local authorities had been unable to control. By further engaging local popular control, the Charterists sought to achieve a form of "dual power" which anticipated the final victory.

The notion of "dual power" can be seen to have had its roots in has its roots in the classical Marxist and Leninist conception of the transition to socialism in which the Paris Commune is held up as a model of how power can be "seized" under the "dictatorship of the proletariat". Democracy was closely with the destiny of a specific social actor. This was expressed by a contributor to New Era, a publication affiliated with the Cape Town UDF:

> Democracy means, in the first instance, the ability of the broad working masses to participate in and to control a democracy, not some liberal, pluralistic debating society notion of a "thousand schools contending. (quoted in L

The notion of "dual Power" found resonance in many public utterances of the leaders of the UDF. In a prominent position paper presented at an IDASA Conference in 1987, UDF Acting National Publicity Secretary Murphy Morobe said that "few weapons are more powerful than mass participation and unity in action against the common enemy". (Morobe 1987: 10)

In August 1987 the four-year-old UDF officially adopted the Freedom Charter. The Charter as a "comprehensive political programme" indicated the UDF's leadership's confidence that "the Front, through its correct line, has become the only viable political home for those in the legal opposition movement who stand for genuine change". (quoted in Marx 1992: 177) Initially the UDF had been intended as a vehicle to bring together different strands of opposition to the constitutional reforms and it had not defined its ideology precisely. It had professed a "catchall" character and its loose structure had provided promise of considerable political diversity. The initial statements of the UDF were usually limited to a few key principles intended to unite a broad social spectrum, "from workers to students, from priests to businessmen, Nyanga to Chatsworth, to SOWETO to Elsie's River". (See Lodge and Nasson 1988: 129) The organisation supported the non-racial "unity of all people", "a government based on the will of the people", and a "willingness to work together" despite "different approaches to the problems that confront us". Initially, then, the strategic aim was to achieve wide-spread consolidation against the system and its ruling elite in and through a non-specific popular alliance against the apartheid system.

In time though, the politics of the struggle against racial domination was geared towards the establishment of a unified and collective subject under the ideological leadership of a *specific* strand of opposition politics. The adoption of the Freedom Charter asserted the predominance of Charterist ideology within the UDF. The adoption of the Freedom Charter symbolised the centralisation of the movement under its national leadership and the reduced space for the accommodation of alternative views. Despite diversity within the Charterist camp[40] the overall effect of the adoption of Freedom Charter was that the UDF seemed to claim to represent the sole legitimate form of internal opposition. Many Charterists agreed with Zwelakhe Sisulu that "the masses believe in hegemony, unlike the intellectuals, clinging to their own power and ideas". (quoted in Marx

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[40] Interpretation of the Charter's meanings and programme implications varied considerably within the Front's formal leadership and intelligentsia. Lodge argues that three distinct tendencies were discernible. On the right were the middle-class nationalists, who often came from the older generation of politicians. Their ranks included the clergy, social notables, and professionals whose leadership had compensated for the absence of organised opposition in the aftermath of the 1979 uprising. In the centre were the national democrats, who supported the ANC/South African Communist Party's view of a "popular democratic revolution" with a strategically submerged long-term socialist objective. To the left were the socialists, whose prime concern was that the working class should articulate and work toward its own objectives within any political alliance of which it was a part. (See Lodge and Nasson (eds.) 1991: 129)

1992: 177) The Charterists increasingly referred to themselves as the "sole progressive movement" and later as the "mass democratic movement". At the 1987 COSATU Congress the most direct assertion of the Freedom Charter as the only legitimate political orientation for the opposition movement came from a guest speaker Peter Mokaba, the then president of the South African Youth Congress. He argued that the political debate was not

> between those for socialism and those against...Those who stand for the adoption of the Freedom Charter are also those who are committed to the socialist transformation of the South African society...The argument between those calling for the Freedom Charter and those calling for a Workers Charter is about nothing else but the South African route and methods to reach socialism. No socialism can be created in South Africa by ignoring the plight of the colonially oppressed black communities.The Freedom Charter remains the only programme that correctly represents the transitional post-apartheid society. (quoted in Baskin 1991: 218)

These centralising tendencies were, at least in part, nurtured by the specific conception of democracy underlying the Charter's political orientation. The history of the Freedom Charter is closely bound up with the political doctrine of "national democracy" or "national democratic struggle", the official doctrine of the ANC and the UDF during the 1980's. The idea of national democracy is based on the notion that a people fighting colonial or racial oppression has a right to national self-determination, expressed in South Africa in the demand for nonracial majority rule in a unitary state. It is widely held on the South African left that racial oppression in South Africa is best understood when considered as an instance of colonial oppression. Because the South African case differs in some significant respects from other instances of colonialism the term "colonialism of a special type" (CST) is used by subscribers of this view. The crux of the theory is an analysis of South Africa's social realities as a system of internal colonialism, or "colonialism of a special type". The theory of CST was fully enunciated, and adopted as official policy by the South African Communist party in 1962. Its central tenets were arrived at "by the end of the 1940's", and adumbrated in the Central Committee report to the 1950 CPSA conference. That report argued that "the distinguishing feature of South Africa is that it combines the characteristics of both an imperialist state and a colony within a single, indivisible

geographical, political and economic entity". (Davies et al: 1984). By 1962, the CST position had been expanded into a major theoretical statement.

The CST theory asserts that race domination and oppression have their roots deep in South African history, and developed into their present extreme form in the era of monopoly capitalism. Thus South Africa combines the worst features both of imperialism and colonialism in a single national boundary. The indigenous population experiences the features of a colony: national oppression, poverty, exploitation, and political rightlessness. This fosters a strong national identity. (The SACP held that there were no acute or antagonistic class divisions among the African people.) From this it followed that the party's immediate task was to fight for the national liberation of the "colonised" people, and for the attainment of a national democratic revolution which would overthrow the colonial state and white supremacy and establish an independent state of national democracy. The revolution was thus conceived of as having distinct stages: the first for a national democratic state, to be followed by an advance to socialism. (Bundy 1989: pp 3-4) The CST analysis holds that there can be no direct transition to socialism in South Africa. A "national democratic state" must be traversed before socialism can be constructed.

The theory of national democratic revolution was first developed by Soviet and allied Marxists in an attempt to deal with problems confronting the struggle for socialism in specifically colonial societies. The term "national democracy" introduced a new theoretical matrix vis-a-vis the specific development of capitalism in societies with colonial legacies. The term was introduced in order to characterise ex-colonial (and dependent) countries engaged in a non-capitalist path of development in opposition to imperialism and towards national autonomy. The specific development strategy associated with the term "national democracy" was identified as an example of a non-capitalist road towards socialism, and social formations engaged on such a path of development were conceived of as "transitional social structures" which were neither capitalist nor socialist. (Hudson 1986: 11-23) In such countries, the strategic implications of this novel conception suggested that local communist parties should not aim immediately at socialist transformation. Rather, they should look

towards the building of a national democracy aimed at establishing conditions for an eventual transition to socialism. (Hudson 1986:19-20)

The theory of national democracy can be seen to separate out programmes for democracy and socialism. For Glaser this separation suggests not only the possibility of an abandonment of socialist commitments, but equally seriously raises the danger of a second stage, a stage of transition to socialism, bereft of the civil liberties and democratic rights envisaged for the state of national democracy. There exists, in other words, the danger, that once a first stage of national democracy, with its guarantees of liberties and pluralism, has been completed, a second stage will be commenced under the aegis of a single entrenched vanguard party, fused with the state and dominating civil society. National democracy would then be superseded by some "higher" from of democracy, such as proletarian democracy. (See Glaser 1992: 107-109)

The stage of national democracy is viewed as a definite stage in the overall development of society, which for Marx is based on the necessary movement from capitalism to communism with socialism intervening as a transitional phase. Despite its specificity the stage of national democracy is nonetheless inserted into an overall teleological conception of the movement from capitalist to communism. As such it remains embedded in the orthodox Marxist conceptions of democracy as a substantive form of society. Democracy is not indeterminate. Democracy is dependent on the overall movement from capitalism to communism and hence has its origins in a pre-determined conception of the overall form of society. There is thus a more authoritarian subdiscourse within national democracy[41]. It is a discourse that stresses the homogeneity and collective wills of the peoples and the centrality of nation-building. Glaser argues that this discourse sometimes stresses collective at the expense of individual rights and treats dissent as alien and divisive. It may

[41] At the same time, there can be seen to exist a democratic component within the strategy of national democracy. Its democratic components lies in its call for equal citizenship and rule through popular consent. In other words, this component believes in the idea that all citizens -irrespective of racial, ethnic, national, language, religious of cultural backgrounds and irrespective of social class - have a formally equal claim within a polity created in the name of national democracy. In principle at least a government of national democracy is more likely to enjoy legitimacy with its subjects and to give expression to popular aspirations in some broad sense. It is this democratic component that is often stressed by those who defend the strategy of national democracy as the most applicable strategy for democratisation. (See, for example, Cronin 1987, Glaser 1992)

be used to imply that a particular national-liberation movement is synonymous with the "people", their "sole and authentic" representative, the embodiment of their collective interest and will. (Glaser 1992: 106-107)

Thus, to the extent that these matters were debated in UDF opposition circles the Freedom Charter seemed to rely on the concept of national democracy as held by the SACP, outlined above. In our view these can be seen to have been inserted into a classical marxist conceptual matrix based on a teleological transition to socialism which, in turn, gives credence to a non-pluralist conceptions of "proletarian democracy" as the climax of democracy.

The Debate on `Civil Society' from 1990-1993

The fourth, so-called "institutional" phase, in which publicly supported leaders enact laws guaranteeing autonomy of social action, leading to a contractual relationship between state and society regulated eventually by free elections, began in February 1990 when the government unbanned the ANC and a range of other political organisations. It was during this period that the term `civil society' gained prominence in the opposition's discourse on democracy.

The resurgence of the civil society\state distinction in South Africa from 1990 onwards was largely propelled by post-February 1990 events. It expressed the wide-spread conviction that there was no purchase in the idea of one-party government, the conflation of state and civil society, the denial of civil and political rights in the name of economic development. It referred to the empowerment of a range of grass-roots organisations - trade unions, civic associations, rural committees, women's and youth groups, student movements, etc. which were to be independent of the state. The emphasis was on these social movements retaining or obtaining autonomy from whatever political party is in power, being able to push the state from below for beneficial social changes and nurturing the seeds of democracy, civil rights and tolerance in their own sphere of activity.

From 1990-1993 many South African commentators concentrated on the separateness of civil society from the state, and stressed the need to "democratise" the relationship and to avoid an excessive reliance on the post-apartheid state as a guarantor for democracy in the future. (See, for example Copelyn 199a, Friedman 199a, Swilling 1991) They focused their attention on the capacity of opposition movements to generate change and "democratise" civil society. In one of the post-1990 debates on independence, for example, John Copelyn, a representative from the South African Clothing And Textile Workers Union (SACTWU), argued that trade unions needed to build an independent institutional base in society in order to guarantee their independence from both political organisations and the state. According to Copelyn, the state should not be viewed as the crucial institution for transforming the quality of life of workers. Instead, greater emphasis should be given to independent organisations of civil society (like the trade unions) to serve as a check on the state and as a basis for the building of a democratic society. In locating the unions' role in an independent civil society, Copelyn defined union independence as firstly, the capacity for dissent against the state, and secondly, the ability of the union movement to limit the powers of the state. In his view,

> Whether the government is prepared to tolerate union opposition to its programmes and policies is what makes the government a democratic one. What makes the union movement an independent one, however, is whether it is prepared to risk the anger of the government in the pursuit of its members mandate. (see Copelyn 1991a: 27)

Copelyn emphasised the oppositional relevance of social actors. They were the nexus point of the democratic challenge. As such Copelyn's view stood in direct contrast to more orthodox Marxist interpretations of 'civil society'. Nzimande and Sikhosana, for example, argued that "an argument for a 'civil society' independent of the state cannot be theoretically sustained because it obscures the fundamental role of the state in bringing about democracy". (Nzimande and Sikhosana 1992: 10). Re-affirming classical Marxism's assertion of the state as a necessary servant of the bourgeoisie, they argued that

> the theoretical strength of Marxism and perhaps its scientificity lies precisely in having exposed that the state in capitalist social formations is the political expression of relations in 'civil society'. Marxism also exposed the fact that the separation between

> 'civil society' and the state is largely an ideological one that hides the true character and source of exploitation and oppression in capitalist social formation. (Nzimande and Sikhosana 1992: 12)

In insisting on the fusion between civil society and the state, Nzimande and Sikhosana re-affirmed the classical Marxist conception of the state according to which the state is simply an instrument of class struggle. Their underlying conception of democracy can be seen to have entailed a view of the "place of power" as permanently occupied by a single social force, the proletariat.

In contrast to Nzimande and Sikhosana other strands in the literature concentrated on questions of social diversity and heterogeneity. These writers believed that the new social movements could potentially form a "post-modern" civil society characterised by social heterogeneity, conflict and by a broadening of the area of tolerance, formal human rights and civil and political liberties. These writers highlighted the possible detrimental effects of a hegemonic political culture in which civil society is closed, non-pluralist, homogenous, naturally harmonious and conflict-free. (See Friedman 1991, Glaser 1991 and Nina 1992) Simkins, for example, argued that,

> where street committees got off the ground in the townships in the 1984-1986 period, two things seemed to have happened: either broader political affiliations were ignored, or more frequently and in contravention of freedom of association, a political grouping exercised control over an area and prevented supporters of its rivals from entering the local arena. (see Simkins 1988: 30)

In the same vein Friedman argued that whilst opposition movements were relatively successful in establishing a separate "sphere" for non-state activities in their struggle against the totalitarian 'impulses' of the apartheid state, they nonetheless posited a conception of a future civil society defined solely by the boundaries of these particular political organisations and social movements. As he put it,

> in both activist rhetoric and theoretical writing, the gap between proclaiming social movements as important elements and asserting that they are that society are perilously

> thin. The discourse suggests that the entire range of interests and values within civil society may be represented by particular organisations ...pluralism is thus used to defend not a diversity of interests and values within civil society but a pluralism between civil society and the state, both of which are seen as vehicles of one political tradition ... the result is to legitimise a new assault on pluralism, in which the totalising "people's state" has, amoeba like split into two elements, "state" and 'civil society'; democracy consists of debate and contest between them and within them - but not between them and the rest of society. (See Friedman 1991a: 10)

In chapter four we examine the ways in which the 'civil society' debate impacted on the democratic discourse of COSATU from 1990-1993.

Conclusion

In this chapter we have argued that Verwoerdian Apartheid rule during the 1960's had attempted to entrench white political control in South Africa and to repress civil society. (See, for example, Adam and Gilomee 1979, Gilomee and Schlemmer 1989) It constituted an attempt to permanently occupy the "place of power" and to suppress the emergence of any independent initiatives with the potential to threaten the apartheid project. Against this background the struggles of the Charterist opposition during the 1980's represented an attempted *restoration* of civil society. At the same time the political identity of this opposition can be seen to have involved a conception of democracy predicated more on the assumptions of *proletarian* democracy as opposed to those of a *pluralist* conception of democracy. Such was the nature of the Charterist opposition, that, when sufficiently pressed on the issue of which 'democracy' - proletarian or procedural - it endorsed, the 'proletarian' would have been selected over the 'procedural'. In the next chapter we argue that there emerged in the ranks of the FOSATU unions of the late 1970's a conception of democracy at odds with the one we have attributed to the Charterist tradition.

CHAPTER THREE: THE INDEPENDENT UNIONS OF THE 1970'S

The emergence of trade unionism in the 1970's marked the beginning of a new cycle in the ongoing development of South Africa's civil society. The new unions of the 1970's concentrated on building their own organisational resources in the context of a widened public sphere. They sought to overcome the divorce of economics and politics by relating demands for a workplace "rule of law" to normal issues of pay and conditions. To a large extent the unions' strategy to acquire power was based on a doctrine of worker control. This doctrine was based on the notion of participatory democracy which emphasised accountability of delegates to members, open debate, grass-roots participation in decision-making and union independence from national political movements. The institutional expression of this democratic doctrine came in the form of shop steward councils which provided the unions with independent institutional footings in civil society. In this chapter it will be argued that the principles of democratic worker control, albeit not always consistently implemented, became a crucial characteristic by which FOSATU affiliated unions in particular distinguished themselves from other unions. FOSATU unions were animated by an implicitly democratic "logic of institutionalised pluralism" in contrast to the Congress-aligned unionism of SACTU in the 1950's which can be seen to have been predicated on a *proletarian* conception of democracy . Although there seems to be evidence that there existed (at least some) support within the ranks of FOSATU of a form of workers' control more easily reconcilable with proletarian than pluralist democracy, the nature of FOSATU was such , that, when sufficiently pressed on the issue of which 'democracy' - proletarian or procedural - it endorsed, the procedural would have been selected over the proletarian. Taken in the round the various features of FOSATU - the doctrine of worker control, its independence and its relation with the state - can be viewed as interdependent elements belonging to the same complex, democracy. They exhibit properties congruent with a conception of democracy as indeterminate and procedural and, as such, stand in a relation of affinity to a fully blown democratic project as defined throughout in my thesis.

The Emergence of Independent Unions in the 1970's

In the 1950's the state introduced an industrial relations system designed to exclude the African labour force from collective bargaining and negotiating power. It controlled the movement of workers and the allocation of their labour by means of influx control laws and the labour bureaux system, job reservation [42] and the denial of the right to vote. The pass laws were tightened and new controls reserved all skilled labour for other races. African workers were relegated to unskilled manual work and they could only work legally if they accepted a job offered by a government official. They were easily replaced and the tightened pass laws increased the risk of losing a job[43]. African unions could not use official channels to influence their members' wages - three laws passed between 1953 and 1956 cut them off from any direct say in the official machinery which set minimum African pay. The 1953 Bantu Labour (Settlement of Disputes) Act was designed specifically to cripple African unions. The new law installed government officials, Bantu Labour Officers, as African workers' only representatives to employers and the wage board. The board could now deal with the labour officers instead of unions and the new officials spent most of their time helping employers keep African unions at bay. (See, for example, Horner 1976, Lambert 1983, Lewis 1981, Roux 1964)

The limitations the Nationalist Party placed on the unions severely curtailed their independence. As a result of these restrictions the unions aligned themselves closely with wider political movements. SACTU, right from its inception, became part of the Congress Alliance and participated actively in the mass political campaigns of the 1950's. SACTU members often formed a considerable proportion of members in

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[42] The industrial colour bar had its origins in the mining industry. The Mines and Works Act of 1911 as amended in 1926 excluded Africans from specific occupations. The act remained in operation throughout the 1970's. The Bantu Building Workers Act of 1951 curtailed the employment of Africans in skilled occupations in the building industry in urban areas other than African townships. The job reservation clause section 77 of the Industrial Conciliation Act of 1956 made explicit provision for the reservation of work for members of different population groups. In 1971 26 job reservations preserving certain occupations exclusively for whites were in force, but the shortage of skilled labour led to a slight relaxation and at the end of 1975 24 were in force.

[43] See our earlier discussion on the "post-totalitarian" social contract in chapter two.

ANC branches. Friedman has argued that SACTU was a "captive of the nationalists" and that it concentrated on wider political issues to the detriment of building up its own resources on the factory-floor. SACTU became a mere accessory to the wider national liberation struggle. It functioned as a transmission belt conveying nationalist politics to the working class.(Friedman 1987: 26) [44] Fine and Davies have taken Friedman's argument further by arguing that SACTU's unionism was not merely "political", but it also embraced a definite kind of political orientation, one that was influenced by the Communist Party and oriented towards the Congress tradition. According to them

> a battle was fought out between those who sought to use SACTU as a springboard for building working class orientation in Congress and those who sought to construct a mass base for nationalist politics through the medium of SACTU...The problem lay not in the subordination of economics to politics, but in the substance of the politics that prevailed. (Fine and Davies 1990: 10)

In time SACTU's political orientation became heavily influenced by Communist Party politics. The Party's political strategy can be seen to have opposed attempts to reform apartheid from below or to develop the popular organisations of civil society except in so far as they fed into the armed revolutionary struggle. In chapter two we argued that this strategy was not just a revolutionary strategy, but a revolutionism which counterpoised itself to civil society. Confounding the general question of reform with the top-down model of reform pursued in the previous period, this strategy ended up rejecting all partial reforms, all particular campaigns, all negotiations with the state and all participation in official bodies. It formulated the relationship between apartheid and capital in a functionalist mode, analysing the dynamics of apartheid by reference to the needs and interests of capital alone in isolation from the contested terrain of popular struggle. (See, for example, Johnstone 1970, Legassick 1973, Trapido 1971, Wolpe 1970) This strategy

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[44] The "SACTU question" is hotly debated. Lambert, e.g. has argued that the situation was more complex and that SACTU concentrated heavily on grassroots organisations and the building of factory floor committees. Politics did not divert SACTU from its political tasks and its engagements in the alliance actually strengthened workplace organisation. (See, for example, Lambert 1985) Differing interpretations of SACTU's history have informed different analyses of the successes and failures of the union movement during the 1970's.

can be seen to have been predicated on the Marxist conception of the superiority of *proletarian* democracy over *procedural* democracy.

The independent unions' strategies in the 1970's formed a sharp contrast with the mass campaigns conducted by SACTU. Although certain unions and regions in SACTU had engaged in the painstaking task of building up their organisational strength on the shopfloor, the mass campaigns had enjoyed high priority in SACTU's policy from 1957 onwards. These did not attempt to build up union strength through intensive work place organisation, but were aimed at recruiting large masses of workers into the unions on popular issues. By contrast in the 1970's the independent unions strove to build up their power in the workplace with the core of action being in the workplace and shop stewards being given a pivotal role. The unions repeatedly relied on the organised collective strength of workers to try and meet their demands. The new unions began to reveal in practice that black civil society was not deprived of all means of self-defence, that real reform was possible and that *institutional* struggle could be effective. Their emergence marked the beginning of a new cycle in the ongoing development of civil society. While most of black civil society remained excluded from the formal political process and largely quiescent in the face of state repression, the unions that emerged during the 1970's was a visible reminder of the apartheid government's tenuous claim to represent a hegemonic political project, apartheid. During 1970's the Nationalist Party began to sanction a wider public sphere which opened up new possibilities for opposition. Growing black militancy, foreign pressure, changes in the Afrikaner class composition and the fiscal crisis of the South Africa state propelled the government away from classic apartheid during the 1970's. The SOWETO uprisings of 1976 brought home to dominant groups the realisation that if their interests were to be secured in the long term, existing structures of social control and political representation would have to be modified to cater for at least some sectors of the black majority.

The unions' first era from 1973 to 1976 was a struggle for survival as the unions battled to obtain recognition in a hostile environment, with both the state and capital opposed to their existence. The wave of strikes in 1973 caught the South African state and employers by surprise. Between 61 000 and 100 000

African workers went on strike in demand of higher wages. (For an overview of the 1973 Durban strikes see Maree 1986) For fear of state repression the first working class organisations to emerge were not trade unions, but bodies that seemed less challenging to the state and capital[45]. In Cape Town the Western Province Workers' Advice Bureau adopted a strategy from the start to form statutory works committees and to assert pressure on management to recognise and negotiate with the works committees. In 1976 union organisation received a severe set-back. The SOWETO uprisings and the subsequent upheavals severely disrupted the independent unions' organisation. The state imposed the most repressive measures yet taken against the independent unions when it prohibited the participation of twenty two activists in the organisation by imposing banning orders on them.

From 1976 - 1979 the unions managed to establish themselves firmly at a small number of companies. While their main efforts were directed at shopfloor mobilisation, they all conducted fairly intensive international campaigns in their efforts to gain recognition at these companies. At the end of 1979 the unions had successfully established a small but secure base. They had managed to sign five recognition agreements with companies, but were organising at a considerably larger number of enterprises.

In 1979 the state decided to recognise African unions after the Wiehahn Commission's first report in 1979. The Wiehahn's Commission's motives were contradictory. The intention was to control the emerging unions by drawing them into the established industrial relations system, in particular the Industrial Councils, thus pre-empting attempts by these unions to establish a shop-floor presence and to widen the scope of their activities into non-industrial relations arenas. This required giving unregistered unions state recognition, enabling them to win space in their attempt to move beyond the struggle for recognition to direct negotiation at shop-floor level. (See, for instance, Cornell and Kooy 1981)

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[45] The institutions that emerged as forerunners of the independent unions were the General Factory Workers' Benefit Fund in Durban and Pietermaritzburg, the Urban Training Project and the Industrial Aid Society on the Witwatersrand and the Western Province Workers' Advice Bureau in Cape Town. (see Maree (ed.) 1987: 2)

FOSATU and the Doctrine of Worker Control

A first step towards trade union unity was taken in April 1979 with the launch of the Federation of South African Trade Unions (FOSATU). FOSATU brought together forty-five thousand members from three affiliated unions. (See Marx 1992: 195) It was an umbrella body which championed direct worker control. The founders of FOSATU had in common a commitment to create democratic trade unions. Although there were different approaches between the leaders, they were by and large committed to building up democratic unions by means of active worker participation at the workplace and worker control of union affairs and officials. (see Maree 1982.) (For an overview of the unity talks leading up to the formation of FOSATU, see, for example Baskin 1991, Friedman 1987)

FOSATU unions were distinguished by their refusal to engage in political action outside the ambit of the shop-floor concerns of their members and eschewed alignment with national political movements. They thus strove to win recognition agreements and establish an effective shop steward presence in the places of employment of their members. They used their organisational strength to obtain more secure terms of employment, improved working conditions, including a workplace "rule of law", as well as higher levels of remuneration. FOSATU was most clearly distinguished from earlier unions by its insistence on building unions from a strong base of member participation and on pursuing its members' economic interests as workers. FOSATU unions consolidated their positions by negotiating and signing recognition agreements with many companies. The agreements usually contained the right to negotiate wages and working conditions at plant level, as well as procedural agreements such as grievance, dismissal and retrenchment procedures. The unions challenged arbitrary managerial prerogative in the workplace. The policy and practice of many of the FOSATU unions to place strong emphasis on an active role for shop stewards in the workplace. (See Baskin 1982 and Swilling 1984)

The founders of FOSATU had in common that they were committed to forging democratic unions. In all cases the founding leaders constituted white intellectuals and some Africans with previous trade union experience. Aware that there was the danger alienating themselves from the base of workers the founders were at pains to build up internal democracy as quickly as possible. Internal democracy came to be valued for at least three reasons: Firstly, the struggle for partial reforms in the workplace and the demand for legal space in which to organise; secondly, the democratic self-organisation of workers and the building up of the decision-making capacity of uneducated workers vis-a-vis their identities as workers (as effective union representatives) and their identities as political citizens.(as effective working class leaders), and thirdly, the struggle for independence from national political movementsand the state.

Democracy and the Unions as Instruments of Collective Bargaining

First and foremost internal democracy came to be valued in as far as it contributed to the resilience of unions as instruments of collective bargaining. Most unions placed great emphasis on worker participation from the start and strove to gain direct recognition of the union from management. Generally, the greater the in-depth workplace organisation taking place in the unions, the more successful they were in acquiring a power base. The Consultative Committee of Black Trade Unions, which placed less emphasis on intensive shop-floor organisation than FOSATU did, accordingly had a weaker power base at the end of the 1970's. This was subsequently demonstrated by the advances the trade union groupings made in gaining workplace recognition. At the end of 1983 the FOSATU unions had no less than 285 formal recognition agreements whereas the unions in CUSA, which was more or less the successor of the Consultative Committee, had less than a quarter of that with only 62 agreements. (Maree 1986: 660) 'The central task that FOSATU unions set for themselves was to build up their power base on democratic shopfloor organisation. It was made clear to workers that they would have to rely o their own strength to improve their wages and working condition. Union benefits were almost non-existent. Workers were given not only formal and regular training by unions organisers, but also learning through experience and struggle in negotiations and conflict with management. Formal education and training of workers was undertaken by all the union groupings at the outset as a way of advancing workers knowledge

and understanding and preparing them to take control of the unions. In this shopstewards were given a pivotal role. They were given the key task of recruiting and organising workers, collecting subscriptions, canvassing worker positions on issues and taking them up with management. This required them to meet regularly as committees where they also received training.

Union leaders were also at pains to establish democratic structures. A crucial component of the doctrine of "worker control" was the doctrine of "reform from below". In all the unions the level at which worker leaders were most representative was on the shopfloor. (See Maree 1986: 642) Besides the daily contact shopstewards and work committee members had with their rank and file members, the committees tended to hold regular weekly meetings at which they had to report on their shopfloor actions to their fellow union members. There existed a form of representative democracy in most unions. The principle of worker representative majorities was constitutionally ensured at all hierarchical levels. This principles broke with the formalistic notion of representation which characterised the old forms of liberation organisation, emphasising instead the principle that workers should participate not only in action, but in decision-making processes over how to act.

Democracy and Self-empowerment

Internal democracy was also valued in as far as it built up the decision-making capacity of uneducated workers vis-a-vis their identities as workers (as effective union representatives) and their identities as political citizens. (as effective working class leaders). The form of democracy that the founders of FOSATU had in mind was explained by Alec Erwin who became the first general secretary of FOSATU.

> It seems to me that there are, broadly speaking, two conceptions of democracy One I would style a radical-liberal conception which is that everyone must have say and be allowed to vote. And within those people someone must be a leader. I think that kind of democracy is actually open to disguised power manipulation and control because every man speaking will not change basic structures or institution a society. We'd say you must have resilient structures that can hold people accountable in a real sense. So the alternative conception of democracy is a much more structured view: that people must be able to control what is possible to control. We must establish more definite structures of accountability. So what we were trying to build in TUACC, and

> are presently trying to achieve in FOSATU, is that the democratic structure must be through a process of the factory controlling the shop steward because that man the worker sees everyday in the plant, his access to him is far greater. Then the shop steward sits on the BEC and the report back system is structured and definite. If I could contrast this to, say, to a BEC that's elected at an AGM. There is no clear structure of systematic accountability there. Now that is a very much slower process, because structures in themselves never create democracy. So once having built shop stewards you then have to make them effective shop stewards. If they are effective their membership is going to be more informed, conscious and interested in knowing what they are doing. And likewise good shopstewards will make a good BEC, and a good BEC a good national Executive Committee.(quoted in Maree 1986: 320)

Erwin's conception of democracy entailed a strong emphasis on participatory democracy and accountability of leaders to their followers. In part the strong emphasis that FOSATU leaders placed on this aspect of the doctrine of worker control can be explained by examining the capacity of newly unionised workers to represent themselves. The overwhelming majority of the unions' members were Africans with at most a lower primary school education which barely made them literate, were located in the least skilled occupations in industry where they tended to have no control over the application of their labour-power and were not allowed any say over their working conditions. Added to this was the fact that Africans were denied any participation in the political processes of the country. Even their freedom to decide where they would live and work was removed from the by the apartheid state. Given their socio-political background most African workers who joined the unions, had not acquired the capacities to make decisions over issues that effected their working lives. Classical liberal processes of representation whereby the will of the represented is transferred directly to the representative (who, in turn, are bound by the political horizons of the represented) were not easily implemented in a political environment in which workers initially lacked the capacity to hold their representatives accountable. Intellectual leaders could easily play a dominant and overwhelming role in the unions. The basic way in which the intellectual leaders sought to reduce their dominance and influential position was to build democratic workers' control from the shopfloor level upwards. According to Maree by and large FOSATU leaders were not in "fundamental conflict with the rank and file workers by trying to impose their own ideology on reluctant workers". (Maree 1986: 666) They were generally not granted a legitimate leadership role unless they were percieved by the workers to be acting broadly in the workers' interests. To the extent that the unions

succeeded in establishing workers' control the dominance of intellectuals was reduced. As such internal democracy was sought as means of making democratic representation possible. It was centrally concerned with building the democratic capacities of worker as political subjects. In this sense internal democracy in FOSATU can be seen to have stood in a relation of affinity to that kind of democratic project that is concerned with mechanisms and procedures for the establishment of a democratic popular will.

Democracy and Political Independence

Internal democracy was also valued in as far as it contributed to the democratisation of production relations in South Africa, and as such was concerned with wider questions of political transformation. For a large part of its life FOSATU refused to be drawn into wider debates on national political issues. In fact it was only really during the unity talks of 1981 and the political uprisings in 1984 that FOSATU was forced to begin to articulate its views on wider political issues. FOSATU aligned unions did not engage in political issues which would have brought them into direct confrontation with the state during the 1970's. The unions also did not affiliate to any other movement during the seventies. For the most part the unions concentrated their energies on creating entry points into the workplace and building up their organisational strength on the shopfloor. The strategy of the FOSATU unions formed a strong contrast with the policy of SACTU which took up the issues of state power from its inception on the grounds that economic exploitation could not be divorced from political oppression. This did not mean that the strategy adopted by FOSATU unions was politically irrelevant. Its political significance lay in the fact that the independent unions were putting all their energy into organising and building up the collective strength of the black working class where it was potentially most powerful, namely at the point where they exerted labour power. Trade unions' ultimate weapon against the state is the power to withhold labour, whereas the state has a multitude of weapons it can bring to bear against the unions. A broad political movement which can confront the state at all levels with a wider range of strategies would be a more suitable weapon. Instead the unions played an important role in laying the foundations which could assist in the eventual transformation of the social relations of production in the workplace.

However, that is not to say that there did not exist tensions and contradictions within the FOSATU perspective when the federation was forced to comment on issues of wider political transformation. These became apparent in the 1981 unity talks. The one tradition included FOSATU unions such as PWAWU (Paper, Wood and Allied Workers Union) and TGWU (Transport and General Workers Union). This group of unions emphasised the importance of strong grassroots organisation and representative democracy. (Baskin 1991: 103) It also accepted that the struggle was fundamentally for national liberation, and hence national democratic in character. But it was not hostile to questions of socialism. However, it resisted the idea of entering alliances only with working class allies, or based exclusively on socialist programmes. As a result, it encouraged participation of the broadest possible range of classes within the anti-apartheid alliance. The second group was strongly located in the early FOSATU tradition of an "independent worker" bloc, and included [illegible] and Allied Workers Union), and NUTW (National Union of Textile Workers). It placed [illegible] the grass-roots structures. Politically it was often, but not always, cautious towards the [illegible] and nationalist politics. It envisaged an alternative working-class organisation in both factory and community, separate from the traditions of the UDF, SACP and ANC. Its practice, particularly in the case of NUTW, often amounted to political abstentionism. (See Baskin 1991: 103) These unions stressed independence because they valued highly their autonomy from black nationalist current and from the SACP. This position was most strongly articulated by FOSATU's general secretary, Joe Foster, in 1982 during the debate on the unions' affiliation to the UDF. Although most unions did not decide to affiliate to the UDF, FOSATU as a whole was confronted with the task of formulating a position on a possible political role for itself. At FOSATU's 1982 Congress Foster gave a landmark speech that opened up a vigorous debate around the role of the trade union movement in the broader liberation struggle. Foster argued for an independent working class movement with a strong factory floor emphasis. He argued that political organisations cannot fulfil the requirements of worker organisations. He stated that a "populist" alliance of various classes was necessary but that the ANC, as the leader of such an alliance was erring too much on the side of accommodation of capitalists and others outside of the working class. As a result South Africa needed a more explicitly working class movement that would enable "workers to play a major political role as workers." The

FOSATU position was premised on Foster's concept of an "independent workers' movement" in which workers' opposition to the apartheid state was to be channelled through an independent working class movement. (See Foster 1982) Foster's speech challenged totalitarian tendencies by laying to rest the claim that any one organization could claim to be the sole and authentic representative of the working class. At the same time Foster's conception of trade union "independence" might be seen to contain more ambiguous meanings vis-a-vis democracy. On some occasions the meaning of the term was cast in the mould of what might be called an organisational class reductionism according to which unions represented the working class, while the ANC (and even the SACP) represented the petty bourgeoisie. What was at stake in the debate on union independence from congress, according to this conception was the independence of the working class from the petty bourgeoisie. In a second subdiscourse unions independence had a more simple organisational meaning. Unions were the direct representatives of particular workers in their capacity as workers and (so defenders of independence argued or implied) would compromise democracy for these same workers were these unions to fall under the direction of an external activist elite. Unions were the vehicles through which organised workers qua organised workers could most democratically express their power in the workplace. The subordination of unions to full-time political activists (nationalists or communists) would inevitably weaken this power. (See Glaser 1992) It is possible to detect in this latter position important democratic impulses. Foster's speech can be seen to have questioned the role of the Communist Party as the only representative of the working class. The response to Foster's speech from the South African Communist Party (SACP) amounted to a strong rejection of his view:

> There has been and is a political party of the working class. To attempt to form a new movement without first setting the record straight must lead to confusion, perhaps disaster...the existence and achievements of the Communist Party are well known to everyone. Its members today are in the front line of struggle. Dare FOSATU ignore this? And dare it ignore either the confusion or division it will sow in the ranks of the working class if its sets up a new workers' movement in competition with or alongside the still living Communist Party? (Toussaint 1983: 45)

Underlying Toussaint's view was the idea that unions must be subordinated to a political party. His was a conception of the Communist Party as the "sole and authentic representative of the working class". The SACP claimed privileged access to a 'scientific' comprehension of South African society and, therefore, of the political strategies required for transformation. Like many other (strongly) orthodox communist parties have done in the course of this century, it believed itself entitled by (theoretical) right to assume responsibility for the organisation of society and its governance. Hence its aspiration to a totalising role in the struggle for democracy and socialism in South Africa. By contrast Foster's view can be seen to have been predicated on the assertion of an independent civil society and the rejection of a priori privileged organising forces in society. With the rejection of a privileged vanguard force can be seen to come a rejection of the idea that any one working class organisation can claim to represent the working class as a whole. As we argued earlier in the classical Marxist conception of "proletarian democracy" institutions of political pluralism become completely redundant in the context of a single pre-given proletarian society. By equating democracy with a substantive proletarian homogeneity Marxist theory privileges and homogenises the proletariat into the only legitimate actor for social transformation. The unions would compromise democracy if they would fall under a leadership external to themselves. Implicit in this view was a recognition that it was important for the unions to secure an independent institutional base in order to guarantee sufficient democratic space in which to carry out their programmes. This view entailed a recognition of the fact that in order to alter the identity of the state and society in a direction that is beneficial for workers, it was necessary to build up an independent institutional identity in the context of wider social and political differentiation.

Of course independence can be acquired and maintained without recourse to the procedures of democratic decision-making. The independence of group x from group y is, in other words, independent of the political principles in terms of which intra organisational relations are themselves ordered. FOSATU's independence could, then, have been combined with non-democratic relations within FOSATU itself. Similarly, that group x is 'independent' of groups y and z does not entail that relations amongst these groups are democratic. However, the protagonists of the FOSATU strategy never saw matters thus. They

perceived their independence as dependent upon intra union and federation democracy. Independence was sought not in isolation, but by means of a culture of internal democracy.The struggle for wider political independence was intimately bound up with a culture of internal democracy that had as one of its main objectives the poltitical self-empowerment of workers as active citizens in an environment of accountability and democratic representation.

Internal democracy was also valued in as far as it allowed FOSATU unions to engage with the state from a position of power. FOSATU unions were also concerned to show that real independence from the state could not necessarily be secured formally through affirmations of non-co-operation, boycott, isolation, etc. but rather through the growth of working class organisation. and the building of autonomous *institutional* bases. The self-organisation of workers and the struggle for reform in the workplace were inseparable twins which lay at the heart of the unions' challenge to the prevailing orthodoxies of anti-institutional radicalism. The strength of this doctrine was revealed, for example, in the response of the new unions to state-initiated labour reforms, where they successfully broke from the frame of the "dictatorship of the proletariat" by constructively adapting to new conditions of legality. The period from 1980 to 1984 was one of rapid expansion after the state had switched to a policy of recognising African trade unions in 1979 and a resurgence of black worker militancy from 1980 onwards. FOSATU's supported registration on the condition that it unions be granted non-racial registration. FOSATU saw registration not as an "end", but as a "means". Underlying the FOSATU position was a view of the state as "contestable", i.e. not as a neutral arbiter nor as the instrument of one class, but "as a repressive force determined by changing class relation". (See, for example Fine, de Clerq and Innes 1981)

The non-registration position, as advocated by the so-called "community unions" saw registration as an attempt to place limitations over trade unions. Implicit in this position was a view of the state as repressive and not "contestable". Registration was viewed as a loss of independence for trade unions and incorporation into the state. (See, for instance, Hirsh and Nicol 1981) Those advocating non-registration argued that the FOSATU position did not sufficiently take into account state power and its specificities.

The same charge could, however, be levelled at the defenders on "non-registration". By refusing to contest state structures, unions that adopted non-registration were in danger of treating the state as uncontestable and hence as a "monolithic bloc without cracks of any kind", unaffected by the struggles of the popular masses. (Poulantzas 1980: 254) Underlying this perspective was a view of the state as a fixed and homogenous entity, incapable of being constituted through relations with other social forces. The anti-registration position involved a rejection of the idea that it is possible to wage a protracted struggle within the state, i.e. a struggle that has as its goal not the seizure (and smashing) of state power, but the transformation of the state apparatus. It was reliant on a centrist and instrumentalist view of the state, a view which makes it impossible for us to engage in anything other than "frontal attacks" on the citadels of state power. It can be seen to have underestimated the complexity of an advanced industrial economy, and the sorts of problems which are involved in its management, whether by the capitalist class or by the armed workers during the "Dictatorship of the Proletariat" - and seems to assume that once the working class seize power they will automatically have the skills and capacities to run the economy. The FOSATU position, on the other hand can be seen to have contained an implicit recognition that struggles within civil society play a major role in shaping the nature of "the state", and state projects, in turn, directly impact upon 'civil society'. It acknowledged a mutually determining and symbiotic relationship between the state and civil society and it represented a more democratic understanding of the transition to a post-capitalist economy. The decision to register with the state and participate in the official industrial relations system contained an (albeit implicit) conception of the nature of the modern state, and in particular, of democracy, at variance with that of the Congress movement. In refusing to kowtow to a strategy formulated externally, more specifically, in rejecting the role and goal ascribed to the trade union movement by the SACP, the FOSATU unions were not abdicating from the struggle for democracy in South Africa. Their strategy was patiently to develop and consolidate and "independent institutional base" rather than immediately engage in a direct confrontation over state power. This FOSATU position rested upon a specific conception of the state in modern capitalism, one quite different from that informing the strategy of the Congress movement. In the perspective of FOSATU 'the state' was instead understood as an ensemble of institutions and projects whose coefficient of cohesions and class domination depends on the

conjunctural balance of power amongst contending social forces and is thus contingent rather than pre-determined. As exemplified perhaps most clearly in the registration debate, the FOSATU strategy can be seen to have rested on a specific conception of the modern state and its relation to society. In contrast to the superhard determinism of the classical Marxist conception, that of FOSATU can be seen to have recognised the state capable of generating differential effects depending on the balance of power, both within and without the state apparatuses. It is of course not inconceivable that a totalitarian formation could further its struggle by making use of such a margin of indeterminacy. However, if considered in conjunction with FOSATU's internal democratic culture we might argue that its strategy of contesting the state's labour relations system was based on a democratic understanding of political power.

The political tensions in FOSATU' never resulted in an exaggerated factionalism capable of immobilising the federation. This was in part due to the fact that the doctrine and practice of democratic worker control, as understood by FOSATU, was an all embracing set of guidelines that accommodated the presence of tensions and strains in the FOSATU's political strategy. It was effective as an umbrella doctrine because it did not claim to be a set of political principles tied to a specific political position vis-a-vis strategies for political transformation. Its principle aim was to provide a set of procedural guidelines for procedural and participatory practices. As such the doctrine did not possess an invariant and intrinsic set of political principles. It was able to include a variety of democratic forms and principles vis-a-vis political transformation under its roof. Its main objective was to provide a strategic framework for a culture of worker self-empowerment. The existence of this culture facilitated a host of other strategic objectives (such as independence from national political organisations). These objectives, however, did not comprise the sole essence of the doctrine.

Conclusion

In this chapter we have argued that such was the nature of FOSATU, that, when sufficiently pressed on the issue of which `democracy' - proletarian or procedural - it endorsed, the `procedural' would have been

selected over the 'proletarian'. Taken in the round, the various properties of FOSATU - the doctrine of worker self-empowerment, its independence and can be seen to have stood in a relation of affinity to a fully blown democratic project as defined throughout in the thesis. That the relevant political question ("democracy' or "totalitarianism") was never addressed explicitly can be attributed to the possibility that the issue of national political arrangements and of how to identify the populist will on a national scale had not crossed the threshold of political reflection in FOSATU as this was not an issue of pressing importance for the major part of its existence. Trade unions concentrating on in-depth shopfloor organisation are structurally and organisationally not the most suitable institutions for taking up issues beyond the shopfloor in a direct and democratic manner. Community organization with democratic representation in the residential areas would, for instance, be more suitable organisations for taking up community-based issues. It can also be attributed to the specific horizons of the national political discourse of the wider liberation movement. In this discourse the main objective was the dismantling of the apartheid state. In the early 1980's debates around post-apartheid political pluralism had not yet been articulated explicitly in the discourse of national political movements. The discourse was centred around a politics of showdown. Political movements were regrouping after the crackdowns of the 1970's.Their main aim was to build independent (of the apartheid state) institutional fortresses in black townships and state-targeted areas. It was an oppositional discourse that had as its main frame of reference an authoritarian state.

For FOSATU unions the main aim was to build their own capacity for worker control. The achievements of the FOSATU unions were outstanding, not least because they brought hundreds of black workers into public life and began to assert (albeit often hesitantly and implicitly) the democratic importance of an autonomous civil society. The significance of the independent unions lay not only in the reconstruction of black trade unionism, but in the attempt to reconstruct the political culture of the liberation movement. (See, for example, Fine 1992, Glaser 1992) The unspoken premise was that the struggle over independent *institutional* terrains was crucial in the wider struggle against apartheid. During this period the unions began to shift the focus of opposition from counterproductive and often rhetorical direct challenges to the

apartheid state to the nurturing of autonomous political institutions. Although these seemingly posed no immediate threat to the state the unions began to build the seeds of an autonomous civil society. In this sense, then, their efforts were from the start political, not just because apartheid politicised autonomous black opposition, but because they bore an intrinsic impulse towards a conception of democracy which was based on the separation of civil society from the state. When the big questions of political power were thrust upon the trade union movement in the 1980's, however, this strategy was overshadowed by its less pluralist counterpart.

CHAPTER FOUR: THE DEMOCRATIC IDENTITY OF COSATU FROM 1985-1993

A central feature of opposition strategy during the 1980's was the logic of confrontation with a centrally organised and powerful state apparatus and an awareness on the part of opposition movements that the basic contradiction of the system consisted in the opposing interests of the ruling elite and the anti-apartheid opposition movement. Consolidation against the apartheid system and its ruling elite in a significant way marked the political orientation of the opposition movement. In chapter two we argued that a logic of simple polarisation took root in the thinking of the Charterist opposition movement. This political tradition organised itself around the Freedom Charter. It advocated a politics of "us and them". The idea was to pit "the people" against the apartheid state. This logic attempted to cement the opposition and transform a potentially atomised oppositional society into a collective subject. The Charterist opposition sought to institute a civil society without divisions. Underlying the logic of simple polarisation was the idea that democracy and freedom consisted in maximising the unity of distinct and disparate oppositional elements. The opposition was seen as a unified entity in which each part had to be related to every other and was imbued by one and the same project of eradicating apartheid. Conflict within the opposition was seen to be subversive to its identity. Democracy was closely tied up with this opposition and its substantive claims around specific strategies for opposing the apartheid state. The problem of institutions which regulate political conflict was of secondary importance. In chapter three we argued that the logic of simple polarisation had its counterpart in a logic of "institutionalised pluralism" which emphasised the role of political institutions. Throughout the 1980's there remained evidence of a political tradition that stressed the importance of political institutions in regulating the conditions for a pluralist contestation of democracy. Dominant in the early FOSATU days, when unionists championed an independent working class movement, this tradition can be seen to have involved a commitment (albeit often unintended) to the institutionalisation of conflict .

There existed within COSATU a complex and often intricate interplay between these two logics. COSATU came into existence with a leadership whose political ideology was shaped by conflicting views on the role of unions in the wider struggle for democratisation. On the one hand COSATU's leadership included unionists who had matured in and through the political tradition of the Charterist movement. These unionists had a tendency to favour the logic of *simple polarisation*. On the other hand COSATU's leadership included those unionists who in the 1970's had fought for an independent institutional base for unions outside of the aegis of both the wider liberation movement and the apartheid state. These unionists favoured the logic of *institutional struggle*. Throughout the 1980's COSATU's identity was shaped by both these traditions which were woven into the fabric of its struggles, surfacing in different guises and with different degrees of intensity throughout the 1980's.

This chapter deals mainly with COSATU's political identity vis-a-vis the democracy/totalitarian distinction. In the previous chapter we argued that the unions of the 1970's had concentrated on building their resources in the context of a widened public sphere which to a large measure was sanctioned or conceded by the reforming apartheid state. Although the struggles of these unions were to a large extent "defensive", their assertion of independence harboured important democratic implications. The unions of the 1970's were animated by an implicitly democratic logic of "institutionalised pluralism" in contrast to the Congress tradition and the unionism it spawned, that of SACTU in the 1950's. While temporarily eclipsed with the establishment of COSATU in 1985, the specifically FOSATU perspective was kept alive. Although it never held sway, it was nonetheless implemented, albeit inconsistently, by COSATU until the end of the decade.

The Launch of COSATU and the Challenge to State Power

For several decades prior to the 1980's the apartheid regime had attempted to silence both public opinion and anti-apartheid opposition outside of the state, by striving to eliminate their autonomy from itself. The emancipatory struggle during the 1970's had as an (albeit unintended) consequence the restoration of an autonomous sphere of social relations known as 'civil society'. During the 1980's the public sphere became increasingly divided into official ("state") and oppositional ('civil society') elements. The former underwent substantial changes once its monopoly was broken, while the latter became increasingly free. The mutual influence of these two domains turned out to be irreversible. It was not stopped by the successive states of emergencies and it played a decisive role in the further development of civil society and in political transformations during the early 1990's.

Since the late 1970's the apartheid state had faced a sustained crisis of legitimation. (See, for example, Glaser 1984, Moss 1980, O'Meara 1982, Saul and Gelb 1981) Following the end of the short-lived boom of 1979-1982, the crisis of political legitimacy was amplified by the slide into economic depression and the scope for concessionary economic reforms was curtailed. Increasingly the state was caught up with the threat of rising opposition. Elements within the state were determined to map out a longer-term strategic offensive aimed at defusing political conflict and restructuring the economy. Proceeding from the assumption that the state was faced with a "Total Onslaught" aimed at undermining all levels of society, the new PW Botha administration moved swiftly to implement a "Total Strategy" with three goals: to reform the political environment, to co-ordinate all state action and to maintain state security. The new strategy was based on the re-organisation of the territorial basis of South Africa's economic and political system, and involved new controls on labour movement and settlement[46], regional development policies (notably industrial decentralisation[47]) and local

[46] See, for example, Bekker and Humphries 1985 Hindson and Lacey 1983

[47] See, for example, Cobett, Glaser, Hindson, Swilling 1986.

and second-tier government reforms[48] and corresponding constitutional changes[49]. Although "Total Strategy" left the territorial and political basis of Verwoerdian apartheid intact (the bantustans, influx control and constitutional exclusion of Africans from central government), it did introduce significant modifications to some basic institutions of political life, in particular those institutions that regulated access to three social arenas: the city (through the opening up of influx control), the factory (through new union rights) and the government (through the tri-cameral parliament.) As such "Total Strategy" was contradictory: it failed to address key structural contradictions inherent in the apartheid structure and inadvertently created spaces for the initiation and deepening of opposition organisation and mobilisation. By granting industrial rights, unions were given space to challenge relations in the factories and thus, in political society in general. The repeal of influx control legitimated and increasingly generated an urban movement that politicised civil society and destroyed the cornerstones of the Riekert policy framework. Constitutional reform provided the focus for national organisation and resistance on a scale not seen since the 1950's. "Total Strategy's" intentions were thwarted by the consequent resistance that was given space by the very reforms central to "Total Strategy". (See Swilling and Phillips 1989: 70-73) The state had implemented a dual process of de- and re-racialisation of social and political life and had instituted a partial and selective re-distribution of social resources towards the black majority. (Morris and Padayachee 1988: 11-16) The democratisation of social and political life that the reform process engendered was limited, but nonetheless significant. This process did not entail anything like the complete liberalisstion of political and ideological life, or the extension of the democratic rights of political election and representation of the disenfranchised majority. Nevertheless the movement to initiate a process of limited liberalisation of political life was real. It allowed for significant relaxations in some very important spheres. Space was opened up for political organisations of the popular classes to emerge openly and for other organisations to take on additional or new political profiles (e.g. COSATU and NECC). Particularly in the case of COSATU space was available to operate a series of high profile campaigns. (Morris and Padayachee 1988: 11-12)

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[48] See, for example, Grest and Hughes 1984.

[49] See, for example, Mare 1986.

In September 1984 an explosion of mass anger and unrest had erupted in the townships of the Vaal triangle. Residents marched in opposition to rent hikes, and there were physical attacks on community councillors responsible for these increases. The previous year had seen the launch of the United Democratic Front (UDF) and the growth of civic, student and other mass structures. (For an overview of the emergence of the UDF see, for example, Barrell 1984, Swilling 1987) The uprisings soon spread around the country, particularly to the rest of the Transvaal and the Cape. The state responded with increased repression. In October 1984 it moved a force of 7000 into Sebokeng township, including large numbers of SADF troops. This was a pattern which was to be followed repeatedly in the following months and years. During 1985 mass mobilisation continued to grow. Its aim was to establish people's power in the townships. This involved building organs of people's power such as street committees, student councils and area committees. Opposition organisations attempted to make the townships "ungovernable" for the apartheid regime. Many methods of mobilisations were employed. Consumer boycotts against white traders in white towns adjacent to African and Coloured townships were common. So too were regional and local work stayaways. School Boycotts were widespread, and in many respects the youth became the spearhead of the uprisings. More than 300 township residents were killed between January and July 1985, over half of them in security force actions. On 21 July, the government declared a partial state of emergency. (For an overview of this period see Marx 1992: 147-188, Lodge and Nasson (eds.):1992)

On November 29, 1985 COSATU was launched. It represented South Africa's biggest trade union federation of industrial workers in South Africa's labour history. The launch of COSATU marked the coming to the surface of a process, which as we have attempted to demonstrate, had been developing throughout the 1970's. The civil society which originated during the 1970's exhibited specific and unique features. Its characteristics included independent self-organisation embracing working class organisations which involved the elaboration of a collective identity (national) and the striving to secure a legal guarantee for the existence and operation of civil society, including the legal and institutional mechanisms for mediation which would enable the unions to fight for their independence in civil society. COSATU's first months were spent building up its own

organisational capacity. At the time of COSATU's launch 449 679 workers, covering all the major industrial sectors apart from agriculture had paid up to join the new federation. Within eighteen months these members had been re-distributed into new industry-specific affiliates, in most cases successfully overcoming earlier resistance to such mergers. At the launch unions were given six months to complete mergers in each industry. The call for "one union, one industry" was seen as an important condition for increased bargaining strength against employers. An elaborate hierarchy of regional and local committees was constructed to connect the national leadership to the rank and file, represented most directly by an average of one shop steward for every twenty-nine union members. Although the merger processes in some industries were characterised by problems such as internal divisions and lack of skills, the overall effects of mergers was to create more cohesion within COSATU and to allow the federation to establish a more coherent political presence. (For an overview of the initial merger processes see, for example, Baskin 1991: 109-128) But more than anything it was meeting the challenge of the state of emergency and debating forms of self-defence that could be effective under new repressive conditions that had a decisive impact on the new federation and the role it assumed for itself.

COSATU was a product not only of worker organisation, but also of a climate of uprising and even insurrection. Confidence and militancy were the hallmarks of the founding congress of COSATU. "Born in to defiance" was how one sympathetic South African newspaper characterised the COSATU launch. In a fiery speech to the congress, its first President Elijah Barayi condemned the bantustans, the government, and apartheid in general and called for an end to the state of emergency, the removal of troops from the townships and gave President Botha six months to scrap the pass laws. "If that does not take place within six months, we will burn the passes of the black man", Barayi declared. (Weekly Mail, 6.-12.12.1985) The preamble to the new federation's constitution pledged it to a "united South Africa free from oppression and economic exploitation." (quoted in Plaut 1986: 64) It became clear from COSATU's launch that the federation would become involved in the wider political struggle against apartheid. At the launch of the federation a new era of working class politics in South Africa was declared when conference convener Cyril Ramaphosa said:

> By its sheer size COSATU will put the stamp of the working class on South African politics more firmly than ever before...the challenge facing COSATU will be whether it is able to link this worker base to the present upsurge in South Africa's black communities. It is time for the working class to tell him (Botha) to lay down his powers and let the legitimate leaders of the country take over the seat he now occupies. We all agree that the struggle of the workers on the shopfloor cannot be separated from the wider struggles for liberation...We all agree that the struggle of workers on the shop floor cannot be separated from the wider struggle for liberation. The important question we have to ask ourselves is how is COSATU going to contribute to the struggles of liberation. As unions we have sought to develop a consciousness amongst worker, not only of racial oppression, but also of their exploitation as a working class. As unions we have influenced the wider political struggle. Our struggles on the shopfloor have widened the space for struggles in the community. Through interaction with community organisations, we have developed the principle of worker controlled democratic organisation, But our main task as workers is to develop organisation among workers as well as a strong worker leadership. We have, as unions, to act decisively to ensure that we, as workers lead the struggle. (Ramaphosa 1986: 44-45)

Ramaphosa's speech carried an important message. COSATU was to take on a political role, and would contribute to the liberation struggle in addition to its union functions. Behind Ramaphosa's carefully chosen phrases lay a long history of controversy and debate that had been one of the major reasons why the founding of COSATU, which was discussed as early as 1979, took six difficult years to achieve. A host of issues held up the launch, but at the heart of the discussions had been a conflict over the political identity of the unions. (For an overview of the unity discussion leading up to the formation of COSATU see Baskin 1991: 34-52)

May Day 1986 and The Logic of Institutionalised Pluralism

COSATU's political stance at the launch quickly became a reality. At its first meeting, the central executive committee of COSATU (CEC), called for national unity and united mass action against the Botha government to achieve an end to the pass laws and the state of emergency, the release of Nelson Mandela and other political prisoners and the unbanning of the African National Congress (ANC). (The Star, 12.2.1986) At the National Union of Mineworkers Congress in February 1986 workers demanded the right to strike unrestricted by state intervention and Cyril Ramaphosa warned employers that if mine security and police did not keep their distance during strikes, workers would be "forced to defend themselves." (quoted in Green 1986: 9)

COSATU's overt political stance directly opposed the government's intention to circumscribe the political role of trade unions. A massive strike wave accompanied COSATU's birth, with one industrial relations consultancy recording 185 000 "man-days" lost due to industrial action during January alone. (Sunday Times, 20.04.1986.) Three-quarters of these strikes were ascribed to COSATU affiliates. The strikes were often linked to events in neighbouring townships and frequently involved non-wage issues. (See van Niekerk and Leger 1986.) COSATU affiliates confronted the state directly while also challenging employers to reject apartheid. The NUM announced that it would start a concerted campaign to pressurise the mining companies to take a stand against the system of influx control while COSATU issued a statement warning business not to promote the government's policies nor to try and divide workers. The latter warning came amongst attacks on COSATU by Inkatha and corporations which promoted tribal organisation at the workplace.

On May Day 1986 COSATU called for a stayaway. Prior to May 1, worker pressure had begun to force a softening in management attitudes towards the unions' demand for a paid public holiday. Responding to demands at the metal industry wage negotiations in 1986 SEIFSA had declared that it would approach the government to have May Day declared a national holiday in future. Many employers, including the Federated Chamber of Industries and SEIFSA adopted the relatively lenient policy of "No work, No pay", instead of their customary threats of dismissal or disciplinary action. (See Baskin 1991: 122) The Chamber of Mines had in the previous year rejected the NUM's demand for a paid holiday on May 1. The NUM had declared a legal dispute, but had not pursued it. In early 1986 the NUM revived the dispute and declared its intention to join the May day strike. Only days before May 1, the Chamber tried to interdict the NUM from doing this, arguing in court that the union's demand for May Day was an old one which had expired. Surprisingly, the presiding judge found in favour of the NUM. Although a considerable time had lapsed, he declared, the right to stage a legal strike, once obtained, "could not go stale". (See Baskin 1991: 122)

The 1986 May Day stayaway, the largest in South Africa's labour history involved at least 1,5 million workers, and cost R150 million in lost production. (See Labour Monitoring Group 1986.) It became the first *national* stayaway since the early 1960's. There was

> active participation by students, scholars, shopkeepers. self-employed people, the informal sector, the unemployed, and housewives. Many a hawker did not go to town, many a shopkeeper shut up shop, and many a taxi driver did not drive. (Baskin 1991: 124)

Although the protagonists of the May Day campaign never thought of it in these terms, the "*restoration*" of civil society became one of the objectives in the campaign. COSATU moved beyond the dilemma of reform or destruction of the apartheid regime and instead asserted the autonomy of civil society at a distance from the centrally organised state. In doing this it re-affirmed the distinction between civil society and the state which the ruling Nationalist party had aimed to eradicate during the 1960's. With the May Day campaign COSATU widened the gap between the apartheid state and the workers in such a way that the former could not longer not recognise the independence of the latter. As such the May Day stayaway harboured democratic impulses that went beyond the logic of *simple polarisation*. When COSATU's workers voiced their demands they were not merely calling for specific policy changes on the part of the state: they were also implicitly demanding the *right* to strike, to criticise and to make demands. COSATU's May Day demands called into question the very tendency of the ruling apartheid regime to absorb the public sphere and to imbibe civil society into the state. In this sense, then, COSATU's achievements during the May Day campaign went beyond the concrete institutionalisation of an independent base for trade unionism. Its assertion of a 'civil society' signalled the beginning of a new democratic politics. It represented an instance of institutionalised conflict in which COSATU's ability to win the legal right to celebrate May Day symbolised the struggle for an independent civil society. The success of the stayaway put considerable pressure on employers to recognise May Day as a paid public holiday. It forced the state and employers to move away from simple polarisation and the denial of specific (and different identities) in civil society towards an acknowledgment of them. The *Sunday Times* noted that

> South Africa's black workers have for all times unilaterally declared May 1 a public holiday. Government acceptance of this week's holiday by public fiat would not be wise but gracious (Sunday Times, 4.5.1986)

The May Day campaign became an important catalyst for a new and offensive phase in the development of an independent civil society. It signalled the launching of a new institutional phase of civil society in which the opposition movement decisively undermined the legitimacy of the apartheid state by offering alternative forms of governance to a politicised society. The mere struggle for the existence of an independent trade union movement held important democratic implications in that it contributed to the emergence of institutional arrangements which pre-supposed differentiated interests in society[50]. The campaign, like the struggles of Solidarity during the period from 1981-1982 assumed a political significance which went well beyond the content of its demands. Although COSATU's protagonists never thought of it in these exact terms, the "restoration" of *civil society*[51] was the underlying objective in the campaign.

In 1987 the number of strikes reached an unprecedented high. For the first time in the history of labour organisation workers were involved in more than 1000 strikes and more than half a million workers were involved in the strikes. Two strikes, in particular, represented crucial moments in COSATU's challenge to the apartheid state, namely the railway workers' and mineworkers' strikes. South African Transport Services (SATS), a state-owned corporation, had long been an essential pillar of apartheid's white labour policy, providing secure and even sheltered employment to large numbers of poor whites. The mining industry had always been a key pillar of the apartheid economy.

About 18000 workers of the state-owned South African Transport Service participated in the railway workers' strike. Initially over the dismissal of a worker, one of the major issues of the strike became the refusal by SATS management to recognise the South African Railways and Harbours Workers'Union. (SARHWU). The transport service then was not subject to the Labour Relations Act of 1956, which set up bargaining structures

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50 And as a consequence, the desire to avoid the permanent occupation of society by a single social force.

51 We argued in chapter two that the term "civil society" can be viewed as an image of *democratic* opposition. According to Lefort the distinction between civil society and the state can only be made in a *form* of society in which there exist *procedural* rules for the *occupation* of the "place of power". (See our discussion in chapter two: pp57-59)

for the private sector. Instead it was covered by the Conditions of Employment (SATS) Act of 1983 which allowed for a limited kind of unionism only. In terms of this act the Minister of Transport Affairs had the power to decide which unions should be recognised. Of the 11 recognised unions within SATS, there was one for African workers, the Black trade Un[illegible] (BLATU). Public sector workers were also not allowed to strike. The question of bargaining rights for public sector workers had already come under scrutiny prior to the strike. Wiehahn had examined the bargaining structures at SATS and had recommended an overhaul of its structures. This strike became an important moment in COSATU's struggle for an independent trade union federation. It came to symbolise the wider struggle for COSATU's independence. COSATU demanded the right of workers to join trade unions of their own choice. Eleven people died during the strike, the largest in the history of SATS. The strike began on 13 March when about 500 workers downed tools at the City Deep depot demanding the re-instatement of a colleague, Mr. Andrew Nendzamba, who had been dismissed for handing in late an amount of R40 collected during a delivery. The strike quickly spread to depots throughout the Witwatersrand and to Vereeniging, and by mid-April an estimated 180000 workers at 80 depots were on strike.[52] Workers' demands included that management made a statement of intent to eliminate racism and to set up grievance machinery to deal with related complaints, management took no disciplinary action against workers as a result of the strike and paid workers for the time they stayed away as a result of the strike. Throughout the strike management refused to meet the union. In subsequent developments SATS general manager said he would be approaching the minister of transport affairs to amend legislation retroactively as soon as possible to provide for the continuation of re-instated workers terms of employment, including pensions and long service bonuses. The strike eventually ended on June 6. SATS management, amongst other agreements agreed to allow workers to have the right to elect their own representatives and that all workers in detention would get their jobs back on their release. For the state the strike provided an uncomfortable

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[52] Violence broke out in the second week of April. Some 136 railway carriages were attacked, 30 being damaged beyond repair. The estimated cost of the damage was R&,6 million. Railway carriages were set alight not only in Soweto but at stations in Johannesburg as well. At one stage rail traffic on the Witwatersrand was reported to be in chaos at peak hour. About 17000 workers were dismissed when they did not meet the deadline. On April 22 police opened fire without a warning on workers who were discussing the SASTS ultimatum at the SARHWU premises in Germiston (east Rand) - a hall in a shopping centre. Three unionists were killed. Later that day another three workers were killed when police opened fire on a group of strikers who were marching to the Doornfontein station to catch a train to Germiston. Police then raided COSATU House.

dilemma. On the one hand the state was bound to be seen to be making use of the industrial relations system as an employer and, on the other hand the state was in the midst of a growing attack on COSATU and its politics. For the first time the government itself was confronted as an employer with the new wave of organised worker militancy.

On the evening of August 9,1987 in response to a call by the National Union of Mineworkers (NUM) over 200000 black mineworkers on South Africa's gold and coal mines refused to go on night shift. This was the beginning of the biggest and costliest wage dispute in South Africa's labour history. The strike lasted for three weeks and was eventually called off when the mining houses started dismissing thousands of workers. The NUM strike represented not only a test of strength between the mining houses and the union, but also between COSATU and the state.

Both the SATS and the NUM strikes represented crucial moments in the opposition's struggle against the apartheid regime. Although COSATU did not win all its demands it would be a mistake to downplay down the significance of these two events. Faced with popular protest the government made a substantial concession: it recognised independent unionism in one of its key state-owned corporations. This compromise symbolised the success of COSATU's wider (albeit unstated) political objective, i.e. the *restoration* of civil society and the displacement of the apartheid regime from its privileged role as organiser of South African society.

COSATU, Dual Power" and the Logic of "Simple Polarisation

By 1987 COSATU had a strong organisational base. Already in 1986, stayaways by black workers to support community protests accounted for three quarters of the 1.3. million "man-days" lost in industrial disputes, with only a quarter motivated by wage and benefit disputes. (See Ruit, . . .d Niddrie 1988: 17, Republic of South Africa, Central Statistical Service, South Africa Statistics, 1988, Table 7.31.) On May 6, 1987 COSATU joined the UDF in its rejection of the white elections of May 6. Over a million black workers took

part in a massive country-wide protest in the form of a national stayaway on May 5 and 6. In a statement COSATU re-affirmed its political identity, announcing that

> it goes without saying that the protest is necessarily also a response to the whites-only election, which capitalises on and deepens fear, racism and ignorance amongst the white electorate, and which aims to entrench power more firmly in the hands of a minority. The white elections have not remotely touched on the real issues dominating the lives of millions of the oppressed and exploited. (Business Day, 3.4.1987)

Between 1981 and 1986, the average annual per capita GDP had fallen dramatically, by 2,1 percent, further encouraging a shift of union activism away from the struggle for direct material gains towards wider and popular *political* demands. (See Marx 1992: 210) As much as the developments inside COSATU, political turmoil and the economic recession all contributed to the rise in union participation in popular protest, it was the combination of state repression and, relative to other members of the opposition forces, its freedom of movement, that finally pushed COSATU to the forefront of the opposition. COSATU and the UDF were the two organisations hardest hit by the state of emergency. Trade unionists made up about 11,5% of the detainees and over 85% were members or union officials of COSATU. (Weekly Mail June 27 - July 3). By the end of 1986 about 2700 unionists were known to have been detained at some time or another during the second state of emergency which had been declared on June 12. (Race Relations Survey 1986 Part 1: 248) In the months after its launch, COSATU began to experience a wave of state repression that would continue to affect and, in combination with its hard won autonomy and organisational coherence, shape the political character of the organisation into the 1990's. The repression increased with the state of emergency in June 1986. Many regions had by then begun to establish regional structures that were playing an important role in harnessing workers' bargaining power beyond company level. These structures were hard hit. For example, the Northern Transvaal, for example, one of COSATU's earliest functioning branches, virtually collapsed in June 1986 when many workers and officials, including the chairperson, were detained. (COSATU News No.2: 1986) In response to state repression COSATU launched its Hands Off COSATU campaign in 1987. The demands

included the right to organise freely, the right to speak and meet, and an end to harassment and intimidation. One of the aims of the campaign was to defend COSATU's place and autonomy in the public sphere.

With the massive strike wave of the immediate period after COSATU's launch subsiding, the federation turned its attention to building COSATU's structures and campaigns. An elaborate hierarchy of regional and local committees was established in order to connect the national leadership to the rank and file, represented directly by an average of one shop steward for every twenty-nine union members. (See Nyameko 1986) According to Naidoo, the congress's structure was designed to maximise "worker control from the shopfloor, with election of shopstewards to determine policies and practices". (Quoted in Marx 1992: 202) The establishment and consolidation of organisational structures remained COSATU's principle activity, at least through 1987. It allowed COSATU to survive repeated attempts by the state to destroy its organisational infrastructure.

The Freedom Charter and "Simple Polarisation"

At its 1987 congress COSATU adopted the Freedom Charter. The way COSATU made the decision to align itself with the Freedom Charter was controversial. Eight of the federation's smaller affiliates had not yet adopted the Charter before the entire federation acted to do so at the Congress. (For an overview of the controversy see Baskin 1991: 212-223, Marx 1992; 213-219)

The manner in which COSATU made the decision to ally itself with the Charter was perhaps less worrying than what doing so signified. By opening up the debate and raising hopes that different factions could influence the character of COSATU, its leadership created the possibility of nurturing the pluralism of opinions and interests. Indeed, the adoption of the Charter acted as a lightning rod for a more fundamental ideological disagreement in COSATU. On the one side was the NUM, coming out of the CUSA (Council of unions of South Africa) tradition of strong leaders less constrained by democratic structures, with a more explicit political position and embracing the inclusive Charterist alliance. The NUM called for the broadest

possible alliance around democratic and anti-apartheid demands such as those expressed in the Freedom Charter. According to this view, the organised workers in the unions could play a leading role in the opposition, but could not speak for the broad working class or remain outside the UDF's multiclass coalition. (For further discussion of this position see Cronin 1986, Naidoo 1986, Njikelana 1984a) Some sections of this side relied on the orthodox Marxist conception of the transition to socialism in their defence of the Freedom Charter. Adopting a vanguardist stance, some NUM officials argued that the mineworkers and all other unions should effectively subordinate themselves to the popular movement and to the Communist Party as the leading representative of the working class. According to COSATU president Barayi,

> The SACP is the political vanguard party and has wide support. We accept their policy and advice...We are democratic and autonomous, but we are not prepared to do anything to offend the vanguard. (quoted in Marx 1992: 214)

NUMSA's (National Union of Metalworkers of South Africa's) inaugural congress had adopted two resolutions, differently flavoured, even if not diametrically opposed to the NUM position. NUMSA had agreed, partly as a concession to a strong minority within its own ranks, to adopt the Freedom Charter, but it did so with qualifications. The Charter was simply a set of minimum political demands which could only be realised

> through the practical leadership of the industrial working class in the struggle for the establishment of a socialist society, where workers' control of government and industry will be enforced in the practice of a liberated South Africa. (quoted in Baskin 1991: 216)

In a separate political policy resolution NUMSA stresses the primary importance of the struggle for socialism in which the Freedom Charter was simply "a good foundation stone on which to start building our working class programme". The working class could only make correct alliances and "lead these alliances if it has a clear programme and aims".

The differences between the NUM and NUMSA positions were subtle, but in practice, significant. For the NUM, the immediate objective was a non-racial democratic state. Potential allies should not be required to be anti-capitalist, only anti-racist. While a socialist future was envisaged, movement towards this was through working class participation in the national democratic struggle. For NUMSA, socialism was the primary and immediate objective. Socialism, it implied would bring democracy in its wake. Alliances should be built, but potential allies should be committed to both an anti-apartheid and an anti-capitalist position. The NUMSA position included the more traditional response of the Congress' left critics who argued that the Charter, narrowly conceived, lacked class content, that, by treating a people as homogenous rather than class-differentiated, it legitimates the power of "petty-bourgeois" nationalists and the suppression of working class interests and, therefore reduced the possibility of a transition to socialism. This critique, couched exclusively in the language of class analysis, viewed the Freedom Charter as an essentially anti-democratic document. But the NUMSA position also included elements of the early FOSATU tradition which argued for an independent institutional base for the union movement as the most democratic mechanism in and through which to ensure the effectivity of working class struggles. In this view the adoption of the Freedom Charter posed a threat to the independence of working class organisations because it implied the subordination of the unions' to the wider *Charterist* opposition movement. Responding to the pressure from this group within the union, NUMSA at the congress tabled two resolutions, one calling for the adoption of the Freedom Charter and the other calling for the adoption of an independent Workers' Charter. Although the NUMSA position lost at the 1987 congress, the idea of a Workers' Charter guaranteeing union independence was to re-emerge forcefully early in 1990 when COSATU entered a new *corporatist* phase.

COSATU's general secretary, Jay Naidoo, and other leaders anxious to avoid divisions, tried to play down the extent of differences on the issue[53]. The NUM and NUMSA resolutions were not contradictory, declared Naidoo prior to the congress. Both

[53] Discontent over how COSATU had adopted the charter suggested that the federation had been less than democratic Marx suggests that certain sections of the union leadership believed that the charter had been bulldozed through by pro-charterist unions and that COSATU was forced to accept it by the wider political movement. (See Marx 1992: 213) In effect, then, COSATU's leadership's concern with unity underplayed differentiation in the federation and artificially united splinter groups.

> emphasise different aspects of the workers' struggle against apartheid and capitalism for national liberation and socialism...Both unions see the Charter as laying the basis, or being the minimum programme, for the struggle for socialism...The struggle for socialism is already unfolding within the struggle for national liberation. (quoted in Baskin 1991: 219)

Naidoo's carefully chosen words could not hide the significance of COSATU's adoption of the Freedom Charter: it situated the federation under the aegis of the Charterist movement and its commitment to a the strategy of national democracy. To the large number in COSATU who already believed that the Charterist liberation movement represented the aspirations of the majority of the country, linking the federation to this movement seemed the best way of ensuring that the unions embraced a broader view of opposition politics. However, critics objected that this alignment would not ensure unity but, rather, would exacerbate divisions in the working class, for instance, by making co-operation with other union movements such as NACTU less likely. They expressed dismay at

> how COSATU reconciles its commitment to a united working class movement, but in practice, engages with only one political grouping, dominant as it may be (Browne 1987: 61)

By adopting the Freedom Charter COSATU had inadvertently impregnated its political identity with the political objective of the struggle for national democracy. Earlier we argued that this strategy can be seen to have been based on a conception of democracy which is heavily reliant on a teleological and determinate movement of society from capitalism to communism. It failed to take seriously the question of political pluralism and the extension of civil liberties. In fact, the meanings of democracy was left unspecified by COSATU's proponents of the national democratic strategy. The proponents of NUMSA'S "independent unionism" position did perhaps, provide a counter to the homogenising tendencies of Charterist democracy by continually stressing the importance of setting up structures of mandate and accountability and suggesting that the presence of such structures in turn increases the likelihood that worker self-management will develop in

future as a counter-weight to bureaucratic domination in a future democratic state. However, in the context of increasing state repression from 1987-1990 the logic of *simple polarisation* became the pre-dominant current in COSATU's political thinking.

1990-1993: COSATU's New Political Trajectory

On the 24 February 1988 the government placed restrictions on COSATU. It curtailed COSATU's political activities as part of a general clampdown together with 17 other extra-parliamentary organisations. COSATU's response was to defy the restrictions. In a statement COSATU noted that

> the state is attempting to restrict COSATU to what they see as legitimate trade union functions. We reject this because there is no democracy in South Africa, and COSATU and other organisations are part of the extra-parliamentary opposition that are legitimately putting forwards the demands and interests of our members both on the shopfloor and in the wider society. (Baskin 1991: 269)

In May COSATU convened a Special Conference as a response to its restrictions. The congress focused on the need to create the "broadest unity against apartheid repression and to create the democratic space to continue to operate". In line with the logic of *simple polarisation* the conference argued for a unified opposition against the apartheid regime. On the question of unity against the apartheid regime there were many strategic and tactical debates around the most appropriate form of such unity. The NUM called for a united front to be formed bringing together COSATU and "tried and tested mass-based organisations" with compatible political programmes. These would come together in a conference to work out a programme of action which would "unify the broadest possible section of the South African population". NUMSA and the CWIU (Chemical Workers Industrial Union) put forward a resolution which called for the establishment of a broad front of all *working class* organisations of the oppressed and exploited masses committed to working actively and unreservedly for the immediate end to apartheid. (Baskin 1991: 279-281) A national convention called by COSATU in September 1988 was banned by the government. Some of the organisers of the convention were

high ranking COSATU officials who were detained and subsequently restricted[54]. In response to increasing state repression, COSATU went on the offensive. On the 6 June 1988 the biggest stayaway in South African history began. At least 1,9 million people did not travel to work from June 6-8 in order to voice their rejection of the Labour Relations Amendment Bill which the government had proposed.

By late 1989, a variety of emerging developments inside and outside the country came to a head simultaneously, leading to a set of state actions that dramatically transformed the South Africa conflict. The decline of the Botha regime following PW Botha's stroke in 1989 resulted in important changes in the political process in South Africa. The political conflict of the 1980's had begun to test the limits of political possibility for both the dominant groups and the opposition. The union movement played a major role in bringing the conflict to its latest stage. They managed to maintain the momentum of popular mobilisation, undermining the state's confidence in its ability to quell protests and heightening the fears of foreign businesses that were less and less willing to invest in such an unstable environment. Countrywide stayaways demonstrated the unions' capacity to launch a general strike that could cripple an economy which had become reliant on black labour. A vicious cycle of rising militancy, popular unrest, and strikes scared away foreign investors and increased public pressure in other countries for sanctions. As a result, the South Africa economy continued to suffer from a chronic decline even after the Western economies had recovered from the recession of the early 1980's, thus reducing the amount of resources available to the state for mollifying its black populace, aggravating continued unrest, and further dislocating the economy. Average capital inflows to South Africa of $2 billion

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[54] In addition to organising opposition inside the country COSATU's sanctions campaign continued to put international pressure on the government. At its annual congress in July, the federation rejected the selective sanctions applied by western governments as "ineffective as a form of pressure" on South Africa. Instead COSATU came out in favour of "compensatory and mandatory sanctions" as the only ones which are likely to bring effective pressure to assist in bringing about non-violent change in South Africa." It listed a number of measures that it said it would support, including an end to international loans to the government, local government and business; diplomatic isolation, the stopping of emigration, tourism and overseas trips by businessmen and government officials; the prevention of loan capital being invested and skilled labour recruited abroad; and the implementation of the United Nations (UN) arms embargo. On disinvestment, a resolution reaffirmed COSATU's support for effective pressure on the South African political and economic system and its view that 'South Africa's wealth should remain the property of South Africa's people". It also said that companies withdrawing should give the federation adequate notice of their intentions, and should negotiate with representatives the terms of their withdrawal so that bona fide negotiations could take place. The main principle of the resolution had already been put into practice when NUMSA had negotiated the terms of withdrawal of the Ford Motor company from South Africa with the company.

during the first three years of the decade were replaced by similar outflows between 1985 and 1989, at the same time that approximately $40 billion was lost as a result of trade sanctions. These reversals had a strong impact on the South African economy, which had long been especially dependent on foreign trade and capital due to the underdevelopment of its internal markets. Already in 1986, private sector investment had fallen behind asset depreciation, while inflation rose to 16 percent, as compared with 3 percent in the United States. By 1989, government officials acknowledged the economic crisis, made worse by the already-heavy financial burdens of maintaining duplicate apartheid structures and a large military and police force. Privatisation of public industries to replace tax revenues gave the state only temporary relief from [illegible] economic decline. (Marx 1992: 227) Events in the country produced a noticeable shift in the attitudes of major employers as it became clear that South Africa was moving in the direction of democracy. By the early 1970's there was a growing convergence of views among capitalists about the rising cost and inconvenience of apartheid for capitalism. Posel has contended that, since 1978, the South African state had increasing recourse to a technocratic ideology for the legitimation of its practices. In accordance with this new strategy leading businessmen were incorporated into cabinet committees in their capacity as specialists in such matters as economic development, industrial decentralisation, labour relations and inflation. (Posel 1984) With respect to capital its alliance with the state in the advancement of "free enterprise" was endorsed on the basis of principle as well as pragmatism. Businessmen entered into a partnership with the state whilst at the same time being able to criticise violations by the state of precepts of "free enterprise" to which it had pledged allegiance. (Mann 1988: 66-67) During the mid-1980's liberal capital, intent on supporting reform, had not distinguished between reform of apartheid and PW Botha's reform process. Everything contained within this process was regarded as a movement away from racial discrimination and deserving the unqualified support lest the right wing of the National Party regain its power base. However by the end of 1985 capital was making plain its disillusionment with the inability of the state to introduce the necessary political changes. In September 1985 several prominent businessmen flew to Zambia to conduct discussions with the exiled ANC. In January 1986 the South African Federated Chamber of Industries (FCI), which represented the majority of the manufacturing sector in the country issued a so-called "Business Charter of Social, Economic and Political Rights", which appeared independently of the state and contained a set of political proposals for a future

constitutional ordering of South Africa. As Mann points out, the Charter signalled that business would no longer be bound by previous alliances and would be free to seek political allies elsewhere. (Mann 1988: 82)

Towards the end of the 1980's, then, the state had to contend with pressure from the business community, rising popular opposition, economic strain, international re-alignment, division among whites, and assessments of the likely actions of various black opposition groups. The state's effort to crush its opponents had failed, with popular mobilisation not only having persevered, but also showing signs of increasing organisational vitality. Even though the opposition movement had not been strong enough to overthrow the minority regime militarily, it had succeeded in exacerbating an economic crisis and dividing the regime's supporters. A military stalemate in Angola had demonstrated the South Africa state's vulnerability, and the fall of communist governments in eastern Europe during the second half of 1989. Taking all these factors together, it was clear that both material and ideological factors were pushing the state to take some drastic action, although the exact from of that action was difficult to predict at the time. After the 1989 election, de Klerk had become fully aware of the political fragility of his power base. He had accepted the analysis that an attempt to resurrect Botha's strategies would lead to a substantial escalation of South Africa's internal war, increased international isolation and further economic decline. "We are tired of sitting in the trenches", one cabinet minister said at the beginning of 1990. (quoted in Shrire 1991: 133) On 2 February 1990 FW de Klerk selected the occasion of the opening of parliament to announce the unbanning of the liberation movements, the release of political prisoners and his intention to repeal apartheid legislation and emergency restrictions in all areas other than Natal.

1990: New Political Challenges

The new political climate (both nationally and internationally) posed many challenges for the opposition movement. While the government was attempting to adapt to new conditions, sectors of the wider movement for liberation in South Africa began responding to new global events. Like all communist parties, the SACP was significantly affected by the tumultuous events of 1989 when the "walls" of communism fell. Central to the SACP's response was a position paper by its general secretary Joe Slovo examining whether socialism had

failed. At a time when state socialism was collapsing, Slovo attempted to reargue the value and importance of socialism, or better *democratic* socialism. Arguing that the East European experience held important lessons for South Africa, a central thread of Slovo's argument was that the main reason for the collapse of socialism in Eastern Europe and elsewhere was "the divide which developed between socialism and democracy". Slovo argued that "the way forward is through thorough going *democratic socialism*" and that such a socialism involved a commitment to multi-party democracy, political pluralism, freedom of political association and expression, the holding of regular elections based on universal suffrage and the rule of the numerical majority. (See Slovo 1990) In January 1990 the publication of Slovo's paper set in motion a fairly public debate within the SACP over the legacy of Stalinism. (See, for example, Cronin 1990, Gwala 1990, Jordan 1990, von Holdt 1990b) The debate was continued among the 400 delegates to the Party's congress in December 1991 and was resolved in a contradictory manner. Delegates voted by five to one against the term "democratic socialism" on the logic that as socialism is inherently democratic. At the same time the congress adopted a manifesto that envisages a socialist system with guaranteed political and civil liberties, multi-party election, and an independent judiciary. It new constitution committed the party "to strive to win acceptance as a vanguard by democratic means".

Within the SACP Slovo's paper acted as a catalyst for a heated debate on the party's political identity and the future of the socialist project in South Africa. On the one hand were those party members who defended more orthodox Marxist conceptions of democracy and the transition to socialism. (See, for example, Gwala 1990) Others, more concerned with the wider re-thinking of the relationship between socialism and democracy, attempted to move away from a rigid juxtaposition of Marxism with liberalism. For these thinkers the central problematic lay in the re-formulation of the classical Marxist conception of the transition to socialism away from its substantive connotations towards a more procedural conceptions of democracy without rejecting some of socialism fundamental concerns for a wider social and economic equality. In this regard Slovo's insistence on political pluralism was a fundamental departure from the classical Marxist conception of democracy. It relied on a different conception of history and society, one that acknowledgesd the permanence and legitimacy of conflicting interests. In the classical Marxist view democracy is closely tied up with the destiny of a

particular social class, the proletariat, and the specific historical movement, from socialism to communism, of which it is part. By emphasising political pluralism Slovo posited a procedural conception of democracy which disallows any necessarily privileged role for the proletariat[55]. The will of the majority is not known in advance, but is rather to be regularly ascertained by means of elections held under determinate conditions. As Hudson and Louw point out, it entailed a conception of the state which is quite different from that of classical Marxism.

> In maintaining the rules of democratic procedures the state is not acting qua class instrument, but is rather maintaining the distinction between the symbolic and real dimensions of power so crucial as Lefort had shown to the mode of legitimation specific to modern democracies. (Hudson and Louw 1992: 33)

In this view conflict is constitutive of, and not subversive to society. Concomitant processes of political rule such as regular elections and representative democracy are built in and around a pluralist and diverse political structure. Slovo's paper advocated the need for new socialist thinking to incorporate an emphasis on institutional concerns regarding the prevention of a cumulation of power as it occurred in so-called existing socialist countries.

The Labour Relations Act Campaign: New Democratic Implications

Influenced by the wider re-thinking on socialism and by pressure from within its own structures, COSATU by the end of the 1980's had begun to enter into a series of corporatist arrangements with employers and the state. To a large part the pressure from within COSATU came from developments that took place in specific sectors, such as the mining industry. In the light of the crisis facing the mining industry in South Africa - 100 000 mine workers had been laid off and up to 200 000 more could possibly face retrenchments - the NUM

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55 In a recent critique of Slovo's paper Hudson and Louw argue that Slovo's conception of political pluralism is simply asserted alongside a more orthodox marxist conception of "proletarian" democracy. Slovo's conception of democracy, they argue, contains a plurality of distinct and incompatible meanings which are not successfully fused together. (See Hudson and Louw 1992)

convened a historic mining summit which was attended by delegates from the unions, employers and the state NUM Assistant General secretary, Marcel Golding revealed the thinking behind the summit.

> The problems facing the industry have to be managed and more efficiently planned, and for that reason we have called for a permanent mining commission that will try to co-ordinate the downscaling of the industry. Resource based industries do decline. We are arguing that there has got to be more efficient management for South Africa's mining resources and the only way that can be done is through better co-ordination and planning. (quoted in Webster and von Holdt 1992)

The union proposed a joint union, employer and state programme to co-ordinate downscaling and restructuring of the mining industry with the aim of developing a modern highly productive industry. Proposals included joint initiatives on health and safety and on industry-wide training as well as retraining for retrenched mineworkers. (See, for example, Leger and Nicol 1992, Maree 1993: 34-35) The NUM was also involved in a path breaking productivity agreement in 1991 wage negotiations in the gold industry. The union was forced to agree to a very low wage increase of 6% fearing that a greater increase would mean mine closures and retrenchments.

Sector specific developments such as the economic crisis in the mining industry played an important role in confirming the overall trend towards corporatist arrangements. In May 1990 the historic accord between labour (COSATU and NACTU (National Council of Trade Unions)) and the employers (SACCOLA (South African Consultative Committee on Labour Affairs)) was signed. It signalled the beginning of corporatist arrangements between COSATU, the state and capital. A more fundamental shift towards corporatism came when the Laboria Minute signed by the COSATU, NACTU, SACCOLA, the NMC (National Manpower Commission) and the Department of Manpower in September 1990 in Pretoria. It contained an agreement between the participating parties that no future legislation on the Labour Relations Act would be put before parliament until all the major actors had been consulted. This opened the way for bilateral negotiations between COSATU/NACTU and SACCOLA on amendments to the reactionary 1988 Labour Relations Act. The outcome was presented to parliament and led to the 1991 Labour Relations Amendment Act, the first Act in parliament that was the final product of trilateral negotiations between state, capital and black trade unions,

(See Schreiner 1991: 38, CALS 1991: 84) In essence, the Laboria Minute agreed to repeal the objectionable amendments to the Labour Relations Act of 1988 by February 1991, and agreed that all workers should have basic trade union rights and that this should also apply to farmworkers, domestic workers and public sector workers. In future all labour laws should be considered by SACCOLA representing employers and the trade union movement before being put before parliament[56].

Corporatist arrangements also extended to participation on statutory boards pertaining to labour. The National Manpower Commission and the National Training Board (NTB) became two bodies at a macro-level on which COSATU was represented on. The objectives of COSATU with regard to the NMC were clearly spelt out by Schreiner (1991). According to him the aim of COSATU was to restructure the NMC into a tripartite organ of the state in which labour has a co-determining role with capital and the state on all issues pertaining to labour. It proposed that labour and capital should have equal representation and be the majority parties on a restructured NMC. The powers that COSATU wished the restructured NMC to have included that no draft legislation related to labour should be put before parliament unless it has been through the NMC. (See Schreiner 1991: 39) COSATU accepted that a democratically elected parliament should have "the ultimate right to pronounce on proposals from the NMC". (Schreiner 1991: 39) This involved an implicit acceptance of the legitimacy of a democratic parliament as representative of the general public interest.

COSATU's participation in these corporatist arrangements can be seen to have represented a confirmation of the logic of *institutionalised pluralism* that had emerged in the FOSATU days. This time, however, what was involved was the *explicitly* stated objective to acknowledge specific and different identities and interests. As Bird and Sl er pointed out

[56] The trade union movement now faced the challenge of participating in shaping labour law and collective bargaining and tri-partite institutions. The anti-LRA campaign had raised within the trade union mo ent a debate of the kind of labour law they would like to replace the LRA with. Participation in the NMC would raise the same questions at a concrete and practical level as the labour movement entered into negotiations with employers and the state over the future of industrial relations in South Africa.

> We accept that COSATU has historically, in the absence of major political parties, represented the interests of the working people. But this tradition does not guarantee that this line of march will continue in the future. (Bird and Schreiner 1992: 28)

COSATU's corporatist participation signalled the beginning of a decisive shift in the politics of mass struggle in South Africa. For the first time both the state and employers accepted that an industrial relations order could not be unilaterally imposed on the labour movement. The trade union movement was no longer confined to simply resisting state and employer action over which they had no control and very little influence. From now on mass action would become more and more part of an institutionalised negotiating process rather than located in a logic of *simple polarisation*.

The Labour Relations Act campaign sparked a sharp debate within COSATU on the merits of corporatism. Supporters of the campaign such as NUMSA official, Enoch Godongwana, argued that it involved an approach to "restructuring which is informed by a socialist perspective and which is characterised by working class politics and democratic practice and accountability of leadership". Socialism had to be carried out across the terrain of "negotiations", "social contracts", involved "trade-offs between contending forces" and "is the product of methods of struggle that combine advances and, under certain circumstances, tactical retreats to make way for further advances". (Godongwana 1992: 21) In a similar spirit Schreiner discussed the way in which unions had advanced into various national forums to begin to make demands that stretch beyond wage bargaining:

> There are good social contracts and there are bad ones, ones that work and ones that don't, ones that advance the interests of the ruling class and ones that assist in building workers' power and organisation. we would be political irresponsible to miss out on the latter. (Schreiner 1991: 35)

Critics of the Labour Relations Act campaign and its corporatist flavour argued that corporatist arrangements are by definition based on "an acceptance of capitalist principles" and a desire to regulate, rather than

transform the capitalist economy - thus producing benefits which are disproportionately beneficial to capital and the state at the expense of the interest of the working class. (See for example, Vally 1992: 13-15, 36, 51-55, 61, 64, 75)[57] In this view the state was seen as little more than an instrument of capital. Even if corporatist arrangements reflected the political dominance of labour, they were ultimately dominated by the economic power of capital. For this reason, it was impossible to fundamentally transform the relationship between capital and labour by entering into a social contract. In this view corporatist arrangements could not be disengaged from the struggle between only two fundamental class actors, i.e. the bourgeoisie and the proletariat. In no way were struggles outside of the state, i.e. in civil society, seen to be able to alter the identity of the state or allow for transformations within the state apparatus itself. This class-centric definition undermined any allusions to political pluralism and made it impossible to examine the role which differentiated political interests play in determining the broad contours of the dominant social formation. By contrast, rather than rely on any assumption about objective class interests and historical destiny, Gogongwana and Schreiner acknowledged that the complexity of social relations necessitates an institutionalised form of socialism which accepts divisions between and within social groupings and which attempts to accommodate this pluralism. They viewed socialism as a cautious and balanced approach to the need to institutionalise the interaction between the major political and economic forces and the desire to combine this type of socio-political restructuring with ongoing mass action

The "corporatist" alternative was based on the idea that corporatist relations between associations can provide a mechanism through which interest groups can participate in government and pluralistically negotiate a common good. .[58] From 1990-1993 COSATU's campaigns began to assume such pluralist connotations. A new VAT tax was introduced on September 1, 1991 and the labour movement called a massive stayaway for 4 and 5 November. On the 4th 68% of black workers stayed away from work and on the 5th 60%. This

[57] For an overview of this view see Callinicos 1992.

[58] An inclusive corporatist polity comprised of associations representing the plurality of interests in society negotiating agreed social priorities. It is through the latter function that corporatist forums serve to facilitate consultation and bargaining between social interests and public bodies. They serve as channels for the reciprocal influence of governing bodies and those governed. (Hirst 1982: 14)

represented figures of 3,7 million on the first day and 3,4 million workers stayed away on the second day. Although the campaign and stayaway have not yet succeeded in forcing the government to change the implementation of VAT, it did achieve a number of successes. It brought together a wide range of trade unions, consumer and welfare organisations, political organisations, medical associations and small businesses, probably a broader coalition than any seen in South Africa before. On the trade union front not only did it deepen the relationship between COSATU and NACTU, but it also brought in a number of independent white unions which had not previously worked with the militant, mostly black trade unions. This laid the basis for future co-operation on broad trade union issues.

Politically the campaign shifted the balance of forces towards the tri-partite alliance and strengthened COSATU within the alliance. But the campaign also contained an important democratic connotation: through consultation and negotiation with other social forces in civil society, COSATU made it clear that it considered itself merely the most prominent amongst *a number* of forces in 'civil society' whose projects can expand the array of pressures at play upon capital and the state to extract outcomes favourable to working class organisations. This contained an implicit recognition that civil society is far from being reducible in its institutional expression to a single party or liberation movement. The campaign represented a growing recognition within COSATU of a strong role for voluntary associations in a pluralist civil society and an inclusive corporatist polity comprised of associations representing the plurality of interests in society negotiating agreed social priorities.

COSATU's campaigns from 1990-1993 involved an attempt to institute a new set of rules governing the occupancy of the "place of power" in society. COSATU's corporatist strategies contributed to the emergence of institutional arrangements which can be considered democratic and "procedural". They involved a recognition that workers' struggles cannot rely on an historically pre-determined leading role of the working class, but instead need to contest the identity of society through institutionalised forms of democracy. COSATU recognised that in order to alter the identity of the state and society in a direction that is beneficial for workers, it had to build up an independent institutional identity in the context of wider social and political

differentiation. This view was forcefully expressed by the general secretary of the South African Clothing and Textile Workers' Union (SACTWU), John Copelyn, who argued that trade unions needed to build an independent institutional base in society to ensure independence for political parties and the state.

> If the unions choose the former option (i.e. a labour wing of the government relying on legislation to affect the workplace) it will be the death-knell for democracy in a post-apartheid society. When institutions of civil society become so tied up with the workings of government that they become an integral part of the state machinery there is less and less space for any criticism of the manner in which the state operates. If the trade union movement is to maintain its independence, it is not enough to simply adopt an ideology of independence. We will also have to map out an alternative vision of a just society in which the unions play an important role which is fundamentally independent of the state. The union movement will have to identify areas of activity that will provide it with an independent institutional base to constructively influence society. (Copelyn 1991a: 31)

Copelyn's argument was not new in COSATU. It took root in COSATU in its early days when FOSATU-aligned unionists argued for an independent unionism. Copelyn's position[59], evoked images of the early FOSATU debate on registration when those in favour of registration argued that by entering the industrial relations system the unions could potentially acquire a powerful institutional base in and through which to conduct their struggles. The FOSATU position had been based on an acknowledgment that modern social formations are complex and diverse, and that their management requires formal, institutionalised mechanisms both to ascertain the majoritarian will and to put this will into practice. COSATU's political identity in the early 1990's certainly drew nourishment from this aspect FOSATU's tradition. At the same time there will continue to exist within COSATU a contest between different approaches to the project of democracy, in particular on the question of the degree of union independence. At the COSATU Special Congress, held in September 1993, delegates from nearly all affiliates expressed a series of reservations about the draft programme of COSATU's "Reconstruction and Development Programme". One of the reservations concerned the fact that the Reconstruction Programme can be interpreted as constituting the development programme of the future government. This point was made forcefully by the fact that the draft placed before the congress was

[59] At the 1993 COSATU Special Congress delegates from nearly all affiliates expressed a series of reservations about the draft programme of COSATU's "Reconstruction and Development Programme". One of the reservations concerned the fact that the Reconstruction Programme can be interpreted as sacrificing union independence (See von Holdt 1993: 23)

an ANC draft of an earlier COSATU draft. COSATU, in effect, could have been seen to have chosen to help the ANC draft a broad programme for government that tried to anticipate and accommodate the interests of most social forces in society. In doing this, it could have been seen to have lost the opportunity to put forward a more powerful labour perspective and policy with which to clarify its own positions and to challenge the rest of society. As von Holdt observed, this potentially can amount to a sacrificing of union independence. (von Holdt 1993: 23) The words of COSATU's outgoing general secretary, Jay Naidoo, however, promised a determined defence of a pluralist democratic system in which unions independence is guaranteed:

> There is a role for all political tendencies and we must guarantee the right of political parties and whatever tendency to be a public pressure group on a future government. If they establish the majority, they become the future government...That is why we have always argued that COSATU must be independent. We must have the right to challenge a future democratic government (quoted in the Cape Times, 21.12.1993)

Conclusion

In this chapter we have argued that there existed within COSATU a complex and often intricate interplay between two political logics. COSATU came into existence with a leadership whose political ideology was shaped by conflicting views on the role of unions in the wider struggle for democratisation. On the one hand COSATU's leadership included unionists who had matured in and through the political tradition of the Charterist movement. These unionists had a tendency to favour the logic of simple polarisation. On the other hand COSATU's leadership included those unionists who in the 1970's had fought for an independent institutional base for unions outside of the aegis of both the wider liberation movement and the apartheid state. These unionists favoured the logic of institutional struggle. Throughout the 1980's COSATU's identity was shaped by both these traditions which were woven into the fabric of its struggles, surfacing in different guises and with different degrees of intensity throughout the 1980's.

The logic of *simple polarisation* was prominent in COSATU from 1987-1989 when the federation was struggling against the state in the political context of several states emergencies. In 1987 COSATU

adopted the Freedom Charter, which, brought to the fore that impulse in COSATU which denied specific and different identities. During this phase COSATU had its weaknesses, typical of a large internally differentiated organisation whose unity was forced on it partly by the logic of confrontation with a powerful adversary. By opening up the public sphere and raising hopes that social groups could influence their own fate, COSATU created the possibility of bringing to the surface the pluralism of opinions and interests of other social actors of civil society. However, the fact that COSATU was a powerful mono-organisation attempting to represent the working class (despite enjoying enormous social support) affected this process adversely. Although the process of differentiation of opinions and interests came more visibly to the surface when it became more apparent that there would be a change in regime form, it was, however, limited and blurred by the need to preserve unity in the face of an official adversary. COSATU's alliance with the wider liberation movement, in our view, at times resulted in the artificial imposition of ideological unity on the organisation. COSATU's adoption of the Freedom Charter gave credence (however indirect) to orthodox notions of socialist transition and the accompanying assumption that all political (and otherwise) relevant knowledge is in possession of a single-celled political entity. Internal opposition or splinter groups were not encouraged in COSATU. The *institutional* tradition, dominant in the early 1980's, emerged in campaigns such as the 1986 "May Day" campaign which became an important image of opposition against the regime's attempt to suppress civil society. This campaign, like the struggles of Solidarity during the period from 1981-1982, assumed a political significance which went well beyond the content of its demands. Although COSATU's protagonists never thought of it in these exact terms, the "restoration" of *civil society*[60] was the underlying objective in this campaign. The mere struggle for the existence of an independent trade union movement held important democratic implications in that it contributed to the emergence of institutional arrangements which pre-supposed a differentiated interests in society[61]. The *institutional* tradition emerged again at the beginning of the

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[60] We argued in chapter two that the term "civil society" can be viewed as an image of *democratic* opposition. According to Lefort the distinction between civil society and the state can only be made in a *form* of society in which there exist *procedural* rules for the *occupation* of the "place of power". (See our discussion in chapter two)

[61] And as a consequence, the desire to avoid the permanent occupation of society by a single social force.

1990's when COSATU begun to consider the applicability of *corporatist* strategies. COSATU's Labour Relations Act campaign involved an attempt to institute a new set of rules governing the occupation of the "place of power". In contrast to the 1986 May Day campaign, the "restoration" of civil society was a *stated* objective, although less vigorously stated than other objectives such as the reconstruction of South Africa's economy. From 1990-1993 COSATU's strategies contributed to the emergence of institutional arrangements which, when considered in the terms of the conceptual matrix developed in this thesis, i.e. the contrast between *Democracy* and *totalitarianism*, carried important new democratic implications.

CONCLUSION

This thesis has focused on the political trajectories vis-a-vis democracy of South African unionism from 1970-1993. It has argued that the renaissance of trade unionism in the 1970's marked the beginning of a contest between two distinct forms of political society, democracy and totalitarianism. The independent FOSATU unions of the 1970's and early 1980's were democratically inclined whereas the unions aligned to the Congress tradition were often articulated a totalitarian conception of a "democratic" South Africa. The FOSATU unions were animated by an implicitly democratic logic of institutionalised pluralism in contrast to the more centralised democratic logic of the South African Communist Party. To a large extent their strategy to acquire power was based on a doctrine of worker control that broke with the formalistic notion of representation that characterised the old forms of liberation organisation. This doctrine was based on the notion of participatory democracy which emphasised accountability of delegates to members, open debate and grass-roots participation in decision-making. The institutional expression of this democratic doctrine came in the form of shop steward councils which provided the unions with independent institutional footings in civil society. The principles of democratic worker control, albeit not always consistently implemented, became a crucial characteristic by which FOSATU affiliated unions in particular distinguished themselves from other unions. FOSATU unions emphasised the importance of trade union *independence* in the wider struggle for a non-racial democracy. They were distinguished by their refusal to engage in political action outside the ambit of the shop-floor concerns of their members and eschewed alignment with national political movements.

Thus, the FOSATU unions were animated by an implicitly democratic "logic of institutionalised pluralism" in contrast to SACTU's unionism of the 1950's. They rejected the role of trade unions as mere accessories to the national liberation struggle. Although there seems to be evidence that there existed (at least some) support within the ranks of FOSATU of a form of workers' control more easily reconcilable with proletarian than pluralist democracy, the nature of FOSATU was such, that, when sufficiently

pressed on the issue of which 'democracy' - proletarian or procedural - it endorsed, the procedural would have been selected over the proletarian. The political tensions in FOSATU never resulted in an exaggerated factionalism capable of immobilising the federation.. This was in part due to the fact that the doctrine and practice of democratic worker control, as understood by FOSATU, was an all embracing set of guidelines that accommodated the presence of tensions and strains in the FOSATU's political strategy. It was effective as an umbrella doctrine because it did not claim to be a set of political principles tied to a specific political position vis-a-vis strategies for political transformation. Its principle aim was to provide a set of procedural guidelines for procedural and participatory practices. As such the doctrine did not possess an invariant and intrinsic meaning vis-a-vis a distinct set of political principles. It was able to include a variety of democratic forms and principles vis-a-vis political transformation under its roof. Its main objective was to provide a strategic framework for a culture of worker self-empowerment. The existence of this culture facilitated a host of other strategic objectives (such as independence from national political organisations). These objectives, however, did not comprise the essence of the doctrine. Taken in the round the various features of FOSATU - the doctrine of worker control, its independence and its relation with the state - can be viewed as interdependent elements belonging to the same complex, democracy. They exhibit properties congruent with a conception of democracy as indeterminate and procedural. That the relevant political question ("democracy' or "totalitarianism") was never addressed explicitly can be attributed to the possibility that the issue of national political arrangements and of how to identify the populist will on a national scale had not crossed the threshold of political reflection in FOSATU as this was not an issue of pressing importance for the major part of its existence.

Temporarily eclipsed with the establishment of COSATU in 1985, the specifically FOSATU perspective was kept alive. Although it never held sway, it was, nonetheless implemented, albeit inconsistently, by COSATU until the end of the decade. A central feature of opposition strategy during the 1980's was the logic of confrontation with a centrally organised and powerful state apparatus and an awareness on the part of opposition movements that the basic contradiction of the system consisted in the opposing interests of the ruling elite and the anti-apartheid opposition movement. Consolidation against the apartheid system

and its ruling elite in a significant way marked the political orientation of the opposition movement. A logic of *simple polarisation* took root in the thinking of the *charterist* opposition movement. This political tradition organised itself around the Freedom Charter. It advocated a politics of "us and them". The idea was to pit "the people" against the apartheid state. This logic attempted to cement the opposition and transform a potentially atomised oppositional society into a collective subject. The charterist opposition sought to institute a civil society without divisions. Underlying the logic of *simple polarisation* was the idea that democracy and freedom consisted in maximising the unity of distinct and disparate oppositional elements. The opposition was seen as a unified entity in which each part had to be related to every other and was imbued by one and the same project of eradicating apartheid. Conflict within the opposition was seen to be subversive to its identity. Democracy was closely tied up with this opposition and its *substantive* claims around specific strategies for opposing the apartheid state. The problem of institutions which regulate political conflict was of secondary importance. The logic of *simple polarisation* had its counterpart in a logic of "institutionalised pluralism" which emphasised the role of political *institutions*. Throughout the 1980's there remained evidence of a political tradition that stressed the importance of political institutions in regulating the conditions for a pluralist contestation of democracy. Dominant in the early FOSATU days, when unionists championed an independent working class movement, this tradition can be seen to have involved a commitment (albeit often unintended) to the institutionalisation of conflict. There existed within COSATU a complex and often intricate interplay between these two logics. COSATU came into existence with a leadership whose political ideology was shaped by conflicting views on the role of unions in the wider struggle for democratisation. On the one hand COSATU's leadership included unionists who had matured in and through the political tradition of the Charterist movement. These unionists had a tendency to favour the logic of *simple polarisation*. On the other hand COSATU's leadership included those unionists who in the 1970's had fought for an independent institutional base for unions outside of the aegis of both the wider liberation movement and the apartheid state. These unionists favored the logic of *institutional struggle*. Throughout the 1980's COSATU's identity was shaped by both these traditions which were woven into the fabric of its struggles, surfacing in different guises and with different degrees of intensity throughout the 1980's.

One cannot fail to register that what emerged in the political discourse of FOSATU was a definition of socialism and democracy which sanctioned a degrees of uncertainty and play in the political field, buttressed by rudimentary rules of freedom of expression and association. What can be seen to have emerged was the beginning of an attempt by an organisation with socialist affinities to come to terms with liberal democracy. FOSATU's attempt constitutes an important historical moment in the development of democracy in South Africa. It injected, albeit often in an unintended way, the issue of political pluralism into the discourse of the wider opposition movement. The effects of FOSATU's injection were long-lasting, re-surfacing in COSATU at the beginning of the 1990's. The residual effects of FOSATU's democratic identity influenced the political identity of COSATU.

Past political trajectories vis-a-vis democracy constitute important determinants of the success of South Africa's post-apartheid democracy. The manner in which liberal democratic principles established under the rubric of formal post-apartheid government interpenetrate with civil society is likely to be shaped by a series of collisions between a state-directed political of individual liberty and rights on the one hand, and a community-directed politics of civic activity and collective participation on the other hand. These collisions are bound to occur in local political arenas which have traditionally not been liberal democratic in character. In many of these local communities associational life was built around political tradition suspicious of pluralist competition. The idea that the will of the citizenry is the subject of a political contest was rejected. In today's post-apartheid era the real possibility exists for these authoritarian political forms to entrench themselves even further. They are likely, at first, to remain invisible, while ostensibly appropriating the requisite symbols of liberal democratic principles. In turn they become so well entrenched that the new government is willing to tolerate them for the sake of "order" and "stability". What is becoming increasingly apparent in South Africa is that historical political forms are not necessarily well placed to deliver their respective constituencies into the political arena of a new constitutional democracy.

Liberal democratic principles are confronting political forms that have hitherto resided outside of their ambit. Classical liberal democratic principles of 'representation' for example, are unable to take root in political communities where the represented have been prevented from developing their capacity to form political wills and where they have refused in the past to engage in the institutions of a representative democracy that was seen to be highly illegitimate. Already in South Africa the dominant state-directed liberal-democratic discourse is interpenetrating with a *reconstruction and development* discourse that challenges classical liberal-democratic categories. This interaction is forcing political leaders to articulate explicitly the (possible) paradoxical character of the liberty-equality relation. What is at stake is the formulation and establishment of a new set of ethico political principles. Whether or not the unions are well placed to take on the challenge of contributing to such a project remains to be seen.

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