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# Popular Politics in South African Cities

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Claire Benit-Gbaffou

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# Introduction: Politicising and politicking community participation in urban governance

Claire Bénit-Gbaffou

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Why another book about community participation in urban governance? The topic has been the focus of so many publications and debates since the 1970s, in academia as well as in policy circles, that it seems little new can be discovered, articulated, let alone researched. Yet, this volume argues that much remains to be explored in relation to the politics of community participation – in both the noble and the petty senses of 'politics'; in the broad meaning (related to power and the public) and the narrow meaning (related to political positions and party politics) of the term.

One of the central questions that this literature deals with is the political outcomes of community participation (Williams 2004). Participation is often seen as a tool for radical social and political transformation (of the self, of communities and of societies at large); as a way to build constructive consensus in communities – especially important in societies characterised by underdevelopment, mass poverty and conflicts; or, at the other end of the spectrum, as a means by which dominant authorities can appease discontent, sedate rebellion and legitimise and reproduce inequalities. Recent debates have focused on whether the mainstreaming of community participation by the World Bank has or has not completely shattered the value of community participation for social transformation (Cooke & Kothari 2001; Hickey & Mohan 2004). In an attempt to theorise on their progressive, or oppressive, influence on participation outcomes, much literature has tried to unpack different participatory processes depending on which type of 'civil society' is involved (non-governmental organisations (NGOs), community-based organisations (CBOs), social movements, etc.) which 'spaces of participation' are used or framed ('invited'/'invented', formal/informal, institutional/spontaneous etc.); or which modes of interaction with the state are privileged (antagonistic/cooperative).

Other literatures, differently normative, look at techniques, methods or recipes to make participation work, and focus on the 'how to': how to make participation transformative, how to avoid its capture by the powerful, how to create consensus and manage conflicts. This vast grey literature responds to political and social needs, especially in contexts of the South marked by the 'third wave of democratisation' (Huntington 1991) or, as Hermet (2004) puts it, marked by a third historical means used by authorities to protect societies from the risk of social disorder and revolution – creating 'participative-citizens' after having developed, 'voter-citizens'

in Western societies with the instauration of representative democracies, and 'insured-citizens' during the rise of welfare states.

What characterises many of the countries democratising around the 1990s, however, is the *concurrent* emergence of both representative and participatory forms of democracy (unlike in developed countries where the former preceded the latter). This constitutes a specific challenge for newly established or consolidating local governments (Houtzager & Lavalle 2010; Peruzzotti 2005), as is the case in South Africa. Indeed, newly established, democratically elected municipalities are confronted with increasing pressures to engage communities in participation. Yet, they often are short of skills and experience on how to drive such processes, which by definition are challenging, because they involve degrees of redistribution of power, and might lead to open contestation, revolt, conflict. This level of contestation might even be fiercer in South African cities, in contexts where emerging civil society leaders compete with elected representatives having only freshly established their own political legitimacy.

Coming back to the literature responding to this social and political demand, the sets of advice, recipes and remedies they promote, generally emanating from different organisations with various agendas and world views, are often criticised as 'depoliticising' community participation. The literature often presents participation as a mere technical exercise, without explicitly unpacking its political objectives. And yet community participation is extremely political, as it responds to contradictory injunctions made to local authorities that could be summarised as follows: emphasise community participation as part of good governance; but maintain social stability and contain the uncertain outcomes that characterise any participatory project.

In response to these two normative (normative-theoretical and normative-technical) threads in literature on participation, many authors call for the 'repoliticisation' of community participation: reading between the lines of technical discourses and their anti-politics; protecting or resuscitating the transformative potential of participation from its mainstreaming or its capture by World Bank-inspired hegemonic discourses; accepting this capture as *fait accompli* and rethinking of ways that distinguish transformative community participation from its predominantly conservative practices in cities of the South. This call is best represented by Glyn Williams (2004), who both provides an illuminating synthesis of the theoretical, normative and political debates over time and reflects on what matters in order to support the empowering and transformative character of community participation. His paper offers a reflection on the important and incremental nature of individual and collective political skills, education, training and networks that are involved in participatory democracy practices. Williams' text provides an important point of departure for our research;[1] hence our invitation to him to write the postscript to this volume.

What triggered our interest further, and provides the rationale for this volume, is the identification of two gaps in the literature on community participation, in its intersection with the literature on urban governance.

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Firstly, community participation is often practically as well as theoretically disconnected from other political processes at play, in particular in low-income groups.[2] For example, local politics, party politics or competition for leadership is always seen as a disturbance that most authors consider negligible in order to study the main phenomenon (as in the study of physics, one sometimes needs to neglect 'frictions' – *les frottements* – to prove the main argument). Others see these politics as distorting, perverting or destroying 'pure' participatory processes. While radical civil society is seen as 'autonomous' from the state and party politics, the part of civil society that is embedded in these politics is not considered as worthwhile or 'authentic', even if it represents, to use Chatterjee's (2004) expression, 'most of the people'. This discarding of, contempt for or condemnation of local politics (both high politics and petty politics: what we might call 'politics' and 'politicks') leads to it being kept in a 'black box' (Bénit-Gbaffou 2012). That is, local politics is anecdotally mentioned when analysing participatory processes; or it is is blamed for causing a project to fail or derail, with strong normative judgments but without much in-depth analyses of the politics and the politicking that are – we argue – consubstantial to participation. In contrast to these approaches, local politics is defined here as opening a possibility (often denied, suppressed, constrained, limited by the process itself) for redistributing power in urban governance.

A second gap in the literature on community participation is the limited assessment of the impacts of participation on urban governance. The World Bank has multiplied endeavours to find tools for the 'monitoring and evaluation' of participatory projects, but, arguably, looks for very specific types of outcomes (Mansuri & Rao 2013). In contrast, one might stress the extremely diverse types of outcomes a participatory process might have:

- Has it shifted substantive or procedural aspects of urban governance (or both)? Has it led to redirecting strategic urban policy directions or changing urban agendas? Has it led to changing the state's modes of engagement with society, the processes of policy making or project development and implementation? Has it influenced a change in representations, in dominant discourses – and if so, how deeply has it impacted society?
- Has it had institutional or ad hoc impacts; metropolitan or local? Has community participation changed the way one specific project was conceived or implemented, or has it changed legislation, policies, by-laws or state practices? Has it improved the way a specific community is seen by the state and given the community an added dimension of citizenship, or has it altered the way the state, or private companies, see informal groups of residents across the metropolitan area?

Obviously, observing the more institutional types of impacts requires longer-term observation of specific communities and of specific municipal urban policy shifts, and is rendered more difficult by the current framing of research funding (which favours research that is generally short-term focused, case-study based, has operational and developmental outcomes, and is networked). An example of longer

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term studies can be found amongst American monographs written in the tradition of urban politics studies, for example on urban regimes. But these remain limited and are seldom focused on civil society participation, whose influence on urban governance seems incommensurate as well as difficult to articulate with the power of business coalitions, seen as more directly influencial in shaping cities' futures. Typical of this is Stone's (2005) 'regret' on his urban regime theory and the place he tries retrospectively to craft for the impact of social movements on urban strategies and trends. Or Domhoff's (2011) almost desperate attempts to find case studies where progressive social movement politics really mattered in determining urban paths.

Our ambition as a research group was therefore to try and progress along these two lines of thought: a better understanding of the place of local politics in community participation, and better unpacking of the multi-dimensional change that community participation makes in urban governance, beyond personal transformation, empowerment and training (areas covered by existing literature). This is what this volume is about.

In retrospect, and as I am writing these lines, I would say we have reasonably and excitingly progressed on the first line of thought through long-term, sustained, ethnographic and deep observations of actual power dynamics at play in various (and connected) spaces of participation, as well as through more direct theoretical challenges to democratic theory based on observations and the unpacking of practices. On the second line of thought – participation's multiple and diverse outcomes – our progress might have been more timid. We were able to unpack some of the unseen, unexpected or unplanned functions of spaces of participation, and therefore to understand their ability to continue attracting participants, in spite of their limited ability to change urban projects, let alone policies, at least in the short to medium term. What is missing here, and is only starting to be explored by Smith and Rubin's chapter, is a longer-term analysis of changes brought about by participatory processes beyond the local spaces and the short times of community meetings that remained our privileged entry point (even if connected to other scales and other times). This requires research into the practices and representations of residents, officials, politicians and media discourses and into policy documents and trends in urban change, on a broader scale and in the longer term.

## South African cities as the main terrain from which to reflect

It is not by pure chance that this project was born in South Africa and is about South African cities, which, since 1994 have attracted a lot of research interest as laboratories for urban democracy.

These are societies in transition – marked by massive social and spatial inequalities, yet also marked by a relatively resourced and capacitated state and with ambitious post-apartheid dreams of reconstruction and reconciliation. South African cities are the loci where huge expectations from the state are developed and expressed, and where 'the post apartheid project' (Wafer & Oldfield in this volume) unfolds

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with perhaps the most visibility. This explains why encountering the state is still the main focus of participation – from being heard and respected, to getting access to resources, to having a say in one's collective future (Bénit-Gbaffou & Oldfield 2011; Von Holdt et al. 2011).

Post-apartheid democratic construction also directly emphasises community participation in municipal governance. The post-apartheid restructuring of local government explicitly institutionalises participatory mechanisms in urban governance, responding to a historical need for deepening democracy, and later on to the new public management principles widely adopted by metropolitan governments in the 2000s. The legacy of 'people's power' has also become a strong mythology in the history of the anti-apartheid struggle, although not in all streams of liberation movements – possibly not dominant in the ANC, and not necessarily adhered to in the principles put forward in South African institutional participatory mechanisms (see Glaser's and Piper's chapters in this volume). The waves of urban mass protests, on the rise since 1994 (Alexander 2010; Von Holdt et al. 2011), and their increasing discard by the state as illegitimate forms of participation, are testimonies of these tensions.

The politics of liberation and the dominance of the ANC in the state and in society (see Piper's chapter in this volume) render the party, its internal and external contests, central in the study of urban governance. As a mass party, trying to maintain its presence 'on the ground', so as to limit the electoral impact of a rising political competition, the ANC is extremely present at all levels of society – and in a civil society that is difficult to conceptualise as 'autonomous' (Bénit-Gbaffou 2012). But South African society is also extremely dynamic politically, and almost 20 years after the demise of the apartheid regime, a number of responses to this political dominance are emerging at the local levels, to give way to the expression of diverging views: the development of political competition, the emergence of new parties, the radicalisation and diversification of social movements, the multiplication of forms of violent protests, the rhetorical management of contradictions in political belonging, and intra-party tensions and factionalism.

To some extent, the specific relation between academia and the political transition process in South Africa has been conducive to this reflection. The involvement of groups of academics in the struggle, in particular around challenging the apartheid city and imagining urban futures, are arguably quite specific to the South African society: discrete but regular dialogue between the state and academia about post-apartheid reconstruction of society and spaces; and involvement of some academics in contemporary civil society's struggles, in complicated and contradictory modes. Experiences of advocacy, consultancy, workshops, comments on documents and processes, facilitation, and translation of research results into policy or community outputs are still exposing academics to the political realities of abstract theoretical visions. These varied experiences are posing tough questions to well-crafted models and concepts, exposing normative ideas to the messiness of social and political realities, and requesting from descriptive and nuanced research some normative

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principles for intervention. Trying to unpack the politics of policy-making, community participation, social movements or civil society's strategies and urban governance can be seen as an intellectual's response to the inadequacy of some of the existing academic apparatus to handle their own involvements in complex urban dynamics and political processes.

Finally, this take on South African cities as urban laboratories for specific forms of local democracy (here focusing on community participation in urban governance) is not merely an argument for their uniqueness and exceptional status – although they are argued to be in a favourable situation for observation on a variety of phenomena related to the politics of community participation. The arguments we are making here aim at entering a broader, international (and possibly South–South) debate on the place of politics in community participation. This theme, for other reasons and in other contexts, is also being developed in literature on Indian cities (Bawa 2011; Benjamin 2004; Benjamin & Bhuvaneswari 2011; Chatterjee 2004; Corbridge et al. 2005; Véron et al. 2006) with different methodologies, academic traditions, disciplines and approaches, but strongly echoing these South African-based questions. The short comparative experience in this research programme (see Addendum) and the continued intellectual dialogue with scholars studying Indian cities (as emblematised by Williams' contribution to this volume), is arguably opening the space for a deeper theorisation of the place of urban politics in popular movements, that is direly missing from the African continent.

## Working principles that inform this book

This book is one of the results of a four-year-long intellectual engagement and exchange around a research programme entitled *Voices of the Poor in Urban Governance: Participation, Mobilisation and Politics in South African Cities* (see Addendum at the end of this introduction).

The group adopted a number of working principles that importantly inform this book.

First, the group adopted a resolutely non-normative perspective – or at least suspended normative judgment during the first phases of the research process. It was not always easy to hold, nor was it equally shared by all (some were driven by more normative projects than others), but we all agreed we needed to observe actual processes with as much intellectual honesty as we could, even when they were uncomfortably shaking our ideological and theoretical framework. This gave rise to the most interesting ways of challenging existing paradigms and creating concepts and theories that were actually useful in understanding aspects of urban governance that had been previously untold, rendered invisible, ignored or discarded. For instance, in his chapter Glaser uses the frame of 'democratic movement' to understand xenophobic violence – and this helps to question assumptions on democracy and participation. Elsewhere (Bénit-Gbaffou 2011), I have stressed the fine line between clientelism and local democracy (in its two dimensions of

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decentralisation and community participation), in theory and in practice, through common features they share beyond divergent normative understandings: the personalisation of relationships between representatives and represented; and the flexibility and adaptability of rules, policies and access. In their chapters of this volume, Katsaura as well as Bénit-Gbaffou and Mkwanazi start unpacking the politics of informal leadership. They acknowledge that leaders are not saints but that they are informed by a multiplicity of often contradictory interests and constraints that ultimately shape their actions; they are structurally caught between collective and personal stakes, between petty and high politics.

The second working principle is related to the previous one: the group aimed at challenging theories from the grounded perspective of the field work, even in the most theoretical chapters of this volume, such as Piper's and Glaser's. This is, to us, the best way to build theories that are adapted to Southern realities – built on, but also going beyond, the now classic calls for studying 'ordinary cities' – and to refrain from uncritically adopting imported theoretical frameworks constructed in, and sometimes for, Northern societies (Robinson 2006). This is also a take on some of the post-modern literature on the city, which is often enchanted by its own poetic wording ('delirious with the power of [its] own gaze', as phrased by Roy, 2011: 227), and mobilises complex theoretical apparatus that is eventually disappointingly disconnected from urban realities or fails to offer direction for understanding messy city dynamics. Our 'post' post-modern positioning was also to constantly question our shared fascination for subaltern agencies, multiple meanings and regimes of truth, fluidity of the real, and never-ending diversities and complexities. We honed our awareness of the dominant reproduction of existing structures of power and inequality, power imbalances, the inertia of structures and the real power of the state to shape, if not the city, at least its imaginations, that we believe much of the existing literature on African cities has put aside. The literature has often traded some of its social relevance and its political teeth for the beauty of gesture, the pleasure of paradox or the necessity of hope.

The third common thread (and there was more diversity in this domain) is the use of in-depth, ethnographic approaches to our research sites, beyond our disciplinary differences (urban geography, planning, political studies, development studies). This entailed a number of local monographs where thick knowledge of the local milieu is necessary to understand the linkages between multiple layers of political dynamics (or 'stages' as Katsaura would say). In order to unravel the politics of community participation, we needed to ground our analysis of participatory processes in the local actors who shape it, with their multiple affiliations and belongings that most local residents are aware of, but that an external researcher requires time to decipher. This fine-grained approach has obvious limitations. Firstly, it is a view 'from the bottom', from civil society and not from the state, officials practices, representations and discourses – even if specific attention was paid to the supra[3] local networks and multiple encounters with the state that civil society groups were or were not able to garner. Secondly, attention to these micro-local politics might have blinded us to

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broader shifts in metropolitan strategic orientations, policies and politics, and in the state's practices – although attention to these broader dynamics depended on both the focus and the theoretical framework of the research (see chapters by Smith and Rubin, Morange and Katsaura, all of whom place the micro-politics of community participation in its broader metropolitan settings).

## How the book is structured; what debates it contributes to

The book is organised in two parts. The first, entitled 'Politicising spaces of participation', gathers contributions on the place of party politics in community dynamics.

The chapters use a variety of entry points to study the politics of community participation that are worth highlighting. Some authors look at predominantly cooperative, community-based organisations – the South African National Civics Organisation (SANCO) and Yeoville civics and residents' associations – while others focus on radical and confrontational social movements (Coalition Against Water Privatisation; Landless People's Movement). Some authors analyse civil society organisations (civics and social movements), some take public meetings as their primary research object, and others focus rather on individual local leaders' views and practices. This methodological point is important, as, while party politics is everywhere and constitutes 'the elephant in the room', it is quite elusive and difficult[4] to observe directly – increasingly so in a context of rising factionalism, increasing political competition and related tensions (Bénit-Gbaffou 2012).

Collectively, these chapters open a number of debates on the state of the South African politics and how they matter locally; but also more broadly demonstrate the importance of party politics in understanding the stakes as well as the processes of community participation.

Firstly, authors have different interpretations of South African local politics. Some emphasise the dynamics of the reproduction of power and show how the dominance of the ANC is entrenching itself in a system of local patronage. Piper, for instance, argues that the ANC builds on its legacy as a liberation movement to consolidate the amalgamation between party and society, in a way that is not conducive to the construction of a liberal understanding of democracy – one that would be based on competitive electoral politics. Katsaura, focusing on local leaders' strategies to accumulate political and economic capital, also seems pessimistic about the ability of civil society to contest established powers and means of developing the city through participation. So does Sinwell, for different reasons that are linked to the limited offerings of credible alternative political parties at the 'left' of the ANC.

Other contributors, while recognising the weight of political history, put more emphasis on different emerging dynamics of change. Matlala and Bénit-Gbaffou examine how radical activists deal with their contradictory loyalties (their

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identification with the ANC that emerged from the struggle and their increasing unease with the ANC as it is now, in power). They hypothesise that, as new generations of activists emerge, the compelling loyalty to the ANC will fade. Sinwell and Piper each show how local leaders or their organisations are able, to some extent, to play on political competition from the Democratic Alliance, to put pressure on the ANC, sometimes successfully (although Sinwell doubts the strategic importance of these victories and calls for more radical political party changes), but at the cost of their own legitimacy (in both cases). Finally, while Bénit-Gbaffou and Mkwanazi show how existing local leaders, to continue garnering support for the ANC, are possibly encouraged to nurture xenophobic dynamics in their communities, they also argue that the multiplicity of public spaces of participation allows for different leadership choices that may lead to alternative ways of defining and framing local communities.

More generally, in this part of the book, the chapters show how important party politics is in shaping the balance between confrontational and cooperative strategies adopted by civil society organisations, when engaging with the state. Building on Oldfield and Stokke's (2006) demonstration that it is seldom a matter of either/or, but that civil society organisations use a mix of confrontation and cooperation in their endeavor to influence urban governance (see also Thorn & Oldfield 2011), we might argue that the balance between these two positions (typical and ideal) stems from three main elements:

1. Structural positions – social movements are more prone to an oppositional position, NGOs generally look for sustained engagement with the state, and community-based organisations (looking for immediate and pragmatic solutions to local issues) are in between.
2. Ideological choice – choices that emphasise the 'either/or', even if, in practice, radical organisations might resort to negotiation with the state, while cooperative organisations also resort to threats and pressure.
3. political opportunity – fluid 'politics of claim-making' are shaped depending on contexts in space and time.

It is the last element that the in-depth study of local leaders' practices and discourses is helping to unravel: how leaders are able to seize opportunity; how they test different alliances to realise their objectives; how the informal nature of their mandate makes their position precarious and prone to constant contestations (from the state but also from competing local leaders); how they are caught between multiple levels of constraints (from their constituency, from the state, from their party). This is what we have called elsewhere the politics of 'double dealings', using a Bourdieusian concept (Bénit-Gbaffou & Katsaura 2014) – the tension between responding to their constituencies' needs, and putting themselves in positions of power to be able to respond to these needs (in the state, in the party and towards their funder).

Part II, entitled 'Beyond invented/invited spaces of participation', builds on Part I to enrich the multiple existing debates on various forms and spaces of participation.

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The chapters unpack political processes at play in both invited spaces of participation (often criticised as sterile at best, sedative at worst) and invented ones (generally considered authentic and revolutionary at best, unruly and dangerous at worst). They build on the work of Cornwall and Coelho (2007) as well as Corbridge et al. (2005) and their reasons for hope: in spite of the power-ridden nature of participatory spaces, participatory processes are by nature uncertain, never pre-determined by their setting, and therefore remain open to possibilities. Our chapters take residents' practices seriously, taking stock of the fact that low-income residents are investing considerable energy and time in these multiple forms of participatory processes, even if the processes fail to directly or significantly affect urban policies and projects. This leads the authors to explore, further than has been done so far, the various functions and roles these spaces of participation fulfill; not only in terms of ability to change urban policies or projects, but also in broader social and political terms.

Glaser's chapter theorises on the uncertainty attached to any democratic process, putting it at the center of his definition of democracy. He challenges classic assumptions on participatory processes in general, and invented spaces of participation in particular, on the premise that they are neither necessarily democratic in their framing nor necessarily progressive in their outcomes. He bases his theoretical reflection on two moments in South African history that have generally been analysed in strongly normative (and opposite) ways: the people's power moment in the anti-apartheid struggle (whose authoritarian and violent aspects have tended to be forgotten) and the post-apartheid wave of xenophobic violence (that Glaser provocatively reads through a social movement lens: see also Glaser 2009). This allows him to ask further questions about the nature of 'invented spaces' and their assumed relation to democracy and justice.

In contrast, Morange, Gervais-Lambony and Buire base their reflections on invited spaces of participation. Whilst Morange's case study confirms usual assumptions on the sedative nature of invited spaces of participation, Gervais-Lambony and Buire argue, firstly, that invited spaces can be seized, even if very temporarily, by individuals and groups challenging the state and, secondly, that they are the site of important social and political functions, such as building urban communities – not only at the neighbourhood scale (the object of Bénit-Gbaffou and Mkwanazi's chapter) but also at the township and possibly even the city scale, as they offer a direct experience of its heterogeneity. Buire's chapter focuses further on local leaders' strategies in invited spaces of participation, and shows how these spaces are used to publicise (informal) civil society leaders' roles, legitimising them, not only vis-à-vis state representatives but also vis-à-vis their own communities. She echoes Katsaura's chapter, but with a more optimistic take on the democratic importance of such political 'stages'.

In other ways, Smith and Rubin also aim at broadening the way outcomes of participatory processes are understood. They question the 'changes' driven by court cases, showing the multidimensional nature of those changes: in policy terms, in terms of the ways in which state and civil society interact and engage, and in terms

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of the way civil society's internal dynamics shift in the process. Wafer and Oldfield's chapter further alerts us to the fact that the question of change should be refocused on what they call 'the state project' and highlights how these 'encounters' between citizens and the state, both in the making, impact on the ways the state is imagined by its agents and by broader society.

A second debate fostered by these chapters is around the epistemic value of the dichotomy between invited and invented spaces of participation. Authors differ in this respect. Wafer and Oldfield suggest the dichotomy is limiting and prefer to talk about 'encounters with the state' – taking the state as their central object of research and adopting a distance from the more normative projects arguably at the core of this dichotomy ('how to encourage more participation of the poor in urban governance', 'how to best frame participatory spaces in developing democracies', 'how to foster a greater accountability of the state to its citizens, and to the more marginalised').

Smith and Rubin, driven by a more normative project, and looking at the court as a space of encounter between residents and the state, argue that not all spaces of encounter or participation fit neatly in the dichotomy. Others (Gervais-Lambony; Buire; Bénit-Gbaffou & Mkwanazi) debate the notions, showing their blurriness (there are practices of invention in invited spaces, and dominant power dynamics in invented ones); but they also show the richness of asking questions about 'who invites', 'who initiates', 'who frames' the encounter and 'who has influence' over a diversity of outcomes.

Morange uses a Foucauldian lens to show, through a precise and subtle but extremely powerful micro and apparently technical set of decisions, how a neoliberal order becomes hegemonic through the way invited spaces of participation are framed, instituted, construed and implemented – illustrated by a situation where local informal traders in a central Cape Town market internalised and became the instruments of their own domination. The question of the construction of dominant discourses, norms and representations is also at the core of Bénit-Gbaffou and Mkwanazi's chapter, which unpacks, over time, the micro-decisions of leaders chairing meetings, the structure of opportunities and constraints they work under, but also the room for manoeuvre they have in constructing specific visions of their 'communities'. Framing questions in terms of invited and invented spaces of participation remains, in this respect, a way of exploring power dynamics and micro-politics that easily can escape our gaze in these broader 'encounters' between civil society and the state. This is one of the frontiers (an internal one) of the 'invented/invited spaces of participation' debate that this book is exploring.

Two other arguments are made by this collection in relation to this debate. Firstly, a number of chapters actively explore the articulation between different 'spaces' of participation, going further than demonstrating the fuzziness of this 'participatory sphere', by reflecting directly on issues of circulation of discourses, norms, representations and framings on how the city could or should be. Some emphasise the circulation of discourses, norms and debates carried by local participants, active

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in and between different spaces of participation within the same 'community' (Katsaura; Bénit-Gbaffou & Mkwanazi); others have observed such circulation across different scales of the city, between the neighbourhood, the township and the metropolitan levels, and back (Gervais-Lambony; Buire). Others (Morange) argue about the lack of circulation, the – deliberate, in her view – fragmentation and containment of participatory debates through the production of specific and localised forms of encounters. While the dangers of the 'local trap' is not new in debates on participation and urban governance (Mohan & Stokke 2000; Purcell 2006), an understanding on how discourses and representations of 'the city' are shaped, circulated or contained in practice is still embryonic. As argued differently by Wafer and Oldfield, one of the stakes of these multiple encounters is indeed the construction of 'the post-apartheid state project' or, at the city scale, of collective imaginaries of the city. Following Morange, the challenge remains to understand better how these dominant (hegemonic?) discourses are *actually* constructed, spread, reproduced, internalised and sometimes contested.

Secondly (and finally), a related frontier opened by this book is a question on time. Although the moment of the encounter/meeting/protest remains the more obvious point of entry for research and arguably an object of study in itself, as this moment crystallises and renders visible politics, actors and stakes of a specific locale or type of engagement, authors have attempted to inscribe this moment in longer time frames. Smith and Rubin do not look only at the court decision but at the court case as a whole (taking several years, before and after the decision has been reached), as their object of analysis. Wafer and Oldfield, as well as Matlala and Bénit-Gbaffou are interested in individual and collective memories – political cultures constructed through accumulated experiences of encounters with the state. Sinwell explores the political biography of activists to better understand their strategies and visions. Glaser argues for an understanding of trial and error as being consubstantial to democracy, where possibly participatory practices play a role in opening other spaces for experiencing and crafting collective visions.

This longer term vision does not necessarily offer a rosy picture of the state of local democracy in South African cities, and possibly in cities of the South more generally. It evokes the inertia of power structures that participatory democracy on its own has limited power to affect (where participation often consolidates rather than challenges patronage networks: see Katsaura; Bénit-Gbaffou and Mkwanazi in this volume), huge frustration with existing participatory platforms and the feeling of an absence of recourse in case of what is felt as an unjust or illegitimate decision from the state – frustrations that lead to violence (Von Holdt et al. 2011) and, increasingly, to the use of courts to adjudicate on political matters (Smith & Rubin in this volume). Possibly however, community participation is only part of the story in a context where several authors writing on cities of the South as well as of the North (Heller 2012; Roy 2009; Shankar 2014; Stren 2012) highlight the increasing complexity of governing and driving change in contemporary metropolitan areas.

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## Addendum

### The CORUS Programme – Voices of the Poor in Urban Governance: Participation, Mobilisation and Politics in South African Cities, 2009–2012

CORUS programmes are research programmes funded by the French Ministry of Foreign Affairs and managed by the French Institute of Research for Development (IRD). They are aimed at supporting partnerships between French Universities and Universities of the South with a specific focus on supporting junior researchers and postgraduate students.

CORUS 'Voices of the Poor' started in 2009 as a partnership between the French University of Paris X-Nanterre (through the research center Gecko) and the University of the Witwatersrand in South Africa (through the research center CUBES), coordinated by Claire Bénit-Gbaffou and Alan Mabin. It involved about 30 researchers from France and South Africa, about half of whom were master's and doctoral students. This research network supported yearly workshops, where each participant submitted a draft paper discussed by two other participants. Researchers from the network also participated in a number of academic events and other networks, where the involvement of post-graduate students was particularly encouraged.

The research programme was structured along four main themes, constructed according to participants' interests around the issue of 'what difference can the "poor" make in urban governance, through various forms of participation, mobilisation and politics in South African cities?' These four themes, overlapping to some extent, were:

1) deepening analyses on the roles and functions of 'invited' and 'invented' spaces of participation;
2) better understanding how the poor access the state (in non-normative ways);
3) exploring the roles of political parties in civil society and urban governance;
4) assessing the nature of community participation in urban governance in times of neoliberalism.

The second and third themes have led to the publication of two special issues of journals (Bénit-Gbaffou & Oldfield 2011; Bénit-Gbaffou & Piper 2012); a third special issue is in the making around the fouth theme (Morange, in process), and a number individual papers have been published. This book provides the opportunity to reflect on the programme as a whole and bring out some of the many links, echoes and debates between participants that have surfaced during the programme.

An important element of the programme was the mentoring of, and support to, post-graduate students. This was done through monthly themed seminars in CUBES (the Center of Urbanism and the Built Environment Studies, Wits School of Architecture and Planning), where a CORUS subgroup was established and met regularly with senior and junior researchers to present work in progress. The CORUS programme also involved writing workshops, participation in CORUS international workshops

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(where post-graduates had to produce a draft paper), national events such as the ACC-CUBES South African City Studies Conference (2011) and workshop (2012), and international events such as a workshop in Mumbai on 'The voice of city dwellers in urban governance: Participation, mobilisation and local democracy – comparing Indian/South African debates' in January 2009, with the support of the Centre des Sciences Humaines (CSH), Delhi; a CORUS seminar in Dshang, Cameroon, on 'Urban Governance in Africa' in November 2010; and a research network in Dublin, Ireland, on 'Urban governance and neoliberalism – beyond the north south divide', supported by the BQR University of Paris 13 in 2009.

The excitement and fruitfulness of exposing postgraduate students to these types of multidisciplinary debates were the basis for the establishment of a multidisciplinary master's degree in urban studies at Wits University, built with CORUS senior participants in the Departments of Planning, Politics, Political History, inter alia. The result is a strong cohort of students with a passion for urban politics, who have all engaged as co-authors (and sometimes as single authors) in publication processes – including in this volume.

Lastly, one of the strong moments of the programme was its dialogue with researchers working on similar issues in Indian cities. This international network had been initiated through a one-year programme entitled 'Democratic Transformation in Emerging Countries: Africa, Asia, Latin America', driven by a network of French Research Institutes Abroad (and we want to thank here its main initiator, Dr Aurelia Segatti, then the Research Director of IFAS, Institut Français in South Africa). Strong personal and academic links were established with researchers from the CSH (Delhi), leading to two comparative CORUS workshops (Mumbai, January 2009 and Cape Town, November 2009). This is where exciting comparative perspectives emerged (see Bénit-Gbaffou & Tawa Lama Rewal, 2011 for a reflection on some of these debates), including passionate debates around the work of Partha Chatterjee and its relevance in South African contexts, and around the complex role of competitive politics in enhancing democratic accountability and/or nurturing violence. Many participants have engaged further in comparative research (Bawa 2011; Rubin 2013), and there is reason to think that a comparative research programme might develop in the future.

## Notes

1 This volume puts together authors involved in a joint research project, entitled 'Voices of the Poor in Urban Governance: Particpation, Mobilisation and Politics in South African cities (2008–12)', funded by the French Ministry of Foreign Affairs and conducted as a partnership between University of Nanterre Paris 10 (Gecko), and the University of the Witwatersrand (CUBES). For more details on the research project, see the Addendum at the end of this chapter.

2 There were many debates in the group about its initial framing. The research programme was entitled: 'The Voice of the Poor in Urban Governance: Participation, Mobilisation and Politics in South African cities' (see Addendum to this introduction). Beyond resisting



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the undesirable and unintentional echo of the World Bank title (Narayan et al. 2000), we debated the existence of such a social group, given its extreme heterogeneity, the relevance of focusing mostly on one part of society, the wording itself (the poor, the Poors, the marginalised, the disenfranchised, low-income groups, etc.) and its multiple resonances, and the existence or not of specific politics of the poor. We eventually agreed on the fact that there *are* specific politics of 'the poor', linked to diverse forms of marginalisation, including the informal nature of many dimensions of their lives and forms of engagement with the state (following Chatterjee 2004).

3 Networks which develop at broader scales than the local level: metropolitan networks, networks between neighbourhoods, cities or countries.

4 However, direct observation is possible – some have done so (for example, Darracq 2008; Dlamini 2010).

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# 1 From party-state to party-society in South Africa: SANCO and the informal politics of community representation in Imizamo Yethu, Cape Town

Laurence Piper

Many reasons have been offered for the poor performance of local government in post-apartheid South Africa, including its recent introduction in many areas, institutional design flaws, under-resourcing, human resource constraints, national administrative and political interference, policy error and voter loyalty to incompetent elites. Thus, Barichievy et al. (2005) note that local government is new to most parts of the country and has a broad and ambitious range of responsibilities, including local development. Gervais-Lambony (this volume) raises the question whether the spatial scale of the local council is optimally matched to economic functionality and/or existing community identities. Bénit-Gbaffou (2008) explains the serious limitations of most local councillors' ability to act, disempowered by the new municipal structures wary of recreating apartheid-like islands of privilege and political opposition. Lastly, there are the human resource challenges, linked to the newness of institutions such as the racial transformation imperative that has seen more experienced staff rapidly replaced by inexperienced office-bearers (Powell 2012) and nepotism and deployment in the filling of posts that has seen jobs going to those politically or personally connected, rather than to those who are experienced and qualified (COGTA 2009b).

Other explanations point to national interventions that have recentralised powers, especially financial powers, and redirected local priorities constraining municipal operations. Also important is the lack of resources for many municipalities that do not have an independent rates base (Zybrands 2012). Policy errors centre on criticisms of local government for adopting neoliberal forms of cost recovery for basic services, thus excluding significant proportions of the population who are too poor to pay for them (Dugard 2011). Lastly, are political reasons, including interference from more senior party structures that have imposed leaders on local municipalities to serve larger political agendas, rather than local communities (Bénit-Gbaffou 2012), and the reluctance of most voters to choose new leaders when their first choices are revealed as corrupt or incompetent (Booysen 2012b).

All this reveals that the reasons for local governance problems are many and complex. In this chapter I want to focus on one set of reasons related to the phenomenon of 'popular incompetence' – the fact that voter support for ruling parties, especially the African National Congress (ANC), remains high in areas where the performance of municipalities is widely regarded as dismal. I suggest this outcome is, at least in

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part, due to the supply-side behaviour of political activists and leaders at the very local level of the 'community', and not just the demand-side behaviour of voters. I also argue that the supply-side behaviour of activists and leaders is informed by a set of ideas about democracy and nationalism inherited from liberation politics that enables local practices to contradict the model of democracy encoded in the design of local governance. It is also informed by forms of patronage politics, but these issues will be dealt with in more detail elsewhere (Piper & Anciano 2015).

In general I will be making the case for the dominance of local civil society by political society, to the point that we can meaningfully speak of a 'party-society' analogous to the 'party-state' linked to ANC dominance of political society.[1] This is significant, for while there is already an existing literature on the dominance of political over formal civil society at the national level in South Africa (Ballard et al. 2006; Heller 2001; Heller 2009), less attention has been paid to local or community level politics (Bénit-Gbaffou & Piper 2012). Hence, in this chapter I focus on the role of community level party activists and leaders. Notably, the 'lowest' or 'smallest' level of formal political representation in local government is the ward, yet most wards are comprised of a number of distinct neighbourhoods, suburbs or communities that reflect the historical legacies of apartheid segregation. Further, the term 'community' is typically invoked to describe the most local place where historically poor, black people live.

In addition to being localised, the politics under discussion is informal in the sense that it is not prescribed for by any law or policy, and at times runs against the grain of the civil and political liberties affirmed in the Bill of Rights of the South African constitution. It is, nevertheless, a set of practices that is probably widespread across the country and, although not uncontested, it contributes to the ANC's hegemony by monopolising community representation in the name of a member of 'the liberation movement' that, in the case of the South African National Civic Organisation (SANCO),[2] the civil society structure that will be analysed in this chapter, usually pursues a politics of accommodation with government (Zuern 2011). It thus makes local citizen organisation and representation that is independent and critical of ANC rule much more difficult, and even dangerous, as opposition is delegitimised and made vulnerable to repression. Furthermore, SANCO's allegiance to the ANC means it cannot be the mass-based social movement it initially set out to be, but rather attempts to pursue a mediatory politics that 'cushions' conflict between communities and the state. Where this fails and popular frustrations turn to protest, the outcome is usually the emergence of new local leaders that reconstitutes the moral authority and/or the ANC. In many ways, then, the partial independence of SANCO allows for a degree of dissonance and dissatisfaction with the ANC that does not threaten its hegemony, and may even reinforce it.

Lastly, a critical factor in understanding the informal politics of the 'party-society' is the normative privileging given to the ANC as the sole legitimate representative of the nation. This idea is part of a historical discourse of bounded-pluralism drawn from Marxist-Leninist thought that informed the political practice of both the ANC

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in exile and its allies inside South Africa prior to 1994. Not only does the Marxist conception of 'democratic centralism' entailed in this discourse contradict the liberal principles of the formal political system, but it assists in the dominance of political society over civil society by enabling the normative confusion of party and state, as well as party and society, and indeed party and community. All of this contributes, albeit in small part, to understanding why local activists and leaders behave the way they do.

In making this case, the chapter starts by outlining briefly the phenomenon of 'popular incompetence' and its links to voter loyalty, before exploring the conceptions of political community, representation and democracy entailed in liberation nationalism and how this undermines the various accountability mechanisms encoded in our formal liberal political system. From this account of 'party-state', the chapter moves to the notion of 'party-society', supplementing existing accounts of national level dominance of political over civil society with an account of local level control. The chapter finishes by discussing the case of Imizamo Yethu in Hout Bay, Cape Town, identifying discourses and practices of local politics consistent with the homogenising, exclusive, intolerant and centralising elements of liberation nationalism.

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## Population incompetence, liberation nationalism and the 'party-state'

This section begins by sketching the paradoxical phenomenon of popular protest against poorly performing local government by the very same citizens who regularly return these governments to office, noting the demand-side explanation of voter loyalty. The chapter then turns to explore supply-side explanations for this politics, beginning by explaining how the discourse of liberation nationalism affirms a vision of the political community in South Africa that is homogenising, and normatively privileges the ANC as sole legitimate representative of this nation. It then demonstrates how this framing reinforces the phenomenon of the 'party-state', undermining key principles of liberal-democratic governance.

### Popular incompetence and voter loyalty

That most local governments in South Africa are performing poorly is common cause, including by national government (COGTA 2009a; COGTA 2009b). There are a few municipalities, typically the larger, more resourced and older ones that do an adequate job. However, the vast majority of local governments, especially those in poorer and rural areas do not perform well (COGTA 2009b). Evidence of this includes the fact that of the 284 municipalities in the country, 23 have been placed under provincial administration, due to incompetent or corrupt governments (Dube 2011). Only a tiny number of municipalities have received unqualified audits from the auditor-general: at the last count 7 of 237 municipalities audited (*Mail & Guardian* 29 June 2011). Also revealing are the attempts by various incarnations of the national department for local government to improve practice through programmes such

as 'Project Consolidate' of 2004 and the current 'Local Government Turn-Around Strategy' (COGTA 2009a: 17–18).

Notably, the failings of local government are not just reflected in government documents or expert opinion but, perhaps most importantly, in public perceptions, the media and in popular actions. Indeed it is likely that government's response to the performance of local government has not only been driven by internal evaluations, but also by the widespread public criticism and frequent citizen protest across the country over the last ten years. As Alexander (2010) notes, despite methodological problems with the accuracy of numbers, the figures for protests do seem very high, 'and many times greater than the kind of figures presented for protests around the world'.

However, despite protest, voter behaviour is yet to change significantly. There is much evidence for this claim, including the election results in general, but also a number of studies that have examined voting patterns in wards that have had high levels of protest. In brief, in none of these cases has support for the ruling party declined (Booysen 2012b) – at least in relative terms. For example, 23 municipalities, mostly those ruled by the ANC but also some governed by the Inkatha Freedom Party (IFP), have been placed under provincial administration since 2001. Despite clear evidence of failure in office by these parties, in every case they were returned to office in the 2006 local government elections. A recent example is the Msunduzi municipality that was placed under administration in 2010 for corruption and poor governance, and yet the ANC was returned to office in 2011 with an increased majority (*The Witness* 20 May 2011). This combination of governance failure and yet enduring party popularity is what I term 'popular incompetence'.

The common explanation for popular incompetence is voter loyalty, that is, that most citizens do not use the vote to hold politicians accountable, but rather stick to their party regardless of its performance. This argument holds despite lower levels of participation in elections, a practice that could be read as evidence of disenchantment. However, the decline in voter participation is relatively small. From 1999 to 2009, voter registration dropped from 80.5% to 77%, suggesting lower levels of participation by younger citizens. More importantly, the turnout of *all* potential voters dropped from 72% in 1999 to 58% in 2004, but increased slightly to 60% in 2009 (Schulz-Herzenberg 2009a). Some of this difference is explained by the drop in registration levels, but it does also reflect a drop in participation of around 9%. This is a small, but significant, number in overall terms, not least as this loss is mostly borne by the ANC.

At the same time, however, survey evidence reveals that the express identification of South African voters with political parties is comparatively high, and has actually increased in recent times (Schulz-Herzenberg 2009b, 2012). In short, we are seeing evidence that the ANC remains successful in revitalising support from most, although not all, of its traditional supporters, with a small but significant number choosing electoral non-participation. Assuming that non-participation does equal disaffection, only time will tell whether, firstly, this disaffection will grow, and

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secondly, whether it will translate into votes for alternative parties. Current evidence offers little evidence for this scenario in the short-term.

Explanations of voter loyalty have tended to locate arguments on a continuum, from ethnic- or racial identity-based reasons on the one end, to more contingent, interest-based reasons at the other, with various positions in between (Booysen 2007; Johnson & Schlemmer 1996; Mattes 1995; Schulz-Herzenberg 2009b). Whatever the reason, the implication of voter loyalty is that citizens do not use their votes to hold politicians accountable, but rather to signal a form of political identification. This politics enables the enduring dominance of the ANC, regardless of its performance in power, and is thus a key contributing factor to the phenomenon of the 'party-state'.

## Liberation nationalism and the ANC's entitlement to rule

Although clearly important, the focus of this chapter is not on demand-side issues of popular mobilisation and voting behaviour in South Africa, but rather focuses on a neglected part of the 'supply-side' story of popular incompetence in South Africa: the informal politics of partisan control over citizen representation at the community level. Thus, not only does the account of the 'party-society' fill out the story of ANC hegemony in South Africa, but, as with the 'party-state', relies on a discourse of liberation nationalism that contains an account of political community, representation and democracy that establishes the ANC as the only legitimate representative of the black nation. Notably, these conceptions exist in profound tension with the liberal principles of the formal system, and help explain the behaviour of political elites from national to local level in South Africa.

The South African Constitution is often lauded as one of the best in the world, one meaning of which must be that it gives expression to mainstream liberal-democratic conceptions of democracy. In South Africa's case, the liberal model is manifest in the very specific establishment of elections, and the electoral form, as part of the founding provision of the constitution – as well as the tremendous investment in the electoral system and its management to the point that it is the 'best practice' leader on the subcontinent with the Independent Electoral Commission (IEC) exporting its model and practices northwards in Africa. The affirmation of rights through the Bill of Rights, actionable through a range of independent state formations – principally the judiciary, but also various so-called 'chapter nine institutions' – reflects the liberal emphasis on key limitations to tyranny, popular or otherwise, through both the discourse of rights and the separation of state powers. Key amongst the civil and political liberties are rights of association, free speech and a free media that form the centre of much debate currently in the South African system.

These general observations of the liberal model of democracy apply to the local level as well as the national, and in this regard it is important to emphasise, following the Schumpeterian tradition in which Dahl (1972, 1998) stands, that democracy is understood as representation through the selection of competing politicians for political office. Correspondingly, the main means of holding politicians accountable

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is through exercising the vote at subsequent elections to choose alternative leaders. As already noted, this strategic use of the vote to remove unresponsive politicians is precisely what is *not* happening in South Africa, or if it is, only marginally, as shown by Sinwell's example (this volume) of the instrumental, contested and partly efficient affiliation of the Landless People's Movement (Protea South branch) to the Democratic Alliance (DA) in Soweto, Johannesburg. Somewhat against this simplistic view, Booysen (2007, 2012a, 2012b) and Bénit-Gbaffou (2012) would argue that, despite real disgruntlement, most voters are choosing the ANC, as they still believe it the best bet to secure their needs, for ideological[3] and pragmatic reasons. In addition, the chapter will show the 'party-society' reduces the opportunities for, and delegitimises, independent and robust challenge of state rule by citizens.

A key claim of this chapter is that the liberal-democratic conception of democracy established in the constitution sits at odds with the liberation nationalism of the ANC and its allies. Further, the practice of liberation nationalism in a liberal-democratic context helps understand many of the features of the dominant party system evident today. In what follows I will argue that liberation nationalism entails a conception of political community or nation and representation that legitimates exclusionary practices. Key here is homogenisation or bounded pluralism, and a conception of leadership that constructs the ANC as the only legitimate representative of the nation. In important ways these ideas reflect the impact of the close merger of ANC and the South African Communist Party (SACP) in exile from 1960 to 1990 (Ellis 2012). Exile saw most of the party elite trained in Marxist beliefs, including the practice of democratic centralism, in the ideological schools of the Union of Socialist Soviet Republics, East Germany and Cuba. Notably, these ideas and practices were increasing deployed internally within the ANC as part of dealing with the many tensions and conflicts of life in exile (Ellis 2012).

Hence, as argued by Glaser (this volume) and Brooks Yung (2011), the ANC's conception of democracy is informed by notions of 'people's power', heavily drawn from this Marxist world view. These ideas influenced the United Democratic Front (UDF), the ANC-aligned social movement that led resistance to apartheid inside South Africa in the 1980s, although it interpreted it in less Stalinist fashion. Glaser (this volume) argues that the 'people's power' idea of the liberation movement of the 1980s had two strains. One was the authoritarian, statist, Leninist character of guidance by a central body typical of democratic centralism. The other was a non-state, civil society-centric view of grassroots power and local autonomy, associated with 'messy heterogeneity of the United Democratic Front'. After 1990, he notes, the former gained the upper hand as the 'ANC successfully disbanded the UDF and established SANCO as a variant of the sort of ANC "transmission belt" that authoritarian radical parties were wont to turn mass organisations into'. This shift was confirmed by the ascent of Thabo Mbeki and the exile leadership into office after Mandela. While this imposition was not total, with the enduring independence of the unions, Glaser (this volume) notes that both strains of 'people's power' were anti-pluralistic. Loosely affiliated to the UDF, they 'were not openended local parliaments

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in which different political organisations could compete for public support; they functioned rather as movement branches. Their architects used organs of people's power to assert the hegemony of the ANC inside the country. They accordingly displayed intolerance towards political rivals' (Glaser, this volume).

Considered together, these elements constitute a communitarian conception of governance in the interests of the collective, with decisions made by leadership, and an exclusive normative entitlement by the movement to govern the community. As regards the first point, the choice is between an explicit anti-pluralism in the style of Stalinism, and a bounded pluralism in the case of the UDF. In many ways, the internal politics of the ruling alliance under Mbeki and Zuma reflect this tension, with a key reason for the many activists preferring Zuma being Mbeki's exile-style quashing of internal dissent and debate (Piper & Matisonn 2009).

Further, the ANC's conception of politics is significantly, although not exclusively, influenced by a tradition conceptualised in terms akin to Rousseau's conception of a unified will of a single community (Brooks Yung 2011) rather than competing views of plural groups in one community. Indeed, on this view, competing views are rendered problematic. Thus the ANC's official discourse of National Democratic Revolution advances a conception of society divided in terms of both race and class, such that eliminating racial oppression is the first stage in a two-stage process of liberation, with the second stage being about reforming or replacing capitalism (ANC 2012). While the precise substance of this 'revolution' is far from resolved within the ANC alliance, external opponents to this account of society and 'revolutionary' model of social change are vulnerable to being accused of being 'counter-revolutionary' and standing in the way of 'liberation'.

As will be illustrated below in the case of SANCO, the combination of the homogenising tendency of the ANC and its assertion of a normative entitlement to rule sets up a logic whereby inclusion as a 'revolutionary' partner and substantive opposition is difficult, if not impossible, with the obvious disciplining and homogenising effects. Indeed, robust challenge risks exclusion altogether, and sometimes repression. Further, once outside the party ambit, robust challenge is widely assumed to be illegitimate, despite the liberal principles of the Constitution and formal political system in South Africa. While not uncontested, this discursive frame remains powerful amongst ANC activists and leaders, including at the local level, not least through its periodic reproduction through party discourses but also in practice. In sum, local politics in South Africa is significantly shaped by a discourse of communitarian authoritarianism drawn not from the constitution, but from the ANC's political tradition.

## Liberation nationalism undermines formal political accountability

The dominance of the ANC at elections in South Africa since 1994 has led to a dominance of political society in South Africa, to the extent that one can meaningfully speak of a 'party-state' – such is the common blurring of the lines between party and

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state office (Brooks 2004; Butler 2009; Giliomee & Simkins 1999). Further, ANC dominance is not necessarily only a bad thing for post-apartheid governance, as it allows time to create democratic institutions, reduce political violence, contain racial and ethnic conflict, and pursue long-term social and economic policy goals (Butler 2009). At the same time, the Marxist conception of democracy entailed in liberation nationalism legitimises a set of practices that undermine the liberal-democratic institutions of the formal system. While this is probably an unintended historical development, it nevertheless helps understand the lack of accountability in the system from the supply-side of political elites.

There are many practices that are often identified as a threat to liberal principles of democracy in the South African system. These include the practice of cadre deployment, where the ANC decides which party members ought to occupy key offices of the state, including parastatal organisations. The key issue here is that in the context of new class formation and a scramble for state jobs, more people than usual are appointed for political reasons and, sometimes, regardless of actual performance in office. This is especially notable at local government level where partisan appointments have been identified as a key reason behind the poor performance of many municipalities (Powell 2012). Another related example would be preference given in awarding state tenders to ANC-aligned organisations or organisations staffed by party loyalists. More recently, attempts to control the media and the public's access to state information are cited as instances of a growing authoritarian trend. At the neighbourhood or ward level, many examples illustrate how ANC cadres are deployed to head or dominate civil society organisations, relying on tactics of party mobilisation to dominate civil society local electoral processes, such as in community policing forum (CPF) or ward committee elections (Bénit-Gbaffou 2012; Fourchard 2012; Piper & Deacon 2008; see also Katsaura in this volume).

The difficulty with these kinds of examples is distinguishing the extent to which they are practices of patronage, nepotism, corruption or even criminal nature, made possible by party dominance, rather than practices directly informed by liberation democracy ideas. Better examples of the latter are to be found in legitimacy discourses, specifically the many public utterances of the ANC, from national to local level, that reflect a belief in its historical entitlement to govern, in direct contrast to non-ANC representatives. Katsaura (this volume), quotes an African National Congress Youth League (ANCYL) cadre responding to local accusations of 'takeover' of the local community policing forum: 'The ANCYL didn't hijack the CPF. Everybody said [the election] was fair. If you are not able to mobilise people, why should you complain? People vote someone whom they know … People always want to disturb what is working properly' (CPF leader and ANCYL local cadre, quoted in Katsaura, this volume). Other examples show the ANC talking about the need to 'liberate the Western Cape and some wards which have fallen into the hands of people who don't understand why we wanted freedom' (*City Press* 21 December 2011). Similar

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comments were made by several ANC leaders in connection with the electoral race with the IFP in the province of KwaZulu-Natal in 2009 (*City Press* 4 April 2004). This is despite the fact that these parties won office through formally legitimated liberal-democratic means in the South African Constitution. Further, the party regularly accuses opponents, internal and external, of being 'counter-revolutionary'.

Another set of examples concerns the elision between party, people and nation made in public utterances. Thus, according to Hamilton (2011: 17),

> when the party makes a decision it claims that it is a decision made by 'the people' (as with the recall of Mbeki as president); and when it is suggested that the strength of the ruling party and the lack of a viable opposition party does not undermine democracy since 'the party' structures are themselves fully democratic. These claims mistakenly identify 'the party' with 'the people' and thus 'the state', which not only gives the party the unique and complete legitimacy of rule that it seeks, but also silences all other groups and their representatives.

Ankersmit (1997) defends an aesthetic theory of political representation that borrows from the world of art and literature the idea that any form of representation is never simply the copy of some pre-existing external reality. Rather, Ankersmit (1997: 47) argues that 'political reality is not first given to us and subsequently represented; political reality comes into being after and due to representation'. In this formulation political representation is not a means either to 'track' pre-existing interests or provide a reflection of the people and their interests or identities; rather it is designed to give the people an image of themselves upon which to reflect. For Hamilton (2011), this 'gap' between the rulers and ruled is itself filled by groups and their representatives. He argues that, from a democratic point of view, any attempt to close the gap between the people and their representatives is 'an invitation to tyranny because it thwarts any opportunity for the people to reflect on and judge the actions of their representatives. The effect of closing the gap – and at the extreme the complete identification of the rulers and the ruled – is to *exclude* the people from politics in their active or judgmental, role' (Hamilton 2011: 10).

It is precisely this 'closing of the gap' between party and the people that SANCO has experienced and attempted to reproduce at the local level in South Africa (see also Hamilton 2014: 5–6). Caught between popular demands and government underperformance, SANCO has chosen not to embrace the path of the radical social movement asserting popular demands, but rather to demonstrate loyalty to the ANC for the sake of inclusion, and then mediate between community and party. However, even when successful, which seems the exception rather than the rule, this is a politics that reinforces the representational monopoly and political identity of the ruling party, constraining the discursive and political space for robust citizen challenge to poor local governance.

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## From party-state to party-society

While the ANC's dominance of political society, and the debates around a dominant party syndrome and the 'party-state' are well established, less commonly observed, but just as important, is the dominance of political society over civil society in South Africa (Heller 2001; Heller 2009). There are two components to this: first, the relationship between formal political society and civil society nationally; and, second, the informal relationship between political society and civil society at the most local of levels – colloquially called the 'community'. This distinction matters because, for example, while some see a looming rebirth in civil society nationally, with the steady re-emergence of more radical social movements (Ballard et al. 2006), others suggest that at local level the ruling party tries either to colonise or marginalise independent voices and civil society formations, and generally attempts to monopolise popular representation (Bénit-Gbaffou 2012).

Notably, these arguments are not necessarily contradictory, once one grasps the nature of informal politics of representation in local black communities. My hunch is that, while the 'party-society' remains powerful and helps us understand the difficulty of autonomous popular mobilisation in the townships of South Africa, the enduring failures of governance are weakening it, along, perhaps, with the impact of the media and other representations of society, allowing more opportunity for alternatives. The drop in voter participation could be part of this fraying at the margins. Another way of framing this is to say that as SANCO weakens, so alternative movements will have more opportunities to emerge.

### Formal political society-civil society relations in South Africa

ANC dominance over civil society in South Africa is exercised formally through the tripartite alliance between the ANC, the SACP and the Congress of South African Trade Unions (COSATU). The significance of this alliance is immediately obvious, for while the SACP has a limited membership, COSATU is by far the largest association in the country, with 1.97 million members, representing 48% of all those unionised in the country and 24% of all workers (COSATU 2012). Important to note in this regard is how Zuma's election as ANC President in 2009 was campaigned for by COSATU and SACP leadership and represented the reconstitution of the 'ANC as alliance' against Thabo Mbeki's more exclusive approach (Piper & Matisonn 2009).

On its own, this alliance is clearly significant. However, it takes on even more importance once placed in the historical context of a strong civil society that led the internal resistance to apartheid in South Africa in the 1980s under the leadership of the UDF and COSATU. However, following the unbanning of the ANC in 1990, the UDF was disbanded and the leadership of the social movements absorbed into the party and government leaving civil society radically weakened (Ballard et al. 2006). The ANC was able to establish branches in most communities around the country, including all those in which the UDF had formerly operated. Further, the remaining NGO sector came under pressure to 'professionalise' and to withdraw

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from advocacy and rather embrace a 'service delivery' role (Greenstein 2003). Notably, this demobilisation paralleled shifts in donor funding too, such that most foreign aid money was channelled into, and through, the new 'developmental' state to build its capacity to meet the many challenges of proper administration and the delivery of social goods (Ballard et al. 2006).

Notably, while this relationship exists most clearly at national level, it does stretch to provincial and local spheres of governance too, with meetings between all three role-players evident in each sphere of government. The contrast drawn in this section therefore, is not a simple national–local one – although the alliance partners at national level have much more influence than at provincial or local levels – but more one between formal and informal political practices at the most local level. It is also not hard to see how the emergence of the Tripartite Alliance and the re-imagining of the role of civil society are informed by the anti-pluralist logic of exclusive representation by the ANC encoded in liberation nationalist discourse.

## SANCO, monopoly, mediation and internal contest

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While the above relations are widely observed, much less attention has been paid to the nature of political-civil society relations at the community level. The key claim here is that the hegemony of the ANC operates so as to monopolise legitimate representation through allied activists and leadership, often through SANCO. Not only does this reduce the space for independent and robust representatives to champion community needs, but SANCO's desire for inclusion into the ANC fold inhibits its capacity to act as an independent social movement and, instead, it has come to pursue a politics of mediation between communities and the state. Notably, the difficulty of balancing popular legitimacy against a degree of state access and effectiveness has seen many conflicts within SANCO from national to branch level, and it has become a weakened and contested force. While bad for SANCO, this is probably good for a future pluralism in community representation.

Emerging from the anti-apartheid civic movement of the 1980s, SANCO was initially intended to be a mass-based social movement independent of the ANC but 'committed to the national democratic revolution'.[4] While SANCO managed to establish branches in most townships around the country, the organisation found that many of its key leaders took up positions in the ANC and government, going on to enjoy unprecedented levels of power and wealth. Further, 'leaders at all levels of the SANCO structures … complained that ANC leaders often attempted to give them instructions, and that ANC officials felt they had the right to veto SANCO programs' (Zuern 2004: 11). Clearly then, for the ANC, inclusion meant command.

Nevertheless, SANCO chose to remain close to the ANC, rather than operate independently, not least due to the power of liberation nationalism that made overt opposition to the ruling party and its historic mission unthinkable. In addition, SANCO was struggling to access resources to operate without support from the 'party-state' (Zuern 2004). The consequence of this closeness was what Zuern (2011)

terms 'institutional disciplining' exercised ideologically, by party leaders and by SANCO leaders keen to climb the career ladder. The closeness of SANCO to the ANC was nowhere more profoundly illustrated than with the breakaway of Congress of the People (COPE) from the ANC in 2009, which saw a number of ANC branches switch over to the new party too. At the same time, a number of SANCO branches also moved over to COPE or split into ANC- and COPE-aligned branches. This illustrates profoundly the informal politics of the 'party-society' at the local level.

The choice to remain close to the ANC meant that SANCO struggled to represent popular demands in a confrontational way to the ANC government. This was exacerbated by an organisational culture – also derived from the 'democratic centralism' developed in exile – that tended towards a command culture from the top structures to the bottom, with accountability framed upwards to higher structures, rather than the other way around. Thus, by the mid-2000s, SANCO had moved to a position of supporting government developmental programmes and requesting inclusion in the Tripartite Alliance 'purely based on ensuring that our voice is not a voice of a distant step-child screaming outside, hoping to be heard when policies were being made inside the Alliance, inside the African National Congress' (Interview, Hlongwane, 9 June 2004, in Zuern 2004.) Notably SANCO's request was declined, partly informed by internal ANC battles for power where SANCO was a potential Mbeki ally against COSATU.

Consequently, since the mid-2000s SANCO's strategy has been one of mediation between the state and communities, the basic principles of which are, on the one hand, the recognition of loyalty to the ANC to have any influence on decision-making, and on the other, to build a mass-base through championing popular concerns, but not in a confrontational way that fundamentally challenges government policies. Thus Zuern (2004: 23) quotes a senior official:

> SANCO is a cushion, on both sides … It works both ways. It is a cushion on the government side, but it is also a cushion on the people's side. Then it actually eases tensions, because anything that happens, we do not say: 'Look, do as you wish'. We are saying: 'We are negotiating'. (Interview, Qhakaza, 9 June 2004)

There are moments when this mediatory politics has worked. Zuern (2004: 21) cites the case of the Tshwane region as one instance where good leaders are able to manage 'the contradictions of their role as SANCO leaders in alliance with the ANC vis-à-vis their role as representatives of poor communities'. However, even in these instances, the extent and nature of impact must be interrogated. Thus, in writing about similar dynamics around the role of the SACP local branch in housing delivery struggles in Alexandra, Johannesburg, Sinwell (2012) found that access to, and responsiveness from, the local state seemed to work best through the party or its allies, but it was limited to affecting the implementation of policy, rather than challenging policy itself.

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While SANCO's informal politics of mediation may often fail, and the last few years have seen the emergence of a few independent and radical social movements in the larger cities of the country, what has not necessarily changed is the *de facto* dominance of community representation by ANC-aligned activists and leaders, often through SANCO. Furthermore, this dominance endures at the expense of alternative independent forms of popular representation that are often actively repressed by SANCO leadership. Documented cases of local repression of alternative social movements include the Soweto Electricity Crisis Committee (McKinley & Veravia 2005) and Landless People's Movement[5] in Gauteng, the Abahlali Basemjondolo housing movement[6] and Unemployed People's movement[7] in Durban and Cape Town. Indeed, as revealed in our case below, an otherwise dysfunctional leadership can be powerful enough to attain office and prevent others from pursuing local development projects – in this instance for allegedly being too close to the Democratic Alliance (Piper & Bénit-Gbaffou 2014).

Of late South Africa has witnessed waves of protest that have swept across the country from the xenophobic 'tsunami' of 2008 to the rising number of service delivery protests, strikes and the Marikana massacre of 2012. In addition, SANCO is notorious for internal conflict, with rival structures emerging from local to national level. While all of this suggests a weakening of practice of mediation, and the 'good' leadership required to manage a contradictory political space, it does not necessarily represent a weakening of the 'party-society'. Thus, as illustrated by Von Holdt et al. (2011), SANCO and ANC leaders are often centrally involved in protests, and use them to advance their own positions with both the party and SANCO, often against rivals competing for a position of access to the 'party-state'. Critically this may change office-bearers but not the monopoly of citizen representation by the ANC and its allies – much as the advent of Zuma's victory over Mbeki did not hurt the electoral popularity of the ANC.

In addition, there are often 'protests within protests' and Von Holdt et al. (2011) note that 'the subaltern' makes tactical use of protest to secure specific gains, even when understanding that leaders have their own agendas. In very few instances, though, is there evidence that this significantly alters the representational logic of 'party-society'. For example, Von Holdt et al. note that during the xenophobic violence, SANCO leaders in many places felt pressurised to take the side of the community, whereas ANC leaders looked for ways to close down the popular revolt (2011). There were similar dynamics around the xenophobic violence in parts of Cape Town in 2008. Importantly though, none of these instances saw the demise of the party-society, as SANCO emerged with newly legitimised leadership and the authority of the ANC was reaffirmed. If anything, these examples show how protest helps to reconstitute the 'party-society'.

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## Imizamo Yethu: Community, leadership, parties and development politics

Imizamo Yethu (literally meaning 'the people have gathered their efforts') is a relatively new township in Hout Bay, Cape Town, settled formally in 1991. Since that time, it has grown in size, significantly outstripping the initial 450 plots and now housing in the region of 20 000 residents. This growth is due to a regular influx of people from the Eastern Cape and, more recently, from the rest of Africa, although migrant workers in the fishing industry from Angola and Mozambique have lived in Imizamo Yethu from the start. As with the rest of Cape Town's townships, Imizamo Yethu is an overwhelmingly ANC area in a city that has been run by the DA since 2006 and a province run by the DA since 2009. During the course of 2011 and 2012, we conducted a number of participatory action workshops, interviews and observation in Imizamo Yethu, including with local leaders, foreign residents, young people and business owners. In addition, we conducted a representative household survey that established key demographic data, and a business census that included questionnaires for major business types.

Imizamo Yethu is a highly diverse community. However, and this is the first point, the political conception of 'the community' was complicated. On the one hand, when asked to describe the community of Imizamo Yethu, SANCO leadership included the large populations of Angolans, Namibians, Zimbabweans, Malawians, Congolese and Somalians. However, when asked about who belongs to SANCO the answer was 'South Africans'. When asked who does SANCO represent the answer was always 'the community'. According to a number of foreign residents, SANCO is seen as 'a South African thing' in which they do not participate. Part of the reason for this may be choice, as one foreign resident explained. Such a choice is consistent with views expressed elsewhere in the literature on the transient mindset and complex notions of community embraced by many immigrants (Simone 2004). However, another part of the reason is that SANCO meetings are conducted in isiXhosa, a fact that has also annoyed some Afrikaans-speaking coloured residents of Imizamo Yethu. Thus when confronted by one SANCO leader with the reply 'but I know you understand Xhosa anyway', the retort was 'that's not the point – you make it hard for us'.[8] Emerging from the above is a sense of a diverse demographic community with a hierarchy of political citizenship, from foreign residents, to non-isiXhosa speaking South Africans to isiXhosa-speaking who appear to be the 'real' political community that at least some SANCO leaders have in mind when they speak about representing 'the community'.

The second point concerns the widespread perception in Imizamo Yethu that 'community leader' means 'SANCO'. This we encountered from all local residents, with the partial exception of foreigners, who sometimes said that it depended on your national group.[9] Notably, the same view was expressed at the Hout Bay police station, by the headmistress at the new school, by key NGOs working in Imizamo Yethu and by city officials. Moreover, in addition to the hegemony of the idea that

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community leadership meant SANCO, both SANCO and ANC leadership explained SANCOs role as being 'responsible for development in the area', whereas the ANC 'concerns itself with other matters' – by which was implied larger politics in the ward and beyond. In short, there seems a shared understanding of SANCOs leadership role in representing the community specifically in relation to development matters.

The almost natural assumption that SANCO should lead was made more remarkable by the fact that almost all respondents acknowledged that SANCO is now divided between an 'old' and a 'new' leadership, both of whom claim the right to represent the community. This conflict has old roots linked to a decision to build a new school in Imizamo Yethu, rather than more housing (Rangasami & Gird 2007), but is also explained in terms of a power struggle between two leadership groups. Resources are central to this story. Thus, in conversations with both sets of leaders, each accused the other of corruption in the allocation of housing in Imizamo Yethu, while other community figures accused both of corruption. In this regard, several respondents also commented on the relative weakness of SANCO and ANC in 2012 as compared to the mid-1990s. Thus one respondent said, 'people only come to meetings today if they are going to get something like a house, otherwise no-one goes. It was not like that in the 1990s. Then, if we called a meeting, the whole community came'. Another added, 'There are less than 200 ANC members in IY, yet so many people here'. Some respondents blamed the declining participation on the enduring corruption of local leaders; others blamed the presence of many foreigners who made the community less homogenous.




**Figure 1.1** *Local taxis have been a site of sometimes violent conflict that divided SANCO leadership in Imizamo Yethu*

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Perhaps the most profound illustration of the enduring legitimacy of SANCO as the development representatives of the community came late last year when the 'old' faction of SANCO, ousted from office over a year previously, attempted to call a community meeting to discuss the building of the remaining 50 houses from a donor-driven project. Leaders from the new SANCO made sure the meeting did not happen – but they do not enjoy the same relationship with the city and the donor to drive the project. Indeed, a few months after their electoral triumph, one of the new SANCO leaders confessed concern that 'nothing [was] happening' in Imizamo Yethu, in the sense that there were no new development projects under way, and specifically no project-related jobs for SANCO to be seen to be delivering. A recent interview confirmed this implosion, with the respondent saying, 'the guys just do not want to admit that they have failed'. Thus, even though the new SANCO have been unable to deliver – by which is meant service delivery and local jobs – the legitimacy of office is still strong enough to stop rivals from doing just this.

Indeed, a crucial element in the story that helps understand the power of the new SANCO over the old is not so much the allegation of corruption, but rather the allegation that the old SANCO was too close to the DA-run city and its allies in white society – a perceived betrayal linked to taking the side of the city and (white foreign) donors in choosing to build a new school in Imizamo Yethu, instead of more houses. A recurring refrain from the new SANCO leadership was the way in which party politics at higher level of the city and province were interfering in Imizamo Yethu. Indeed, according to one respondent, the opposition of the new SANCO leadership to the new school led to the Premier's office doing its best to try and fire him from his government job for his allegedly partisan role. Notably, despite the repeated claims to represent the whole community, regardless of party affiliation, the discourse of 'betrayal to the DA' and the division of representational roles with the ANC confirm the closeness between the two organisations. In the words of one foreign resident, 'SANCO is the little brother of the ANC'.

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## Conclusion

One of the reasons for poor local governance in South Africa is the closing down of independent citizen voice, action and organisation at the most local level in South Africa. Instead, the representation of urban, black communities is usually monopolised by ANC-aligned activists, often in the organisational form of SANCO. While SANCO is historically independent of the ANC, and was set up to be a mass-based social movement to champion popular interests against the state, it quickly learned that recognition of ANC authority was a necessary condition for access to the influence it craved and resources it needed. Perhaps even more importantly and less widely observed, the activists that constitute SANCO were also schooled in the liberation nationalism of the ANC that establish the party as the sole legitimate champion of nation in its historic struggle for political and economic liberation.

By drawing attention to the links between SANCO and the ANC, not least ideologically, this chapter illustrates the significance of party politics for local state–society relations, echoing Zuern's (2011) view. In addition, it draws attention to the significance of ideas to politics, even at the more local and everyday level of politics. As demonstrated through the case in Imizamo Yethu, homogenising, exclusive and intolerant elements of liberation nationalism influence local claims and practices of legitimate representation at the community level. Thus, even when the demographic community is much more diverse, the 'political community' is practically imagined as a homogenous black South African grouping; only this community can only legitimately be represented by SANCO, and SANCO is understood as aligned to the ANC, to the extent that rivals can be outmanoeuvred by accusation that they are too close to the DA government. Indeed, such is the hegemony of the ANC that, even in those instances where SANCO is too weak to do anything proactive, it can still prevent rival formations from taking any initiative by occupying the office of 'community representative'.

Lastly, the argument here is not that 'party-society' fails altogether to represent popular needs, but rather it can only do so in a way that is disciplined and remains within the existing framework of ANC rule. Any attempt to challenge policy in a more thoroughgoing way, and especially any attempt to challenge the ANC's right to rule, will be ignored at best and actively marginalised at worst. Further, as experienced by the most recent generation of social movements in South Africa, once marginalised from ANC hegemony, social movements are treated as morally suspect and quickly become vulnerable to acts of repression. Hence, in the same way as with the 'party-state' and electoral competition for office, the practices that help constitute 'party-society' reflect the hegemony of the idea that the ANC is entitled to rule, and that substantive challenge for office is illegitimate.

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## Notes

1 I will be using these terms in the mainstream empirical Political Science way as opposed to more specific uses by Mamdani (1996), Chattejee (2004) and others. Thus, here, civil society means those organisations that exist independently of the state and market (civic associations, savings clubs, sports bodies, social movements), and political society means those organisations and actors primarily engaged in the formal institutions of governance (political parties, parastatals, organs of government).

2 SANCO is a national organisation born in the struggle against apartheid that has loose (relatively independent and heterogeneous) branches at the ward level. It has a formal alliance with the ANC.

3 See Matlala and Bénit-Gbaffou's examination of the contradictory political loyalties of disappointed anti-apartheid ANC activists in this volume. These activists mobilised under the Anti-Privatisation Movement to contest ANC-led local policies, but still did not give up their support (and votes) for what remains the 'ANC of the struggle' and tried to justify through various, tortuous rhetorical means what others understood as a 'betrayal' *of* the ANC more as a response to a betrayal than *by* the ANC.

4 Anonymous (1999) A radical reshaping of the vision and role of SANCO. *Umrabulo* 7, third quarter. Accessed 13 January 2014, http://www.anc.org.za/show.php?id=2989#3

5 FXI (Freedom of Expression Institute) (2008) *Police repression in Protea South an indicator of national trend.* Press Release 20 January 2008. Accessed July 2011, http://fxi.org.za/home/2008/01/20/police-repression-in-protea-south-an-indicator-of-national-trend/

6 Friedman S (2013) Only some are free to speak their minds. *Business Day* 3 July. http://www.bdlive.co.za/opinion/columnists/2013/07/03/only-some-are-free-to-speak-their-minds-in-south-africa. See also Pithouse, R (2013) 'There will be blood', *South African Civil Society Information Service*. Accessed December 2013, http://www.sacsis.org.za/site/article/1794

7 See http://abahlali.org/node/8880

8 See Bénit-Gbaffou and Mkwanazi's analysis (this volume) on how the choice of language in public meetings, and the question of translation, is one of the political tools used by local leadership, effectively defining the boundaries of the 'community' being built.

9 This asymmetrical consciousness around the significance of nationality was often encountered. South Africans did not 'see' it, while it profoundly shaped the consciousness of foreign residents.

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# 2 Against ourselves – local activists and the management of contradictory political loyalties: The case of Phiri, Johannesburg

Boitumelo Matlala and Claire Bénit-Gbaffou

'I love the ANC … But they are shit. I do not want to hear of them, but I am going to vote for Zuma'.[1] This quote from an activist from Phiri, a neighbourhood in Soweto (Johannesburg) which has become famous in international social movement circles against water privatisation, is emblematic of the contradictions emerging in post-apartheid South Africa.

These contradictions are further illustrated by Figure 2.1, showing a protest by Phiri activists against their local African National Congress (ANC) councillor and the installation of prepaid water meters. While the activist on the right is wearing a T-shirt from the Anti-Privatisation Forum (APF), a radical social movement that articulates strong anti-ANC views, the activist on the left is wearing an ANC T-shirt, celebrating former President Thabo Mbeki.




**Figure 2.1** *Women demonstrate outside local council office as part of protest action against prepaid water meters*

*(Source:* Indy Media, South Africa, 2004)

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In this chapter we reflect on post-apartheid multiple political identities and belongings among low-income township residents, and in particular among those who are active politically, especially in the field of urban governance. We will focus here on a range of activists who engaged the state at different scales: at the neighbourhood, metropolitan and national levels to have their constitutional right of access to water recognised and implemented.

This chapter is based on Matlala's master's thesis (2010a) on collective mobilisation for water in Phiri, Johannesburg. The research centered on Phiri female activists, and was carried out through ethnographic observation and in-depth and repeated interviews over a period of four months in 2008. The focus of the research was on women, as they are disproportionately affected by prepaid water meters given the dominant household division of labour, and they constituted the majority in the collective action against prepaid water meters in Phiri: predominantly middle aged to old women – the 'grannies' who have also been identified in movements against privatisation of electricity in Soweto (Eagan & Wafer 2006). Fourteen female activists involved in the Phiri Concerned Residents Forum (PCRF) were interviewed, as well as three executive members of the Coalition Against Water Privatisation (CAWP), nine APF members, a Centre for Applied Legal Studies lawyer and a City of Johannesburg official involved in the installation of prepaid water meters. Purposive sampling was used in selecting interviewees from the concerned organisations; interviews with non-executive members of the PCRF relied on snowballing informed by the social networks of the interviewees. All Phiri activists were interviewed in their homes and in the local languages, and the interviews were recorded and transcribed. Furthermore, field research included observations of monthly meetings of the CAWP, weekly meetings of the PCRF, including PCRF co-ordinated events for the community of Phiri.

Our question, however, is not limited to this specific case study. It echoes important academic debates raging in post-apartheid South Africa on political voting patterns and behaviours. Some (Friedman 2005; Lodge 2005) argue that post-apartheid politics are largely based on identities and still constitute a form of 'racial census', where citizens are voting for the party that embodies the racial category defined during apartheid and the struggle against the regime. Hence, Africans' supposedly unconditional support for the ANC; whites' dominant support for the Democratic Alliance (DA); and other groups, such as Indians and coloureds, showing shifting or divided political belongings (Habib & Naidu 1999). Other researchers analyse African support for the ANC as a temporary effect of the 'liberation syndrome' – unconditional support for the liberation party that will fade away as 1994 becomes a moment of the past and as credible political competition emerges (Mattes 2005) – and as a rational political strategy in a context where the ANC being a dominant party (Southall 2005), it is important to show political loyalty to the likely winner of the elections (the ANC) in order to access a variety of goods (Bénit-Gbaffou 2012).

Beyond South Africa, and possibly with some relevance for all urban societies of the South, an ethnographic approach to local activists' political behaviours and

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belongings has been adopted in the field of political anthropology concerning Latin American contexts (Auyero 1999; Auyero et al. 2009). Simone (2004) and Mbembe and Roitman (1995) provide us with conceptual elements to frame our analysis (1995), highlighting the necessity of potentially contradictory multiple belongings, as a survival strategy, in particular for the African urban poor. The city, indeed, provides a sufficiently networked but also large and diverse (therefore anonymous) context for individuals to be able to play different identity cards in different contexts, different arenas, or different parts of the city, as various opportunities arise. But cities of the South, specifically, are also built – at least in low-income areas – on strong social networks embedded at the neighbourhood level (Simone 2004). These networks provide both support (and a possible 'sense of community' that is sometimes celebrated, especially in Northern urban societies, with a sense of envy or nostalgia), and forms of social control (Auyero 1999), that some also call social 'entanglements' ('a set of social relationships that is complicated, ensnaring, in a tangle, but which also implies a human foldedness' (Nuttall 2009: 1). These local, community entanglements may render problematic the management of individuals' diverse, and sometimes contradictory or incompatible, social identities.

The chapter is structured in three parts. First, we position our argument in a broad South African literature on social movements and politics, and contend that understanding activists' own perspectives and practices at a local or even individual level is important to further the debate. Second, focusing on the case of Phiri, we assess, through a history of their struggles against water commodification led by the ANC-dominated City of Johannesburg, the dynamics of local activists' 'struggles' in relationship with their persistent ANC belonging. Finally, we analyse the discourses and tactics used by activists to manage their own contradictions – internally and externally.

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## Activist and 'comrade': Not a contradiction in post-apartheid South Africa?

What have been called 'service delivery protests' – with a debate between those who see the protests as based on calls for service delivery (Booysen 2007) and those who understand the protests as a claim for citizenship and recognition by the state (Pithouse 2008) – have been rising in South African cities since 2004 (Alexander 2010; Atkinson 2007): see Figure 2.2.

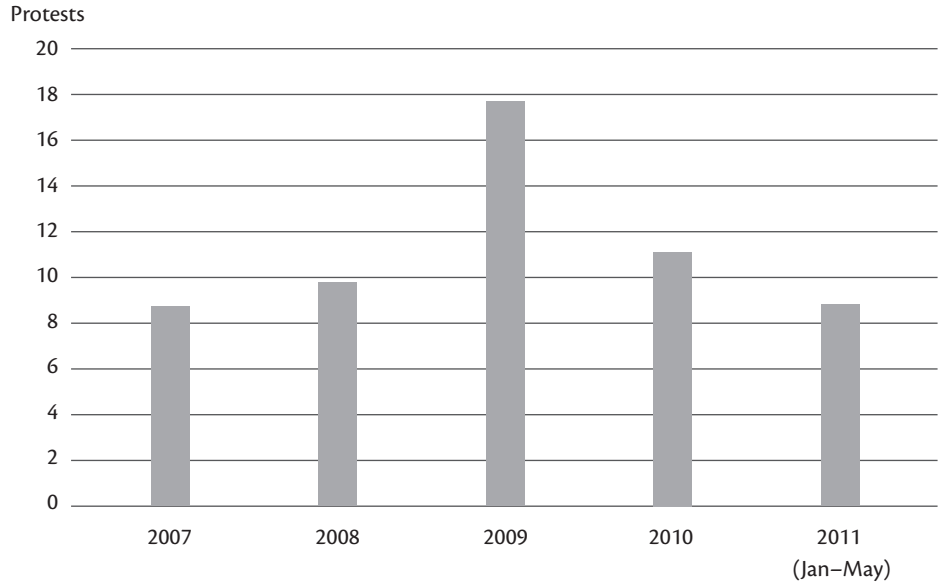


**Figure 2.2** *Average number of protests per month for the years 2007–11*

*(Source:* Adapted from Jelani & Hirsh 2011)

However, the increase in protests has not translated into weakening support for the ANC, or even into decreasing electoral turnout in various elections, as concluded by a seminal study that looks at voting patterns in areas afflicted by service delivery protests (Booysen 2007). Several authors have highlighted that this paradox is not a real contradiction: protests are understood as a supplementary political strategy to put pressure on government, not as an autonomous movement determined to oust the ANC (Alexander 2010; Booysen 2007, 2009; Matlala 2010b; Piper & Africa 2012). Moreover, the political outcomes of service delivery protests have affirmed their usefulness in drawing public attention, achieving engagement with the state and getting services (Alexander 2010; Booysen 2007). This usefulness might explain the increase (or at least stability) of voting turnout, and even increasing support for the ANC in the 2006 local elections, in wards affected by mass urban protests: local government or the ANC actually 'delivered' after the protests. Protest action has been incorporated into citizens' repertoires of political participation and has become a mechanism of holding the ANC government accountable, in addition to (rather than at the expense of) voting for the ANC, in what Booysen has termed a 'dual repertoire' (2009). However, this paradox can be analysed further, as some elements are currently changing.

First, many social movements are becoming more radical in their open criticism of the ANC. Some have consistently called on their members for electoral abstention, as is the case with the Landless People's Movement, since 2004. Others use the threat of abstention to leverage the ANC for their demands, as was the case with Abahlali baseMjondolo (Abahlali) in the 2006 elections (Patel 2007). 'No land!

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No house! No vote!' has become a popular slogan and even the title of a book (Symphony Way Pavement Dwellers 2011). From the APF emerged the Operation Khanyisa Movement (OKM), which managed to secure one OKM councillor in the Johannesburg Council after the 2006 local elections. The leader of a Soweto branch of the Landless People's Movement joined the DA, stood for election and called the branch members to support the DA in the 2011 elections (Sinwell, this volume). In the 2014 elections, Abahlali decided to endorse the DA.

On the ANC's side, intolerance for urban social movements has increased. Reflecting longer standing hostile rhetoric towards the 'ultra-left' at the national level (John 2001), the ANC has adopted more violent tactics against social movements at the local level. This can be understood as a response to the multiplication of urban mass protests (Chance 2010; McKinley & Veriava 2005; Pithouse 2008), but also as a reaction to rising pressure on the party, which is eager to keep its constituency in a context of increasing internal factionalism and external competition (in the form of the now less-threatening party, Congress of the People (COPE), or the rising Democratic Alliance, or the new Economic Freedom Fighters). This ANC radicalisation renders dual membership or political belonging more uncomfortable, sometimes impossible, as is the case for Abahlali (Chance 2010). Even when various channels of engagement with the state – 'brick' and 'ballot' (Booysen 2007) – constitute complementary strategies in order to be heard, we argue it is increasingly difficult for individual agents not to be caught in these contradictions while social movements and the ANC radicalise their discourses and actions against one another. This chapter focuses on how activists justify, in their own eyes and in the eyes of their communities (families, political groups or neighbourhoods), the contradictions in their own multiple political belongings.

A second argument calls for nuancing the 'dual repertoire' interpretation of this paradox, and unpacking the relationships between social movements and the ANC. Factionalism within the ANC has continued to rise since the Mbeki-Zuma battle in 2007, and it has been interpreted as an important element for the development of protests, often led by disgruntled members of the ANC or of the Alliance. Growing evidence tends to show, indeed, that protest action is also a tool in local political struggles (Alexander 2010; Booysen 2009; Harber 2011; Siwisa 2008). This changing context might lead to protests taking on a different meaning in terms of political positioning towards the ANC. Alexander (2010) argues it marks the end, or at least the limits, of the 'dual repertoire' as a key analytical concept to unpack urban protests.

South African literature on social movements abounds; legitimately so, as social movements and a 'civic culture' have been, and still are, key features of the political landscape in South Africa, during apartheid and after. South Africa is known around the world, and in particular in academic and activist circles, as characterised by a dynamic civil society who, more than elsewhere, resort to mass protests (Mattes 2008) for popular voices to be heard, and whose popular political battles are followed and commented on globally.

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Generally based on international literature on contention politics (Castells 1983, 1998; McAdam et al. 1996; Tarrow 1998), analysts of social movements in South Africa have engaged in a number of debates. Many question the continuities and changes before and after 1994 – wondering whether the transition to democracy means the decline of social movements, and whether current forms of mobilisation are new or inherited from past anti-apartheid struggles (Ballard et al. 2006; Beinart & Dawson 2010; Friedman 2003; Friedman 2010; Gibson 2006; Habib 2003; Nthambeleni 2008; Seekings 1998). Others question the nature (diversity or unity; radicalism or reformism; state-related or autonomous) of social movements in South Africa, and the extent to which they are able to influence South African political and social paths (Ballard et al. 2006; Beinart & Dawnson 2010; Gibson 2006; Pithouse 2008; Sinwell 2011; Thompson & Tapscott 2010).

More recently, some have started questioning the relationships between democracy, violence and social movements in South Africa in the aftermath of the 2008 xenophobic attacks – provocatively described by some as a genuinely popular movement (Glaser 2008) – but also in the context of increasingly violent confrontations between protesters and the state (McKinley & Veriava 2005; Pithouse 2008; Von Holdt 2010). A few authors focus on and critically analyse the internal politics of social movements, although very cautiously, as this could lead to further political discrimination against movements that are already criminalised by the state (Bryant 2008; Pointer 2004).

However, very little of this vast range of work addresses the relationship between civics or social movements and political parties – in particular, with a mass party, well grounded in low-income townships: the ANC and its allies (COSATU, the SACP and SANCO). While political studies of voting patterns have paid attention, mostly from a statistical and national perspective, to the relationships between levels of turnout, support for the ANC and protests, few social or anthropological studies of social movements focus on questioning local activists' voting behaviours and attitudes towards the ANC. Many authors mention local branches of the party and their role in shaping the tactics of social movements in direct or indirect confrontation at the local level, but mostly anecdotally and without much theorisation. In a series of detailed case studies on the informal settlements of Orange Farm in Johannesburg and Kennedy Road in eThekwini, it is clear that social movement organisations, often formed by ANC members in response to local crises, have been strongly opposed by local ANC branches (Bryant 2008; Chance 2010; McKinley & Veriava 2005; Pithouse 2008), which have, for example, disrupted meetings and marches, circulated wrong information to create confusion, set up new SANCO branches to divide the community away from social movement organisations and signed agreements with municipalities as the 'legitimate' representative of communities. Beyond these micro-local politics mentioned as part of social movements' unfolding political paths, party politics are also evoked when social movements call for election boycotts and directly engage the link between 'people's politics' and 'party politics'. But these links are generally discarded – the former being radically opposed to the latter. We argue that

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everyday realities are more intertwined, and even though this distinction is a political necessity for social movements, local activists engaged in them are more often than not also card-carrying members of the ANC (Bryant 2008).

## Contentious politics in Phiri

Phiri, one of the poorest and densest neighbourhoods in Soweto, was selected by the City of Johannesburg in 2003 as the area in which Operation Gcin'amanzi (OGM) would first be piloted, given its high levels of unaccounted-for water. Although water meters had been installed in some parts of the Johannesburg region already (Orange Farm and Kagiso), it was expected that the prototype project in Phiri would define an approach to the implementation of OGM in the rest of the metropolitan area, in accordance with the technical and social challenges encountered by the team (Hansen 2005). The implementation of the project, in particular the installation of prepaid water meters, was met with civil unrest marked by vandalism, violence and protest, later followed by an internationally renowned court case against the City of Johannesburg. The strong involvement of a variety of intertwined social movements strengthened an anti-ANC radical discourse, but also contributed to fragmenting the Phiri community along political and social lines. This, in part, might explain why the mobilisation did not lead to radical changes in Phiri residents' voting patterns in recent elections.

### Collective mobilisation against prepaid water meters

Phiri activists had already resisted the general move to the commodification of urban services that the City had embarked on through the adoption of Igoli 2002. They had rallied with the APF campaign against prepaid electricity in 2001, Operation Khanyisa, which involved illegally disconnecting meters and reconnecting electricity. This was a significant operation in establishing networks between residents and the Soweto Electricity Crisis Committee (SECC), together with its affiliates; an intertwined movement that would later lead collective action against prepaid water meters. Figure 2.3 summarises the unfolding of events in the resistance against Operation Gcin'amanzi.

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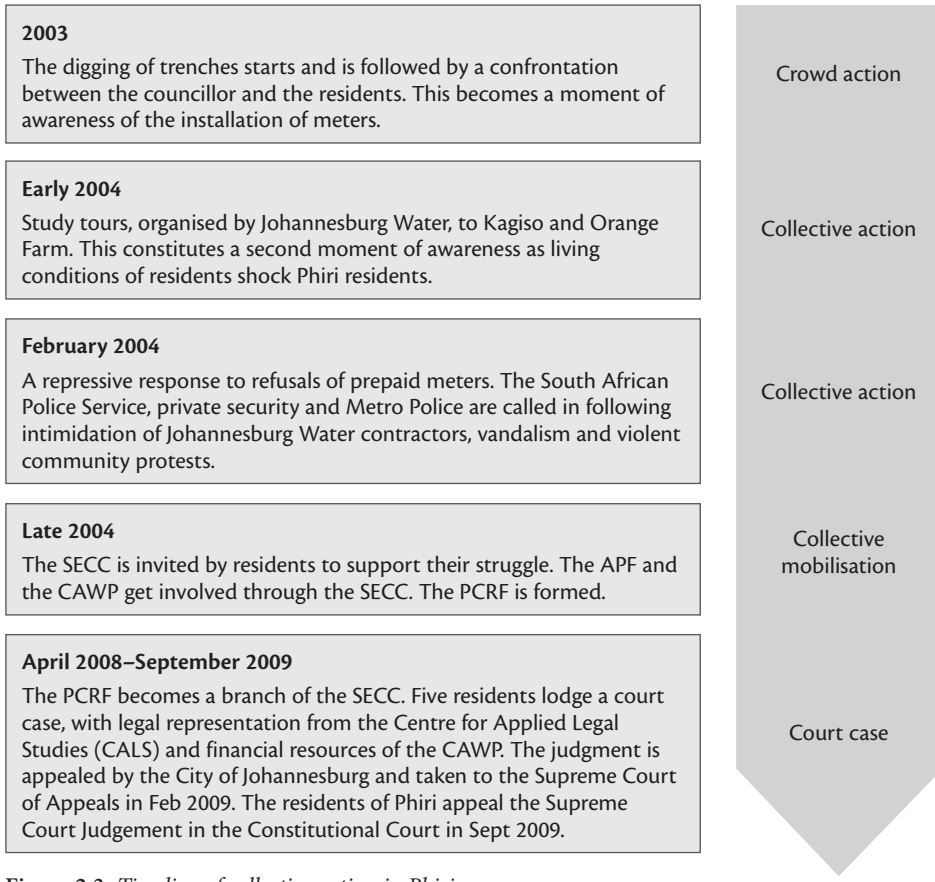


**Figure 2.3** *Timeline of collective action in Phiri*

Collective action against prepaid water meters was initially marked by organic civil society disobedience and vandalism. These actions erupted suddenly around a conflictual issue that could largely be characterised, using Singh (2001), as 'crowd action', not necessarily 'collective action', given the lack of organisation and structure. The actions included vehement refusals of prepaid water meters, initially on the basis of perceived incorrect procedure given the lack of consultation: 'I told them [Johannesburg Water's contractors] that we did not sign for the installation of a meter … as they were leaving my yard they said that I will remain without water'.[2]

Later, resistance was underpinned by the knowledge of (undesirable) substantive implications of a prepaid system of water provision, following study tours organised by Johannesburg Water.[3] As part of efforts to obtain residents' buy-in in the project, Johannesburg Water had indeed organised field visits to water purification plants and Kagiso and Orange Farm, areas in which prepaid water meters had been installed. 'I decided because of the poverty and suffering we saw there [Orange Farm] that I will not let them install a prepaid meter in my house'.[4]

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Although the act of refusing was largely an individual's decision, these refusals aggregated, at least temporarily, into a collective refusal, and led to a situation where 'Matilili Street was the last street to have meters installed, because of their fighting and refusals'.[5]

Cumulatively these small, seemingly uncoordinated, events led to a large event (Singh 2001), even more so as the City's response increasingly became intimidating and repressive. Individuals were threatened with water cut-offs that were later realised: 'I refused a prepaid meter or a stand pipe and had to go on for eight months without water. I would do the laundry at Kliptown and the APF hired a truck to give the residents water'.[6]

In an effort to force residents to install prepaid meters and discourage some leaders from active involvement in the residents' collective action, the South African Police Service and Johannesburg Metropolitan Police were deployed. The confrontation between Johannesburg Water, the police and the residents led to arrests, injuries and the death of a Johannesburg Water contractor (Hansen 2005), leading Johannesburg Water to deploy private security to have the meters installed. One of the activists denotes some of the outcomes of this violence: 'Here in Phiri, because the struggle started here, we have people who died. We lost two comrades because of the struggle'.[7] Another stated, 'I asked him [JW official] why he brought the police to my house and did not tell them that he tried to bribe me. The one police threatened that if I do not cooperate they will arrest me'.[8]

Through individual connections, residents secured the assistance of the APF, the SECC, and the newly formed CAWP, an affiliate of the APF, through which the residents of Phiri were introduced to CALS, a rights-based non-governmental organisation. CALS began preparations and applications for the legal court case in 2004 (only to be heard in 2008), based on research and community meetings in Phiri.

The CAWP built on existing neighbourly networks in Phiri and created the PCRF (Phiri Concerned Residents Forum) in 2004. This forum became, in 2008, a branch of the SECC (Soweto Electricity Crisis Committee). The creation of the PCRF, and then its transformation into the Phiri branch of the SECC, provided Phiri residents with access to more resources. Following the formation of PCRF, activists launched a campaign called Operation Vul'amanzi,[9] with the assistance of the APF and the CAWP (McKinley 2004). This campaign consisted of illegal reconnections of water in order to grant residents, and sometimes institutions such as churches, unrestricted access to water. The formalisation of collective action also led to its material consolidation, such as securing a venue where meetings would be held on a regular basis and minutes taken, and the availability of funding to pay bail for jailed members. It also led to its integration into broader networks, where the organisation took mandates, not only from the public meetings but also from the head office (Dwyer 2006). Well-developed connections and common frames between the social movement organisations also facilitated the emergence of a 'culture of resistance', providing insurgents with a coherent identity and a profound sense of meaning

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attached to collective forms of resistance – captured, produced and reproduced through symbolic products like songs, poetry and stories of past battles and struggles (Nicholls 2008).

However, the involvement of the APF/SECC/CAWP also resulted in a factionalised collective effort and subsequent self-exclusion of residents opposed to joining these movements, exacerbated by the transformation of the previously informal residents' forum into the formal SECC Phiri branch. The formalisation of the branch led to the creation of new identities that emerged from the process of collective action (Berger 1992). The attribution of these new identities – perceived as beneficial for their social status and facilitating greater access to various forms of capital – became important incentives for activists. The transformation discouraged participation of some residents and ANC members suspicious of social movements, such as the anti-capitalist and anti-ANC APF. Other activists preferred to bypass the local scale (SECC Phiri branch) and participate on the metro scale (SECC) because of the strong notion of 'true comradeship' associated with participation on the metro scale, and also perceptions of effective problem-solving at this level. In addition to the contested membership within the branch ('true comrade' versus 'ordinary comrade') there were divisions between active members of the SECC ('comrades') and active community members who were relegated to the status of 'ordinary residents'. This further fragmented activists in Phiri and drastically reduced the number of members in the PCRF-turned-SECC Phiri branch.

While the mobilisation of Phiri residents has a significant collective dimension, it is important to understand the local nuances of the mobilisation within the township, which too often tends to be described as homogeneous socially, physically and politically. One finds a contrast within Phiri – with consequences for the nature of political mobilisation against water meters – between what is locally called 'the Old Phiri' (consisting of apartheid classical 'matchboxes'[10] densified with backyard shacks) and 'the New Phiri'. The latter Phiri extensions were developed in the 1990s, with private-funded or 'bonded' houses, and inhabited by economically slightly better-off residents; most households here have at least one employed member, which means some form of regular income, plus some access to water at their work place. A third part of Phiri, locally called 'Two-rooms', consists of semi-detached houses (also densified with backyard shacks); this specificity renders it difficult to develop prepaid water meters as each plot is shared by at least two households. Thus, water meters had not been installed there, as opposed to the rest of Phiri.

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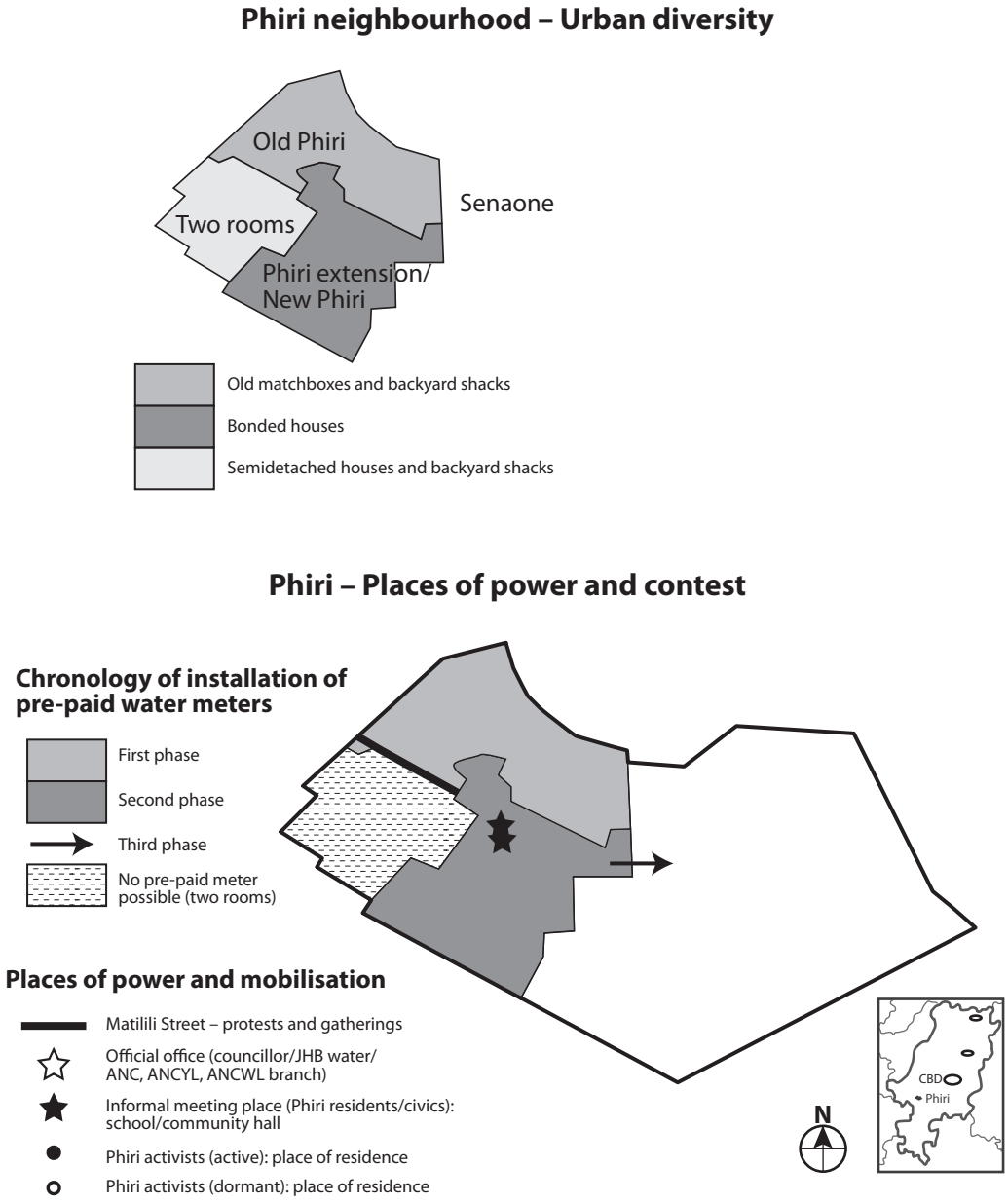


**Figure 2.4** *Local spaces of collective mobilisation*

Claire Bénit-Gbaffou and Boitumelo Matlala, 2011

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These micro social and spatial differences matter, as far as political mobilisation is concerned (see Figure 2.4). While the more resourced (and possibly more educated) women of New Phiri were quick at first to mobilise against water meters, it is mostly the women of Old Phiri (poorer, with fewer alternatives for water access; more anchored in the neighbourhood; longer-term residents, in spite of their historical lack of 'ownership' status) who remained actively involved in the fight against the meters.

Interestingly, spaces of political power for the social movement and for the ANC are locally distinct but also intertwined, symbolically representing the ambiguous relationships between local activists and the ANC. 'Official' spaces of power entail municipal offices for the local councillor and Johannesburg Water, next to the central Matilili street, and the swimming pool yard (in the neighbouring area of Senaone) for the ANC and ANC Youth League branch meetings. Phiri residents regularly meet in one of Phiri's schools, but also in the community hall that they share with the ANC Women's League (ANCWL). Members of the ANCWL indeed prefer the Phiri community hall to Senaone's swimming pool yard (ANC and ANCYL headquarters), as it is more central to their Phiri-based constituency; many Phiri activists are current or former members of the ANCWL and maintain strong social networks with the active ANCWL members.

## Protest action and its limited translation into voting behaviours

This spatial anchoring of Phiri residents' mobilisation allows us to locate the 'core' of the struggle in Old Phiri. Has it translated into specific electoral voting patterns, in the recent elections?

Figure 2.5 (below) shows that, since the 2006 elections, Old Phiri certainly has a distinctive voting pattern, when compared with the rest of the ward, that could be read as a reflection of residents' opposition politics: weaker ANC support than in the rest of the ward; stronger political turnout and engagement at the apex of the resistance movement (2006); followed by a relative degree of demobilisation (with a lower turnout than in the rest of the ward in 2011). Interestingly too, in 2006 a specific contender (AZAPO) emerged in Old Phiri – in contrast with other voting districts with more classic Inkatha Freedom Party (IFP) and DA opposition.

However, if we compare political behaviours of Old Phiri in time, a slightly different picture emerges: support for the ANC is relatively steady (between 87 per cent and 90 per cent of the vote) and turnout increases, as it does in the ward and the whole of Johannesburg.

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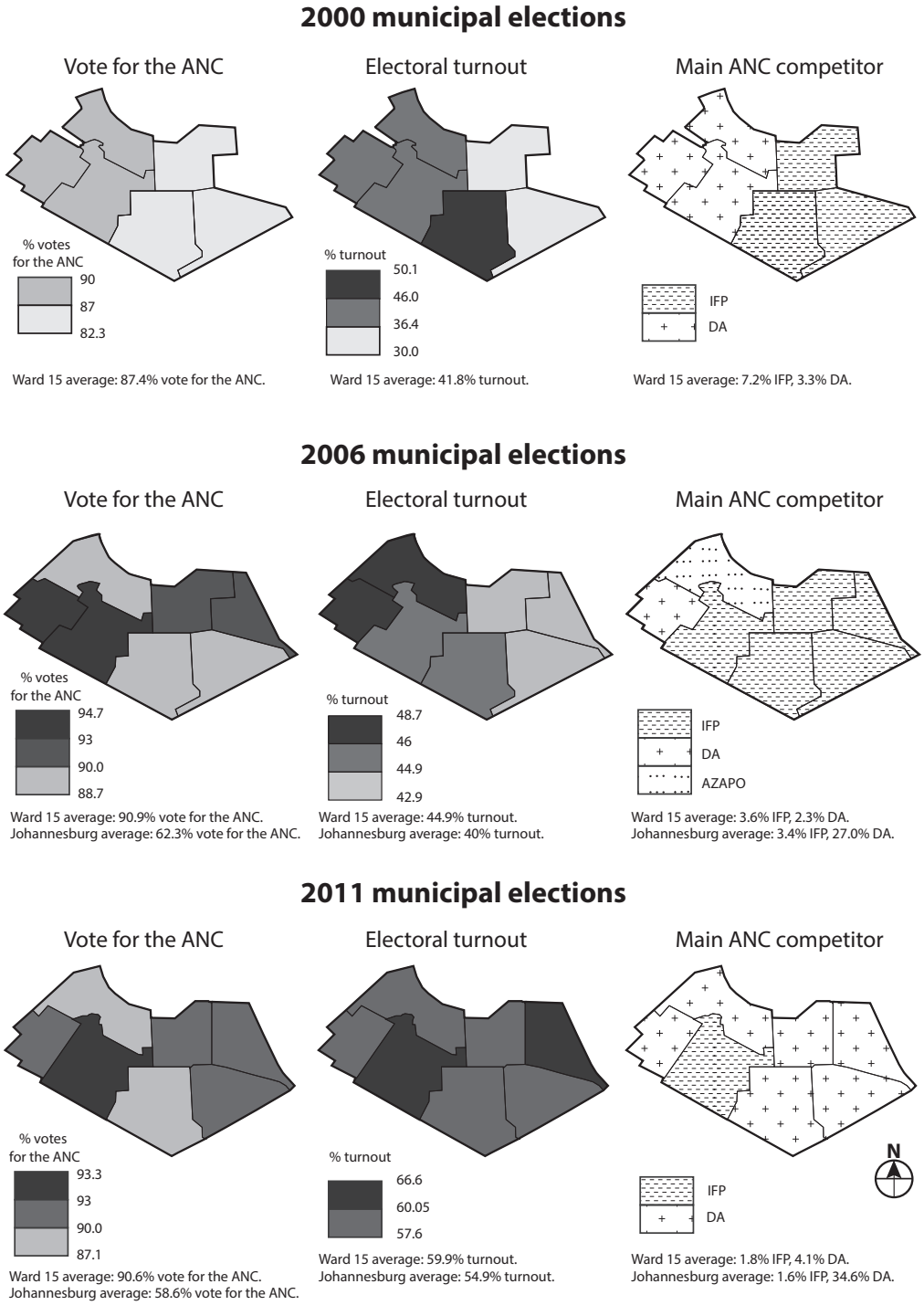


**Figure 2.5** *Voting patterns in local elections, Phiri/Senaone, 2000–11*

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Opposition politics have not led to radical voting pattern changes at the local or micro-local level. If there is a specificity of Old Phiri in this regard, it is more a matter of nuance than sharp contrast. Although political mobilisation against the ANC, the local councillor and municipal policies has developed tremendously in Phiri in the mid-2000s, this has not led to major or significant disaffection for the vote, or for the ANC.

As this is not a new result (Booysen 2007), moving down to the micro-local level proves interesting, as it shows the paradox still holds at micro-local level. In-depth interviews with activists and observations in public meetings show the difficulties people experience – at individual and community levels – in holding these two political loyalties together at times and in places where they are patently in contradiction with one another.

## Ways of managing contradictory political loyalties: Internal and external justifications

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Having and using multiple identities, belongings and networks is not only a fundamental condition of each human being, but it seems particularly developed as a survival strategy by individuals and groups in cities of the South, in order to seize opportunities when they come and to replace, through an extended social network, an inexistent or failing state welfare net (Mbembe & Roitman 1995; Simone 2004). These strategies and tactics come with a cost. The importance of social networks for survival imply a high level of collective social control by the different groups or 'communities of belonging', possibly restraining the possibilities open to the individual who is caught in local or communities' 'entanglements' (Nuttall 2009). The restraining effect has also often been understood as an obstacle to the full development of individuals and individualism (Marie 2008). However, the mere size and diversity of big cities allow for the development of social and spatial strategies to break free from these localised social control networks. Different facets of identity that might be mutually incompatible are displayed, used, and constructed in different physical, as well as political spaces. For example, youth in Dakar can be very devout in their neighbourhoods, under the eyes of their extended family and neighbours, while finding spaces of exploration (including consumption of alcohol and other items forbidden by their religion) in other spaces in the city that guarantee their anonymity (Werner 1993). Another example is provided by Akinyela (2009): to regain a plot 'stolen' in the periphery of Lagos, the legitimate owner might start legal action against the hijacker, go to see the customary chief to settle the issue, and negotiate with the local land mafia – using multiple strategies across different land management systems where each commands a different set of forces, agents and rules. The management of these different networks, strategies and identities requires the use of different physical spaces in the city, as well as different political spaces (in terms of field of power and legitimacy), operating at different scales.

South African analysts (Oldfield 2008) have described the ways in which civics and social movements use various strategies and tactics of contention and cooperation with the state simultaneously (or alternating quickly), depending on opportunity – not only with different levels or departments within the state, but also with the very same agents or institutions of the state. Contradiction is therefore not managed through the use of different physical spaces or spheres of power – rather, it is assumed as part of a tactics of negotiation and pressure, using the carrot and the stick. What happens, however, when the contentious politics (through social movements, openly anti-ANC, and openly discarded by the ANC) preclude any form of negotiation from both sides? Each side (social movement/ANC) seems to be calling for a choice in loyalties and engaging in a battle on a common battlefield – political as well as physical space.

There are several ways in which local activists in Phiri have been managing these contradictory belongings. We first explore forms of management of contradictions through time: how activists use history – and their history of the struggle in particular – to try and conciliate both political identities. We then analyse how activists try to manage these contradictions through space and scale.

## Expressing contradiction in time: Continuities and ruptures with the past struggle

Phiri local activists constantly refer their current struggles to past memories of 'the [anti-apartheid] struggle'. This reference has two effects or objectives. First, it immediately states continuity with the past: a political identity forged in the struggle through and around the ANC, and political skills and vision acquired during and through the struggle. Second, it also introduces a rupture: a disappointment and sense of betrayal (as the struggle failed to achieve significant change), to the point that even nostalgia for apartheid times, where the ANC position was clearer, is sometimes expressed.

> The time ANC was underground, during apartheid times they said that, everybody knows around 1986, we should not pay rates and services. Now when they are in power they say that people should pay R110. As I speak I have slips to prove that. First councillor of 1994 said the rates and services issue will be fixed and then they send you pamphlets talking about R120 when they had spoken of R94. And when Jeff Radebe[11] was still a minister, we were told to pay R120'.[12]

> I am a member of the ANC. My husband has been a member for more than 30 years. My husband was one of the members of the ANC during our school days, and my father was one of the staunch members of the ANC while I was growing up … I am currently a member of the Phiri branch of the ANC Women's League. I have three years as a member. February 2008 I was at the Women's League federation in Sandton … The

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> ANC was initially formed to achieve a democratic South Africa, but right now their purpose has changed from the Freedom Charter, since I was a young girl. They are now powermongers … When I was growing up they used to call four-roomed houses matchboxes, saying that the apartheid government put people in shacks. Now they are putting people in decent shacks, the houses that they build do not accommodate people's families. They are worse than the Boers! If only they were sticking to their Freedom Charter that promised people a better life … They do not fulfil the promises of 1994.[13]

> I was a staunch member of the ANC. I loved the ANC; I was willing to die for it. I was the first member of the ANC in this block that I live in. I would have been in parliament because I was protesting alongside current big members of the ANC; most of those I was protesting with are MPs. I became a member of the ANC when Mandela got arrested … I am committed to the ANC, my heart breaks because of what Lekota[14] is doing. White people are laughing at us; it has only been 15 years and already such things are happening … We are still poor [today]. I trained as part of Umkhonto weSizwe[15] during the weekends. I was trained by Jay Naidoo[16] … The ANC! They are shit. I do not want to hear of them, but I am going to vote for Zuma. I like him because he has knowledge from God … He is not educated, like me. I mean the man admitted he is not educated. The educated ones failed to do anything in 15 years. I will not vote for the APF, but I will support them with my money, although we [the APF] need more councillors to get more power. But I will vote for Zuma, I am going to pray for him.[17]

These quotes illustrate three significant elements. First, the interviewees manifest their pride in belonging to powerful ANC networks, as apparent in the mention of the names of famous ANC activists and politicians; knowledge of different ANC-related structures (underground army, ANCWL branch and federation, etc.); length of personal but also family political involvement in the struggle, giving it authenticity and depth – in short, their 'struggle credentials'.

Second, the quotes express the contradictory feelings the interviewees have for the ANC: love (affirmed as something of the past, as a sign of disappointment; but reinstated, in the present, as a sign of intractable identity) and disappointment (expressed in a provocative nostalgia for the apartheid era, when the ANC was heroic, driven and emancipatory). Most activists use the register of emotions (love, heart, commitment, prayers, as well as insults, swear words, exclamations) but also keep a precise trackrecord of their history with the ANC (dates, slips, etc.), so as to 'prove' that betrayal is not theirs, but is the ANC's, which did not keep its promises regarding rates and taxes, houses, the Freedom Charter, and so on.

These contradictions in feelings and emotions lead to contradictory electoral behaviour. This is particularly visible in the last quote: Activist 13 admits the APF

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needs more power and more local councillors, but will vote – not for the ANC itself, for Jacob Zuma. Here, disappointment with the ANC is subsumed and excused by the perceived betrayal by an individual (former president Thabo Mbeki); and hope is placed in the seeming closeness of the new president to the pleas and characteristics of these aging female activists (see also Ceruti 2008).

References to the anti-apartheid struggle are also mobilised to stress activists' personal loyalty to the 'spirit' of the struggle and to justify their engagement against Operation Gcin'amanzi through loyalty, not betrayal, towards the ANC. Activists' expressions of loyalty to the struggle parallel their accusations that the ANC has changed over time, or that its leaders have betrayed them by being uncaring for the poor. The difference drawn between Mbeki as traitor and Zuma as saviour is a way of justifying activists' continuing loyalty to the ANC, in spite of their engagement against its policies:

> I am used to suffering. I know what it is to suffer. So I was not afraid of suffering. I used to protest with James Mpanza[18] wearing sacks with red belts. I protested again against *dompasses.*[19]
>
> I know what I was fighting for in 1976.[20] It looks like I have not realised what I was fighting for in 1976, and still need to fight for it … I have freedom because of fighting. In 1976 I was burning shops and bottle stores. So why should I be afraid now? We burned a lot of things and killed, but thank God I survived 1976 until now. I have not been arrested, I have not been shot, I am still well and around. Maybe next time I will be killed by Masondo[21] … You see, if you do not destroy any buildings or burn cars, then those in parliament will not hear anything you are saying … That is why I am telling you that I took out the pipes and burned them [in the resistance against prepaid water meters]. Yes, me. I burnt their containers, together with the late Bongani. They would replace them, we would burn them … When you stage sit-ins or peaceful demonstrations they think you are happy, while you are hurting. It is only when you do something with your hands to make blood flow, that they pay attention … It is simple to kill a person; you drop a stone on their head or you put a spade through their head.[22]

Continuity in pain; continuity in the belief in freedom and the efficiency of fighting for it; struggle as sufferance: these continuities legitimise activists' involvement in the (anti-ANC) social movement struggle, as does the reference to the broader context of protests happening in the country, and the impossibility of being heard without violence.

This is indeed a growing dimension of popular protest in contemporary South Africa, since local institutional platforms for participation ('invited spaces' as termed by Cornwall 2004) are dysfunctional (Bénit-Gbaffou 2008), and only the attraction of media, generally through violent collective action, can trigger the intervention of higher levels of the state or the party (Matlala 2010b). The contemporary use of violence in protests, motivated by this current structure of political opportunity, is

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legitimised here by mobilising the past use of violence in the anti-apartheid struggle (Von Holdt 2010).

Loyalty to the belief in freedom and that collective struggle can achieve this freedom, are reaffirmed as constant ideals by activists, as if to balance what they construe as a betrayal of these ideals by the ANC. Activists, indeed, constantly affirm their attachment to what they call the 'real' ANC, while the current ANC is described as 'false', misled, corrupt. As stated by Activist 7 (2008), 'we have lost hope. It is not the ANC we used to know and it is not the ANC we hope to be. It is something else we do not know'.

This is also evident in other accounts, as narrated by Pithouse (2008), of Abahlali activists in informal settlements in eThekwini who outvoted local committees dominated by SANCO, that 'had been like Christians who worship the Bishop instead of worshiping God', putting in place new, autonomous local committees and denying that they were 'anti-ANC'. One of their leaders instead gave 'a powerful account of how he had learnt the history of struggle and the ANC from his grandfather in his rural Transkei village and remained committed to the idea of the ANC but not to its clergy. What people were actually, and audaciously saying, is that they were in fact the real ANC' (Pithouse 2008: 78).

This perception – that the ANC has changed – is grounded in reality. The ANC has shifted from a liberation movement into being a governing party and this has necessarily induced changes in the party, its politics, and its membership; although it still upholds its denomination of 'movement' and some of its rhetoric of 'liberation' (Darracq 2008). Without going deeply into this debate, we can quote Suttner (2007) who argues that the reconstitution of the ANC as a legal body in 1990 resulted in mass membership that was different to the careful screening of recruits and caution exercised before enrolling members during the liberation movement. 'Many people definitely joined for reasons other than political commitment, but a sense that the future lay with the ANC and association with the organisation could lead to economic benefits in terms of contracts and other benefits' (Suttner 2007: 13).

Suttner's view seems to promote the ANC during apartheid as a thorough, honest ANC, as opposed to the current self-enriching, corrupt ANC. Nevertheless, although the authenticity of the current ANC is questioned (pre-1994 ANC being the point of reference), the party continues to enjoy legitimacy as a result of its historical role in the liberation movement (Lodge 2002). A leader reported that a CAWP meeting had to end early because of residents' hostility towards the CAWP, asking where they had been all along, when the ANC fought for them.[23] The liberation credentials of the ANC and the racial context in South Africa sustain beliefs of the ANC as the only political channel, simultaneously undermining any other political organisation.

## Managing contradiction in space

Some activists, rather than giving up on the 'current' ANC (which does not really help when it comes to explaining their continuing voting support for the ANC),

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distinguish between different levels of the ANC, in an attempt to manage the contradiction in space and scale rather than in time. A strong distinction is then made between the executive of the ANC and what Activist 13 referred to as 'the deployees of the ANC'. For her, 'It is not the ANC that oppresses and abuses people; it is the deployees of the ANC, people like Kunene[24] and Masondo'.[25]

This distinction divorces the ANC, taken to be the executive of the party, from officials deployed by the party. Among other things, this conceptualisation of the ANC exempts the party from the responsibility of prepaid water meter implementation. In Phiri, the CAWP once strengthened this distinction between the ANC executive (who is not the oppressor) and the 'workers of the ANC' (the oppressor). The national organiser of the CAWP stated in a community meeting in Phiri that, according to his own discussion with ANC national leadership, the City of Johannesburg's initiative of installing prepaid meters (Operation Gcin'amanzi) was not in line with the ANC's directives.[26]

This trend also builds upon the tendency of separating local government from central government. In this distinction, the ANC is located (and fixed) at central government which is less liable for occurrences at the local level. This understanding has been strengthened by the allocation of policy implementation to local government, whose supposed proximity and accessibility for residents has been emphasised and promoted by national policy, as opposed to a more remote central government (Lodge 2002). The activists' confinement of responsibility for Operation Gcin'amanzi to local government distances the ANC, located at central government, from the project.

Evidence from other sites of contention in South Africa show how powerful this distinction is. Researchers of supporters of the Abahlali social movement in eThekwini, for instance, report that

> asked why they supported the ANC when their conditions had remained largely unchanged, most people emphasised that they were not protesting against the ANC or the government, but … against the councillor and the 'laziness' and unresponsiveness of people in the eThekwini municipality … The most local part of the ANC is all politics, they don't care about development'. (Bryant 2008: 55)

The ANC itself reinforces the separation that was made by Phiri or Kennedy Road activists. In the 2009–10 service delivery protests, especially when protesters were demanding the recall of their local councillor, the ANC sent national executive committee (NEC)[27] members to mediate. Often the result was the recognition that community demands were reasonable and legitimate, as was the case, for instance, in Orange Farm (Johannesburg) and Sakhile (Standerton, Mpumalanga).[28] More broadly, the ANC has distanced itself from the local government officials, propagating the idea that it is not the ANC, but rather inefficient local government officials who are responsible for failing service delivery. These overlapping distinctions (local/

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central; government/ANC) have been repeatedly mentioned by the Presidency, as shown by the following extracts of public discourses from President Zuma, from 2008 onwards:

> 'Councillors could find themselves out of work if they continue to ignore community issues', President Jacob Zuma said after a surprise visit to [a] township in Tembisa yesterday, where angry residents have staged protests over service delivery failures … Zuma said the fact that councillors were not addressing these problems almost 20 years after the informal settlement came into being, was a 'serious problem'. He said he planned to raise this matter with the African National Congress (ANC) provincially and regionally.[29]

> We need to ensure that the audit of ANC councillors be undertaken as a priority … These protests also highlight weaknesses within the ANC structures and the broader democratic movement … If people are experiencing problems with service delivery or are not being taken seriously by councillors, it is the ANC branch that should be taking up these issues. The protests that have taken place suggest that many ANC branches are failing in this respect.[30]

It is not the point of this chapter to demonstrate the multiple fallacies on which this blame game between central and local government rely. Central government's responsibility in local government failures to deliver has been amply documented: through the lack of financial, technical and political power vested at the local level by national government, rendering councillors' mandates difficult to achieve and their positions almost untenable (Bénit-Gbaffou 2008; Friedman 1997), and through the direct responsibility of the party in nominating local ANC candidates for elections (Darracq 2008). The latter dimension, however, was challenged in the 2011 local elections, where the ANC embarked on a process of allowing local 'communities' to have a say in nominating their local candidates. But this local consultation turned chaotic, as nominations were eventually decided by the national office of the ANC, leaving a number of local communities deeply frustrated about the process.[31] This responsibilisation of the top of the party in nominating councillors who are not able or not willing to serve their local constituencies, is already visible in Activist 7's 2008 statement:

> We voted for the ANC. So what is the duty of councillors? They are strangers, and they never listen to us, even if you can book an appointment with them. We are forever stressed … The ANC from the top chooses our councillors for us. How do you approach a stranger that you do not know, how do you approach a person who does not know how you live?[32]

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## Conclusion

This chapter has interrogated the multiple connections existing between social movements and political parties, from local activists' points of view. Confirming general studies on social movements, Phiri residents, although expressing strong feelings of disappointment and even betrayal from the ANC, do not translate these feelings into decreasing electoral support for the party. What interested us here was how they justified their own ambivalent feelings and contradictory political behaviours through a variety of tactics. Emphasising the change and betrayal of the ANC itself and stressing their own loyalty to the 'spirit' of the (anti-apartheid) struggle is a common way of justifying their engagement towards their anti-ANC activities. This loyalty is more than a justification, and local activists' struggle histories (reinvented and remobilised for the benefit of contemporary fights) run deep in their world views, their political identities and skills: the understanding of mobilisation as suffering, the trust in the ultimate success of collective mobilisation and the ability to use violence and break the rules and laws for a cause that is believed to be just.

But, in order to justify *both* their struggle against water privatisation and their continuing electoral support for the ANC, justifications and self-positioning need to go further. Through a complex differentiation (in space/scale, rather than in time), activists are able to justify their continuing support for the ANC, beyond identity politics – analysing the ANC's 'schizophrenia', its internal contradictions, not so much between different factions that political analysts start outlining, but between the party and its deployees (its workers in the state) and between the national and the local scale of both party and government. This disjuncture is also emphasised by the ANC national discourse as a way to justify its implementation (local) failures without jeopardising its policies and strategic choices. But this justification might soon find its limits.

It is important to question Phiri case's specificities as well as what it might teach us about activists' politics more generally – in South Africa and elsewhere. Conflicting political loyalties of Phiri activists can be linked to a specific moment in South African history: the transition from liberation politics towards government politics, where the dominant party starts to be challenged but has not yet been put to the ultimate democratic test: its first defeat in elections. We think it is relevant to study this political paradox, not only to document the politics of liberation movements, but also because this transitional moment from liberation to government politics lasts (as it has done now for more than 15 years) and the politics of voting and belonging also change over time. With the disputes about the process of nominating local councillors in the 2011 elections, the ANC responsibility for nominating disconnected or irrelevant local councillors is coming to the fore for the first time.

The Phiri case study can also be understood as displaying specific political identities of the activists involved; it involves a specific generation of women activists, born under apartheid and having fought, more or less directly, the apartheid regime under the ANC and various affiliate organisations. One can talk of a 'generation' in the full

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meaning of the term (Mannheim 1952/1928); all these women have lived 'formative experiences' during their youth, experiences of specific – impressive – historical events that shaped a certain 'generation style', which translates itself into future action. In part, Phiri activists' political identity and allegiance are supported by these formative experiences, which serve as a cultural and political resource and inform political strategies and political skills. While each individual activist has had different involvements and specific memories of the anti-apartheid struggle, they all share certain beliefs and experiences, as outlined earlier. The notion of 'communities of remembrance' (Adriaansen 2006), founding Mannheim's 'communities of action', helps in understanding why ANC political identities are so entrenched, even in (anti-ANC) collective mobilisations. A group forms an imagined community, based on a generational identity drawn from a shared story and construction of the past: a story that is reproduced through individual and collective story-telling, and constructed through the use of symbols (songs, organisational culture, slogans) with a strong association with that past (Adriaansen 2006). Is this changing with a new generation of local activists who borrow from history (parents' or grandparents' histories, rather than their own), but possibly are able to maintain a more critical distance towards the ANC? Do our conclusions on Phiri activists hold for a younger generation of protesters? Interesting parallels were drawn in this chapter between the predominantly elderly women who are active in the Phiri movement, and the more mixed and younger activists (Selmeczi 2012) leading Abahlali in Kennedy Road. What is common is the continued reference to the ANC and the anti-apartheid struggle: the strong expressions of loyalty to the spirit of liberation as element of legitimation of the current mobilisation; the experience of harsh (and sometimes violent) stigmatisation of local movements due to their anti-ANC stance; and the still difficult negotiation of contradicting loyalties. What might change, though, is the electoral behaviour of local activists – in line with broader evolutions within the South African political landscape (see Sinwell's chapter in this volume).

Beyond liberation politics and the older generation of local activists in South African cities, this chapter illustrates the importance of party politics in popular neighbourhoods in African cities: their embededness and their importance in shaping public life and spaces of participation. General literature on social movements or on urban governance is shaped around the hope for the creation of new politics and new political spaces (de Souza 2006). Yet these stories demonstrate, similarly to Auyero et al. (2009), that, although there can be moments of autonomy and creation, the everyday politics of low-income areas has to be understood in relation to the party politics, rather than against them or completely independently of them.

## Acknowledgement

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## Notes

1 Activist 13, Soweto Electricity Crisis Committee, Interview, November 2008.

2 Activist 12, Phiri Concerned Resident Forum, Interview, November 2008.

3 The municipal entity in charge of water management in the Johannesburg Metro.

4 Activist 13, Soweto Electricity Crisis Committee, Interview, November 2008.

5 Activist 12, Phiri Concerned Resident Forum, Interview, November 2008.

6 Activist 13, Soweto Electricity Crisis Committee, Interview, November 2008.

7 Activist 11, Soweto Electricity Crisis Committee, Interview, November 2008.

8 Activist 14, Soweto Electricity Crisis Committee, Interview, November 2008.

9 The literal translation of this in isiZulu is 'open water'.

10 The term 'matchbox' refers, in a derogatory way, to the low-quality houses built by the apartheid state for Africans in urban townships.

11 Jeff Radebe is the current Minister of Justice & Constitutional Development, a member of the ANC national executive committee. He joined the ANC underground during the 1976 Soweto uprising. In 1990 he was the deputy chairperson of the ANC in Southern Kwazulu-Natal region and its chairperson in 1991.

12 Activist 3, Phiri Concerned Resident Forum, Interview, November 2008.

13 Activist 7, Phiri Concerned Resident Forum, Interview, November 2008.

14 Lekota is the former chairperson of the ANC, and the current chairperson of COPE.

15 Umkhonto weSiswe ('spear of the nation', in isiZulu) was the underground military wing of the ANC during the anti-apartheid struggle.

16 Following the 1994 general elections, Jay Naidoo became a cabinet minister without portfolio, tasked with the implementation of the Reconstruction and Development Programme (RDP).

17 Activist 13, Phiri Concerned Resident Forum, Interview, November 2008.

18 The leader of the Sofa Sonke ('we shall all die together') movement in Soweto, in favour of shantytown dwellers in the 1940s: one of the very early social movements in South Africa.

19 Activist 13, Soweto Electricity Crisis Committee, Interview November 2008. *Dompasses* are identity books that were supposed to be carried by African people during apartheid, to restrict them from free movement.

20 1976 was a turning point in the anti-apartheid struggle, with massive uprisings in South African townships, started by Soweto youth revolting against the segregated education system.

21 Amos Masondo was the mayor of the City of Johannesburg at the time of the interview.

22 Activist 8, Phiri Concerned Resident Forum, Interview, November 2008.

23 Own observation, 2008.

24 Councillor Kunene was Ward 15 councillor (Phiri and Senaone) and Amos Masondo was the Mayor of Johanensburg at the time of the implementation of Operation Gcin'amanzi.

25 Activist 13, Soweto Electricity Crisis Committee, Interview, November 2008.

26 Meeting in Phiri Community Hall on 10 August 2008, where the CAWP and Phiri concerned residents discussed the involvement of COSATU (a member of the Tripartite

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Alliance) in the struggle against prepaid water meters. The discussion developed around the question of whether the ANC supports the installation of prepaid water meters.

27 The NEC is the highest governing and decision-making structure of the African National Congress with the responsibility to lead the organisation. It is elected every five years at the National Conference. For some time, the NEC has indeed been understood as the 'real ANC' (www.anc.org.za).

28 Masondo S (2010) Motshekga promises protesters action, *Times Live*, 2 March. Motshekga is the ANC Chief Whip. Mbalula and Gigaba are two members of the national executive committee.

29 Benjamin C (2012) Zuma warns councillors in Tembisa, *Business Day*, 06 August.

30 Hartley R (2009) President Jacob Zuma on the Protest Gripping the Country, *Times Live*, 1 August.

31 To the point President Zuma had to promise that he would remove 'irregularly nominated' councillors … after the elections (Ntliziywana & de Visser 2011).

32 Activist 7, Phiri Concerned Resident Forum, Interview, November 2008.

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# 3 Social movements, mobilisation and political parties: A case study of the Landless People's Movement, South Africa

Luke Sinwell

> On the 26th March [2009], the day before we, the LPM [Landless People's Movement] youth, were to have our march to demand that our councillor step down, the JMPD [Johannesburg Metro Police Department] prohibited us. The reasons the police gave for this were that we are violent and unruly and that they 'know' us. They referred to a march organised by the Gauteng LPM that happened in 2002 when we refused to leave Mbhazima Shilowa's [Gauteng ANC Premier's] office. This march, we explained, was not organised by the youth. Regardless, they said they didn't have the time and manpower to plan a safe and peaceful march and that if we carried out the march, they would be 'hard' on us. We took this to mean that they would arrest us over the weekend and also brutalise us by beating us and shooting us with rubber bullets. The government will not meet with us, and now we believe they are even working with the police to suppress our right to express ourselves openly by marching. There is a real problem in our democracy when the government and the police have time to suppress and brutalise us, but not to help us publicly express the demands that we feel will improve our futures.[1]

A common demand made by social movements in poor communities in South Africa is that the councillor must resign and be replaced by a leader that 'genuinely' represents the community's interests. When movements suggest that the ANC does not have the answers, they are quickly stigmatised, especially when they use direct action as a means by which to have their demands addressed (even if, in doing so, they do not pose a challenge to national policies). Politicians repeatedly tell such protestors that they should wait their turn and not use violence to express themselves. The protestors may retort that they were, in fact, non-violent and that it is the police and government which are violent.

However, if the observer does not purposefully seek to understand the local complexities that paint a picture of the relationship between political parties, the state and social movements, this analysis is incomplete. Glimpses of specific protests in popular or even mainstream media, like the one provided at the beginning of this chapter, may hide the fluid nature of social movements, the politics that underpin them, and how those politics may change over time. This chapter uses empirical evidence based on participant observation and interviews in order to understand the

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relationship between political parties and the Landless People's Movement (LPM) in Soweto, a township in South Africa southwest of Johannesburg. The chapter traces the origins and development of the LPM in Soweto, paying particular attention to the wide array of strategies and tactics that the movement has employed over several years, in order to access state resources.

Once an umbrella social movement that claimed to represent the interests of several informal settlements across Gauteng, the LPM now only operates in Protea South, an informal settlement in Soweto. Like the more well-known Abahlali baseMjondolo (AbM), the LPM has adopted the slogan, 'No land! No house! No vote!' and its discourse reflects a sharp dichotomy between political parties (which are repressive and do not consult the community) and social movements (which represent the community and are victims of state power and government repression). These organisations are both intent on slamming political parties – and local government officials in particular – as inefficient, top-down and, above all, corrupt.

In part, reflecting discourses that have been adopted by movements themselves, scholars have tended to suggest that social movements use extra-institutional means by which to access the levers of power held by political parties. Specifically, they have – albeit using a range of terminologies – essentially created a binary between political parties and elite institutions, on the one hand, and the popular mobilisation by marginalised groups on the other (Chatterjee 2004; Melucci 1989; Tilly 1978). This arguably stems from the idea that political parties, according to Michels (1915), nurture a small minority of leaders who inherently become bureaucrats with specialist decision-making authority. Providing a classic critique of the practice and idea of revolutionary parties, Michels argued that power inevitably corrupts leaders in political parties. He called this the 'The Iron Law of Oligarchy' (Michels 1915).

In line with the critique, the role of political parties in local-level politics has often been discredited in scholarly writing as being corrupt or for personal interest or material gain (Low 2007). Literature from the left in particular, has highlighted the role of social movements in achieving emancipatory outcomes, thereby underplaying the significance of political parties in this process (see Williams 2008 for a critique of this literature). This provides space, in both academic and activist discourse, for a 'pure' subject that emerges from grassroots structures and is supposedly autonomous from the state and political parties.

Edited collections and single-authored books have attempted to provide an understanding of the implications of social movements for post-apartheid democracy and development. One book, *We are the Poors: Community Struggles in Post-Apartheid South Africa* (Desai 2002) highlights the neoliberal dictates of the ANC government and the police brutality which accompanied this, but offers no serious critique of the politics of protests. More recently, *The Politics of Necessity: Community Organising in Post-apartheid South Africa* (Zuern 2011) has provided an important study of the evolution of civics from apartheid to post-apartheid South Africa. However, one shortcoming is that it tends to celebrate the contributions of protest

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movements to democracy, rather than critically analyse the nature of the politics of protest.

As Buire, Wafer and Oldfield, and Gervais-Lambony each remind us in this volume, in practice there is no neat separation between 'invited' or formal/elite processes, on the one hand, and 'invented', popular organisation on the other. This chapter challenges the binary created between social movement activities (as outsiders – seeking access to power) and political party activities (insiders – with power). It enables us to 'humanise' social movement actors rather than view them as 'the embodiment of the truth', as Desai (2006) has advised us against. Indeed, the idea of a pure revolutionary subject whose demands are separate from those of the state and political parties has been questioned and deemed counter-productive by a number of authors in the South African context (Bohmke 2010; Desai 2006; Sinwell 2011; Walsh 2008). In a somewhat more theoretical tone, Glenn has pointed out in his chapter in *States, Parties, and Social Movements* that 'social movements are deeply entwined with normal politics' (2003: 147).

In addition, Barker et al. point out that there has been 'relative inattention to what leaders do' and attribute this (amongst other things) to 'an understandable desire to avoid "great man" theories of history and to give proper theoretical weight to both circumstances in which movements develop and the part played by membership' (2001: 1). Nevertheless, leadership is important and to a very significant extent may determine the trajectory of movements. Furthermore, effective (democratic) leadership is significantly defined by one's ability to dialogue with those who one wishes to lead in a particular (in this case political) direction. It is important to understand leaders' political consciousnesses and the decisions that they make at particular junctures, since this tells us about their strategic choices within the social movement they are constructing. It can also illustrate the ways in which political parties are indeed significant to poor people's struggles in post-apartheid South Africa. Indeed, political parties are often viewed by social movement actors as an essential vehicle through which they can access state resources in the form of basic needs.

The next section provides a more detailed discussion of how scholars have sought to theorise the relationship between social movements and political parties. Moreover, in paying particular attention to movement members' decision regarding whether or not to take part in elections, the section discusses scholars who have theorised institutional and non-institutional ways in which agents – including social movements – seek to achieve social change. It also discusses how activists have dealt with this in practical ways in post-apartheid South Africa and points to the 'contradictory political loyalties' (Matlala & Bénit-Gbaffou, this volume) they are experiencing. It also echoes Glaser's concern (this volume) that the masses and their leaders may choose a conservative political path – for reasons that Glaser does not focus on (as he is, rather, questioning the consequences of this fact for democratic institutions and processes), and that we'll examine here through a case study. The chapter hones in on Maureen Mnisi, an influential activist in Protea South, Soweto,

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and seeks to uncover the irony of the fact that leaders of the LPM have joined the Democratic Alliance (DA), an organisation that oppresses the same social movements in Cape Town to which the LPM are affiliated.

## Political parties and social movements in South Africa and beyond

As signposted earlier, a wide body of scholarly literature (for example, Melucci 1989; Tilly 1978) creates a sharp separation between institutional spaces or political parties and social movements. Referring to Gamson (1990), Goldstone indicates that social movements are often depicted as '"outsider" groups whose challenges succeed, in one sense, as such groups become recognised actors in institutionalised politics' (2003: 1). Put another way, when social movements become effective at accessing formal political decision-making processes, they die down (Goldstone 2003). Others, such as Chatterjee (2004), have partly continued this trend by creating a sharp binary between 'civil society', which unfolds in elite spaces, and 'political society' which is constructed by those who experience exclusion and who are largely precarious (see Mannathukkaren 2010 for a more detailed critique). Chatterjee suggests that this exclusion leads 'political society' to engage in more informal and unpredictable processes with the state and elites (2004).

Scholars have also sought to challenge these binaries, thereby arguing that – in practice – there is no neat separation between those with and those without power and that the strategies that grassroots actors employ may also involve building a relationship with political parties and the state. Roy, for example, has argued that 'grassroots regimes of government both resist and comply with what may be perceived to be top-down forms of rule, be it those emanating from the state or international institutions' (2009: 160). Others have focused on the relationship between popular mobilisation and electoral practices. Gay (1998) has provided a nuanced approach in his analysis of clientelism in contemporary Brazil. Critically, he summarises a recurrent theme in Brazilian scholarship when he criticises those who simply conclude that democratic governance has failed because of

> the widespread practice of exchanging votes for favours, otherwise known as clientelism. It is clientelism that forges relations of dependency between masses and elites. It is clientelism that stifles popular organisation and protest. And, it is clientelism that reduced elections to localised disputes over the distribution of spoils. (Gay 1998: 7)

He attempts to counter this widespread assertion by arguing that clientelism is neither fixed, nor necessarily 'bad' in itself. It can be harnessed by individuals and organisations, in order to create reforms, access the state, and also to hold elites accountable. In a similar vein, Perlman, in her study of Brazilian *favelas* maintained that, during election campaigning by political parties marginalised groups may be in a better position to bargain with political elites (1976).

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Special issues edited by Bénit-Gbaffou and Piper (2012) as well as Bénit-Gbaffou and Oldfield (2011) have provided much impetus for expanding these theoretical developments in the South African context, focusing mostly on civil society's engagement with the post-apartheid state and its intertwined relationships with the ANC. These debates have taken on a peculiar form, given the anti-apartheid struggle and the relatively recent transition to formal democracy. The dominant discourse during the 1990s indicated that civic organisations, as well as social movements, would need to move from confrontational and protest politics to collaboration with a legitimate ANC-led state. There was a further assumption that, because the black majority voted for the ANC, the ANC would deliver basic services to them, such as water, electricity and housing.

It is not surprising then that, while the anti-apartheid period witnessed a peak of social movement activity in the 1980s, the 1990s saw its decline. Heller has claimed that 'a once strong social-movement sector has been incorporated and/or marginalised by the ANC's political hegemony' (2001). The ANC achieved one-party dominance. Its reputation as the main organisation that liberated the oppressed majority from the apartheid government's rule has led to a situation in which the ANC has largely been able to maintain legitimacy in terms of its transformation agenda, regardless of whether or not citizens have determined this agenda. What may be termed the social movement element of the ANC quickly morphed into a political party. After the local government elections of 1995 and 1996, civics 'were called upon to play a leading role in building ANC branches. Grassroots activism thus shifted from building community structures to building party structures' (Heller & Ntlokonkulu 2001).

Nearly 20 years into democracy, South Africa is one of the most unequal countries in the world, and the majority remains poor. In this context, left-wing intellectuals have been quick to point out that the time for Mandela-mania has long passed (Desai 2002). With the transition from apartheid to democracy, many activists hoped that civic organisations would provide the building blocks to deliver to the previously excluded black majority, but instead mechanisms for participation in the post-apartheid period have largely been used to co-opt the masses. Within this paradigm, the role of the black masses in post-apartheid South Africa is to sit back quietly for their turn to receive state-defined services from the government. The ANC reinforces this stance by suppressing dissent and labelling it counter-revolutionary, ultra-left and anti-development (McKinley 2006). Particularly with the adoption of neoliberal policies under the Growth Employment and Redistribution (GEAR) programme in 1996, the state could not continue for long to define the terms upon which citizens participated and, from the late 1990s, there has been an upsurge of popular umbrella organisations and local community-based movements, which have sought to pressure the state to deliver to them. The Anti-Privatisation Forum (APF), Anti-Eviction Campaign (AEC), the LPM and AbM and, more recently, the Democratic Left Front (DLF) are amongst those social movements which have provided sustained challenges to the state. Their use of militant and sometimes

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illegal tactics, as well as their opposition to specific policies to the ANC has led them in many cases to be marginalised by the ANC and quite frequently repressed by the police (Dawson 2010).

Zuern (2006) has provided a valuable starting point from which to understand the relationship between the state and social movements. She alerts readers to the fact that social movements and civil society can use strategies that work with the state, or against it, and argues that the South African National Civics Organisation (SANCO) works with the state when it suits them, and also in opposition when it is unsuccessful at this. She notes that the study of social movements has had a tendency to draw 'boundaries with the state or governing party … to assert that an actor is either critical or co-opted, either "in" or "out"' (Zuern 2006: 180). Zuern argues that this 'creates a simple dichotomy distinguishing those organisations independent of the state from those effectively controlled by it' (Zuern 2006: 180).

Oldfield and Stokke (2007) have also attempted to address this issue by breaking with the binary between 'liberal' thinkers who emphasise that civil society must work with the state (Parnell et al. 2002), and 'radical "anti-neoliberal" critics' (Oldfield & Stokke 2007:ºwho create sharp distinctions between civil society opposition and the neoliberal state (see, for example, Bond 2000). Drawing from the organisational background and tactics of the Western Cape AEC, Oldfield and Stokke argue that, 'The multiple positions and strategic engagements adopted by urban community-based movements, combined with the complex character of neoliberal policies, produce often contradictory and uneven politics that at times resonate with critiques of neoliberalism, but also articulate as locally specific issues' (Oldfield & Stokke 2007: 2).

Scholars in this context have begun to provide a more nuanced understanding of the relationship between a movement's projection of itself in media and the public and the ideological vision of the many grassroots activists, or rank and file, on the ground. In-depth analyses of the actual practices of movements, as well as the perspectives of a wide range of participants, have yielded new forms of data. For example, Matlala and Bénit-Gbaffou (this volume) provide a more nuanced understanding of the relationship between the APF and the ANC. The APF is an autonomous forum for civic organisations which has now become largely defunct. Previously, it had been one of the few spaces in which organisations could come together, in order to challenge the ANC. While members of the APF have been critical of the ANC's failed delivery of services, as well as their failure to consult directly affected communities, Matlala and Bénit-Gbaffou argue that APF members maintain a certain loyalty to the ANC as a political party because of its identity as a militant organisation that liberated the oppressed black majority from apartheid.

Booysen (2009) has argued that popular mobilisation in South African service delivery protests has gone hand in hand with the tactic of voting during election time. While people may resort to marches, and even picking up bricks to exert their power over local ANC officials, she argues that, in the end, people still vote for the

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ruling ANC. Alexander (2012) has challenged this assertion, arguing that electoral trends indicate that protestors are beginning to move away from the ANC and become part of new political parties. This chapter partly documents that move, using a very specific case study.

Within social movements, debates have understandably emerged regarding what their relationship to political parties and the voting system should be. In part reflecting the idea that during times of voting, social movements are more likely to be able to press effectively for their demands, they have tended to mobilise during such times. However, two major diverging views can be identified in this regard. The first is the decision not to vote in the elections or spoil the ballot. The second, and probably less popular view, is that social movement organisations should support socialist candidates in the elections. This strand argues that they should use the power of their organisations to hold their elected representatives accountable.

The LPM has been at the forefront of developing theory and practice which explicates the former view. It initiated the 'No land! No house! No vote!' campaign around the 2004 national elections, at a time when the LPM consisted of a wide array of local branches nationally. It used the campaign to highlight their dissatisfaction with the ANC's failure to redistribute land to the black majority. Members of the LPM in Soweto were arrested and even tortured during their demonstrations in April that year. Greenburg (2006), who was part of the LPM at the time, suggested that this signified the state's recognition of the LPM as a counter-hegemonic force.

In 2008, the People's People's Alliance (PPA) was formed as a network of grassroots organisations in South Africa. It included AbM and the Rural Network in KwaZulu-Natal, AbM and the AEC in the Western Cape and the LPM in Gauteng. During the 2009 national elections, the PPA adopted the slogan, 'No land! No house! No vote!', and the slogan became part of a distinctive strategy linked to the perception that social movements, or grassroots organisations, are fundamentally separate from that of political parties.

Nowhere has this been more apparent than in the activist literature on AbM – an umbrella organisation, which emerged out of militant protests in an informal settlement called Kennedy Road in Durban. A dominant theme that emerges from the AbM website – which largely seeks to explain the struggles of AbM from the perspective of activists themselves – is that government officials (especially at the local level) are corrupt and irredeemable. Alternatively, social movements, often termed grassroots organisations, are portrayed as genuinely representing the interests of the communities at hand. They experience harsh state repression from the police precisely because they present a challenge to the ANC government. From this perspective, political parties view the poor, and their movements, as voting cattle. One Abahlali article entitled 'By Voting We Are Only Choosing Our Oppressors' elaborated that

> with the [2011] local government elections approaching, politicians (whether from the DA, ANC, COPE or PAC) are once again crawling



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> out, like cockroaches, to ask for our votes.[2] As part of this, they are once again promising us houses, jobs and service delivery – the usual old recycled lies. The reality, however, is that we don't have houses and proper service delivery because we live in a system of total inequality – a system of capitalism and the state. The councillors lying to us know this, but they want our votes so that they too can become comfortable and rich.[3]

As a response to this situation, direct action and local autonomous organising was understood to be the only way to challenge the ANC.

Most notably, within the second strand, is the Operation Khanyisa Movement (OKM), which arguably provides a model form. In contrast to political parties that tend to suppress working class dissent, the OKM organises itself on the basis of building working class power in Soweto and elsewhere. Like the Abahlali position depicted above, it views direct action as an essential means by which to challenge the ANC's neoliberal onslaught. In 2006 and 2011, the OKM managed to obtain enough support for a proportional representative (PR) councillor in the two local government elections. The councillor signs a pledge that states that 100 per cent of their salary will go to the OKM as an organisation and also subjects them to immediate right of recall if they fail to commit their energy to fighting for socialism (Pingo 2013). The main objective of obtaining a councillor, according to Trevor Ngwane, a key figure amongst the founders of the OKM, is to convince people that a councillor can indeed be part of working class struggles and represent the 'genuine' interests of the community.[4] In other words, they seek to challenge the dominant perception in South African social movements and elsewhere that political parties are subject to what Michels (1915) calls 'The Iron Law of Oligarchy' – alluded to earlier in this section.

In practical terms, the OKM explicitly bridges the divide between social movements and political parties. In fact, OKM as an organisation was founded by social movements, including the Soweto Electricity Crisis Committee (SECC) and Thembelihle Crisis Committee (TCC). According to an activist in the TCC, Biyiza Miya, who had his front teeth smashed out by the police during a protest, the decision to stand in the elections as an oppositional force was a necessary strategy. He indicated that 'we will go home and see the very same ANC ward councillor going into power who has failed us before and we have done nothing, so it there that we decided that the only way is to put our own councillor there' (quoted in Pingo 2013: 79).

## The Landless People's Movement, the ANC and the DA in Protea South

Members of the LPM in Protea South (which is the focus of the remainder of this chapter) were faced with a similar situation to that described above, running up to the local government elections in 2011. After more than a decade of pressuring

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political parties and institutions largely as an opposition, residents of Protea South, Soweto, who had organised themselves as a local branch of the LPM, began to consider entering into local government elections.

As will be explained in greater detail, the LPM was founded in Protea South as a response to the attempts by the municipality to evict residents. At the time of writing, the LPM also had branches in Etwatwa and Harry Gwala, two other informal settlements in Gauteng. This study investigates a local affiliate in Protea South, which includes different political strands, including a youth structure that sometimes disagrees with the mother body. Two primary political agents can be identified to have an impact on the electoral and political direction of the LPM, and more broadly, the struggle to improve people's lives in Protea South: the ANC and the DA. The study investigates the contentious decision by key leaders of the LPM in Protea South to affiliate to the DA. At that time, Protea South had about 780 card-carrying members of the DA, but the LPM had not committed to the party and still held LPM meetings there. This signifies the shaky position in which it found itself.

Some brief background information on Protea South is useful here. In the late 1980s black people began to erect shacks in Protea South, in the southern part of Soweto. This informal settlement is now one of the poorest sections of Soweto and consists of about 6 400 shacks (Khumalo 2012) and about 15 000 people. There is no access to running water within any of the households and residents have connected their own electricity wires from the middle-class Protea North area, which borders the settlement.

Previous studies (Greenberg 2004; Mngxitama 2006) have tended to investigate the LPM as a whole, rather than using its local structures as specific case studies. This study traces the history of key individuals of the LPM who established a local ANC structure in Protea South from the end of 1994. While this study also makes reference to other important leaders in Protea South, whose struggles have contributed very significantly to local politics, the core of the chapter uncovers the shifting political strategies of an influential activist named Maureen Mnisi. She founded the ANC branch in 1995 and the LPM branch in 2002 – and she also initiated the DA branch in 2011 in Protea South.

Maureen Mnisi and other leaders of the LPM decided to join the DA in 2011. This article seeks to explain why key members of leadership in a historically militant black organisation (LPM) would join a conservative, historically white political party. One of the contradictions in the decision to join the DA is that, since the DA is an opposition party with little access to state resources, it is unlikely to be effective at achieving service delivery at the local level for the people of Protea South in the short to medium term. One perspective is that, in the long run, the politics of the DA and the ANC will always come up against the neoliberal fiscal constraints that exclude rather than include the poor, whom the leaders in Protea South are fighting for. According to political analyst and activist Jane Duncan, the DA's, 'open opportunity society concept has a long historical pedigree in political theory and practice. The

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society is a meritocracy, where the government enables individual advancement on the basis of supposedly inherent talents and industriousness … it provides an ideological defence of the capitalist system'.[5]

Where the DA is in power in the Western Cape, it has arguably had similar exclusionary effects to the ANC nationally. For example, the Anti-Eviction Campaign (AEC) which emerged in Cape Town in 2001 to prevent evictions and water and electricity cut-offs (see Miraftab & Wills 2005), continues to struggle for basic services and also be repressed by the state.[6] In Gauteng, where the DA is in opposition, however, evidence (cited below) suggests that it has seemed to civic leaders – even those of organisations with a long history of militant protests – that the party is fairly inclusive of poor people's voices and demands. This inclusivity, however, is dependent upon whether or not organisations, like the LPM, that seek support from the DA have affiliated (are card-carrying members) and will vote for the DA. Civic organisations have, nevertheless, made a strategic decision to join the DA, in order to put pressure on the ANC and this, perhaps indirectly, has resulted in state resources being delivered to the people of Protea South.

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## Political biography: From the formation of the ANC to LPM local branches

Maureen Mnisi was born in Soweto in White City in 1961 and raised by a single mother, who was a domestic worker. When Maureen was 13 years old, the apartheid municipality took away their house, since they could not afford to pay the rent, and they moved to Zola. Maureen then attended Zola Primary High School and, though she was not one of the student leaders, she joined the student uprisings and marched to Morris Isaacson on 16 June 1976. Maureen also did not finish her matric (Grade 12) as her family did not have enough money to pay for her school fees. She then got married and moved to Mofolo North, where her husband lived in a four-roomed house built by the apartheid government. However, her husband abused alcohol and became physically abusive to Maureen and her four children, and she got divorced and was forced to move out of the house.[7]

In 1989, she moved to Protea South with her children and built a shack, where she still stays. While, prior to this, Maureen was a churchgoer who was not involved in politics in any serious way, in Protea South she quickly became involved in civics 'because of you know, a lack of service delivery, such as water … it was a major problem by then because there was no standpipe.'[8] Maureen joined the Old Protea Residents Association (OPRA) in 1989. 'The aims and objectives of OPRA,' she explained, 'were fighting for all the open spaces that are within Protea South … to benefit the people of the informal settlements. I liked that.'[9] But, she and others soon became disillusioned when they learned that OPRA was corrupt; the money they lent out for community projects was not being used for that purpose. As OPRA was made up of people from different organisations, and Maureen had been an ANC member since 1994, they decided that they should also form a branch of the ANC in Protea South:

> We delegated someone in the region to find out more and to get the constitution of the ANC, you know, and get more information about forming the branch, how many members that we should get it. And of course we managed to get the number of 100 people who are paid up members of ANC.[10]

However, it was difficult to establish the ANC branch, as the civics felt that they had not been consulted and that the ANC would threaten their power, but leaders of the ANC believed they nevertheless had the right to start the branch. Maureen recalled that at

> that time, I loved ANC you know? So I felt, no, I have to. We have to open the branch of the ANC. And you can even imagine that the ANC was so fresh and Mandela was released from the jail. We were so excited you know? About the ANC and above all with the belief that it was going to serve us … Even the constitution of the ANC, it was so clear in terms of serving the people.[11]

She was driven by 'a full belief that ANC is going to help the poor people – all the people, irrespective of colour – that it is fighting for everyone.'[12]

On 12 February 1995, a mass meeting was held and the local branch of the ANC in Protea South was launched; and Maureen was elected general secretary of the branch. While Maureen was cooking in her shack that evening, a woman named Lydia came to her and said, 'Maureen, please leave everything and run away, there is other people who are coming to kill you.'[13] Maureen remembered she

> couldn't get more understanding why people want to kill me because I believe there is nothing wrong that I had done. Because there is not even a sign that somebody must be injured or somebody must be killed, there was not any sign of that. I said why?[14]

When her brother came to alert her, she realised she was in imminent danger:

> They came here but I was able to give my children the key, the key for my sister to go and hide in there. And I came back here and obviously they start to attack me, breaking the windows you know … soon as I went out around the door here, there is someone who is putting the petrol around here, the shack … They just take that petrol and pour it to me and the chairperson of the civic organisation was pointing down at me … I was feeling that they are going to light me, they are going to put the matches on me so that I am going to die with fire. So that I must run away. I took the bottle here – it was a bottle of coke on the stoop. I go straight to the chairperson of the civic like I am going to hit him, but I just want to scare him … I was able to run away because these people … give me the space to run away.[15]

Three gun shots were fired, leaving a hole in the toilet wall and shattering the window opposite her shack, and then she was shot in the back as well. They burned

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down her shack and then slashed her face and hand with pangas and she ended up in the hospital for nearly a month. Despite this, she did not lose hope in forming the ANC branch. When she was being discharged from the hospital, the ANC was forming an interim structure to deal with several people who were injured, including her mother and Johannes Mabunda, the treasurer of the ANC branch.

In 1997, Maureen became was enmeshed in local politics and she became the chairperson of the ANC branch in Protea South, acting as a watchdog for the ANC and the community of Protea South.[16] A year later, the evictions of people from informal settlements became a key component of the social and political landscape in post-apartheid South Africa. Maureen became concerned about what would happen in Protea South:

> When I look at the TV, I saw that people had been evicted, and I was so scared when I saw the bulldozer … even these people who are wearing a red jacket and – the name of red ants [sic] we started … While I was in ANC watching all these things happen for the evictions in the informal settlement, my wish was that … we could just meet all of the informal settlements and raise this point of the evictions because I don't believe that in a democracy we must still face this situation … because it was a thing that was happening in Sophiatown during apartheid times and now after 1994, voting for this democracy, why this thing should be happening and where can we get the knowledge [of] how we can defend ourselves?[17]

In 2000, Maureen was preparing herself to go to work one day when bulldozers came to Protea South to evict people. Shacks had begun to be demolished and rubber bullets were being used by the Red Ants to scare people away. She was then handed a court order, but, she recalled, 'it was the first time I saw this document and I didn't even know how I should act if I get a document like that.'[18] As chairperson of the ANC, she had to do something and she phoned ANC Premier Naidoo to explain what happened. The evictions stopped for the time being but, 'after that, to me, I was not even right to the position of the ANC because I was so scared of this eviction here … But not knowing where should I go [to deal with] this.'[19] The question of evictions continued to loom and leaders of the ANC in Protea South sought protection.

A potential solution soon presented itself. One day, Maureen was cleaning streets in Lenasia, where she worked nightshift and she read about the elections of the South African National Non-Governmental Organisation Coalition (SANGOCO) in the *Sowetan* newspaper.[20] It mentioned that they protect people from evictions and provided a telephone number to call. Maureen tore out the piece of paper, and

> the following day I phone. I made an appointment and I took Lizah[21] and other two guys to go straight to SANGOCO, explain the situation of Protea South and the fear that we have. And we told them that what happened you know three weeks ago, concerning about the evictions.[22]

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They were referred to the National Land Committee (NLC) and Andile Mngxitama, a member of the staff of the NLC who helped to construct a movement with a layer of people who tended not to have a grassroots constituency which they formally represented (Greenberg 2006). The NLC worked directly with the people of Protea South. Soon thereafter, a representative of the NLC went to the City of Johannesburg with residents of Protea South leaving a note, that said: 'if you have any plan of moving them, please can you give them a court order, in time so that we can just challenge … the court order. If maybe your plan is to remove the people of Protea South'.[23]

Several workshops, as well as a march at the World Conference Against Racism (WCAR) and, later, a second march (which consisted of 25 000 people) at the World Summit for Sustainable Development (WSSD) led to the launch of the LPM and its consolidation into a national force. Since the NLC – which supported land reform – was the main driver of and donor towards the marches, questions were raised within the LPM's leadership as to whether the LPM would take a cooperative or antagonistic approach to land reform. The LPM's affiliates seemed quite clearly opposed to the ANC government in practice when they resisted against evictions, and had adopted, in some cases, a principal of land occupations and illegal electricity connections.

According to Greenburg, an activist and researcher involved in the LPM, 'the LPM spread rapidly by coming to the defence of residents who were faced with the immediate threat of forced removal from 2001 to 2002' (2006: 137). One member of an informal settlement in Eikenhof summarised the situation: 'The LPM came to our rescue. We called the LPM at the time when the Red Ants were firing live bullets at our comrades. They came here. A person who helps you when you're in danger is a person who really cares about you' (in Greenburg 2006: 137).

In an effort to consolidate the LPM as an organisation, in 2002 representatives of LPM branches in various provinces were invited to a meeting. Maureen was asked to represent Gauteng and she was elected as the provincial chairperson.

Maureen was not alone at this time. Lizah Cossa, for example, was one of the main catalysts behind the formation of the Protea South branch of the LPM and at the time of writing she was the chairperson. She was born in Tzaneen, Limpopo, in 1968 and moved to Protea South in 1985 to be closer to her family. Like Maureen, she also joined the ANC in the mid-1990s and became active in the ANC Women's League. Today, she has four children, no formal employment, and sells vegetables for a living. She joined the LPM because of the threat of evictions in Protea South at the time. She later recalled that the main goal of the LPM was to get service delivery and more land for agriculture. She identified with the name of the LPM because

> we are landless … if you are not working, you are not having a house, you are landless … I can't claim this [pointing to her dwelling] as my space. The government say 'where is the proof'? So, I am a landless because I don't have proof of this land.[24]



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As Maureen became more involved in the LPM, she was no longer a card-carrying member of the ANC, though she supported the organisation. She recalled:

> While I was busy with the LPM, obviously ANC was not functioning well now … even if they call a meeting you can see that it is not the ANC that is addressing the issues of the people that are suffering, you know? It's the ANC that talk about you [they are] passing a bad remark about somebody [and] corruption was there … So I told myself that no, I need to focus myself strictly on Landless People's Movement, not to be in a political party.[25]

The LPM then called the chairperson of the ANC and invited him to a meeting, but, according to Maureen, 'he said he respected the invitation but next time we must not invite him because he doesn't like LPM. And he doesn't want even to know the principles … and he is not going to support LPM anyhow.'[26]

## Merging the LPM branch with the Democratic Alliance?

Since 2002, the Protea South affiliate of the LPM has undertaken a series of sustained militant and other actions directed at the local ANC government in power in an attempt to force them to listen to their demands. The LPM's primary demands were for the delivery of basic services to the community. The state has resorted to repressive tactics and even torture by the police, to undermine their struggle. By 2008, the movement's efforts still had no visible impact on the living conditions of the community. One of the residents in Protea South, who works with the LPM, believes that, while there is a relatively frequent change in the specific ANC councillors, 'they are not good, they are not doing their jobs and [they are] eating the money and lying to people'.[27] An organiser of the LPM, Angelina Thebula, argued that the ANC councillor

> is able to identify us because he knows which movements we affiliate [with]. He is not able to open his organisation [so] that everybody should participate … so now we [LPM activists] think that it's useless for us to go to meetings, because we are not allowed to participate in the development … The councillor said as social movements, especially me, that I should not attend his meetings … He says I'm against him, like it's a personal issue if I ask about the issues that affect us as a community … If you ask the councillor some question, the same people who in this community, they turn against you, and they say you are being negative and you are against the government, so you create an enemy in the area that you live in.[28]

March after march was undertaken to force the government to deliver, but to no effect. To make matters worse, the question of evictions still remained. Like many other organisations across the country that have been unable to influence the ANC by engaging its 'invited' participatory spaces (or formal/institutional processes), the

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LPM tried an alternative strategy – taking the government to court. As a result, on 4 August 2009, the people of Protea South were promised water, the more sanitary Ventilated Improved Pit (VIP) toilets, street lights, electricity in their shacks and that they would not be evicted against their will. This appeared to be a victory for the community, which held a celebration, but the ANC never heeded to the court ruling, undermining the victory. The community was beginning to become somewhat disillusioned with the LPM and community leaders also questioned the support their movement was receiving from outside of Protea South.

With the national structure of the LPM virtually in a state of demise since 2005, Maureen also concluded, 'No one really cares about the real problems we face in Protea South'.[29] As members of the PPA, the LPM did receive support from Abahlali and other solidarity organisations and individuals. While the PPA could have provided the means by which to revive the LPM and unite it with other organisations under a common banner, this had certain limitations. As Maureen stated, 'They invited us to meetings and did press statement releases, but they never gave support on how to build the LPM as a movement'.[30]

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In the context of this frustration, Maureen found a note from two people, James Lorimer (a DA member of parliament) and Thoko Mdumba (one of the founders of the Soweto Forum and a staunch supporter of the DA). The next day, Maureen phoned James, who directed her to Thoko, probably because of the way in which she would be able to identify with Maureen's needs as a community organiser. Another founder of the Soweto Forum, Buyi Nkosi indicated that the forum was established in February 2010 in order to unite activists in Soweto under a common development agenda that could pressure the government to listen to people's demands – the primary one being housing. 'I might as well call our forum an alliance with the DA,' Maureen explained, 'DA is always helping us, showing us, giving us the information'.[31] She recalled that although she was, 'a very active activist in the ANC … since for 17 years I haven't seen any changes until I decide to join DA'.[32]

Leaders of Soweto Forum initiated their own contact with the DA and were instrumental in shifting leaders of the LPM towards affiliating with the DA. Maureen was advised by Thoko and James that members of the LPM could join any political party that might represent the issues of Protea South. Maureen had told herself previously that she would not engage in any political parties, but she noted what they were saying and invited the DA to an LPM mass meeting, which they attended. According to Maureen, the community said, 'no, we appreciate what you are saying. We would love the DA to come on board in Protea South.'[33] Leaders of the LPM then held a small meeting where 'we discuss about it and all of us saw that LPM is suffering … in the way that we can't get support from any social movement, you know? We standing alone here, LPM is … dying somewhere'.[34]

LPM leaders began to think of other options, including putting forward an independent candidate for the 2011 municipal elections, 'because if we are keeping on fighting outside the council no one takes our issues up. So there is somebody

who must be inside who can push the issues that we are struggling on.'[35] This option was discussed with Abahlali, but Maureen remembered, 'instead of getting a positive answer, everyone was so cross … They even said they can't support'.[36] Thus, doubts were raised about putting forward an independent candidate in local elections, and it was also acknowledged that the LPM did not have many resources on its own to pay for campaigning.

Moses Thebola, a youth organiser in Protea South, joined the LPM in 2000 soon after his mother did (she was then an organiser). Reflecting on the decision of leaders of the LPM to join the DA, he said that

> we see that, no, DA is strong … Cape Town, we see things, we see the change in that province [Western Cape], you see? So when we look … LPM we are strong but we failed to go further with some problems we are faced with maybe towards the issue of service delivery. Who is pressurising the government in parliament, you understand, in legislature? So we used the opposition party DA, [to] say comrades now maybe we should try another way or come up with a strategy, how we should overpower.[37]

From this perspective, leaders of the LPM used the DA to strengthen their position against the ruling ANC because the ANC was failing to deliver to the people. He recalled that leaders respected Maureen's decision to occupy the DA portfolio, as she had fought with them under the LPM for over a decade. They would support Maureen through votes. 'It was hard to us', Moses explained

> because our mind, we thought that maybe we do this thing for the sake of comrade [Maureen who] is having the confidence, we had the confidence in comrade Maureen. Let's give Maureen a chance to see what's going to happen about service delivery because we won't go ANC, we won't go IFP, IFP is not strong. And IFP don't have … many seats in parliament. Let's choose the party that has many seats and is going to talk for the people, you see? That was the challenge.[38]

At face value, the decision to support Maureen as a DA councillor in the May 2011 local government elections seemed contradictory to the goals and objectives of the LPM. However, as Lizah points out, 'LPM is not a political party. We allow all movements of organisations like ANC to join LPM … Even DA it can join LPM.'[39] Since the decision to support the DA in the elections, she explained that the 'DA is doing the DA things, LPM is doing the LPM things'.[40]

In the May 2011, Maureen stood for the elections as a DA candidate in the local government elections in Protea South (the ward also covers Lenasia, a more middle-class area). They did not win, but came in second to the ANC and Maureen was appointed a DA PR councillor. Of central importance regarding her transition from social movement to political party was the fact that the DA and the LPM have a common enemy, the ANC. Maureen indicated that, more than the ANC, social

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movements seem to think the DA is the enemy. But, as she argued, 'the duty of the DA is to shout about the frustration of the community and it's what they are doing'.[41] She said:

> People will criticise joining the DA because it's a white party. But a white party came to make sure the ANC is being challenged in parliament. The ANC is a black party oppressing us instead of addressing our issues.[42]

However, Moses and other youth organisers indicated that the LPM has failed to call mass meetings since this decision was made. They argued that, because many of the former leaders of the LPM joined the DA, the strength of the LPM has been undermined

> because they [the community] thought that like, so far, DA has brought the [paved] streets here, the street lights … it is not because of the DA, it's because of the LPM, because DA never fought for this. That's the thing that maybe I see that we lost control now, we lost the way. Because we failed to see that no, LPM has had its own way. DA so far, DA doesn't do anything, DA doesn't deliver anything here.[43]

The LPM had been fighting for paved streets as well as basic needs and lights in their community. It so happened that after the 2011 local government elections, where many of the residents had voted for the DA, the government paved the streets. The youth, however, indicate that this was the result of the LPM's actions and had nothing to do with the DA. Now that the DA is active in Protea South, members of the LPM are concerned that the DA may try to take credit for these minor reforms – as if it was something that the organisation had fought for. However, an alternative view is that the strategy of voting for the DA may have, in fact, crystallised a few of the basic things that the LPM had spent years fighting for: in particular they were provided with street lights and paved roads.

While the LPM has weakened, and there are divisions or differing views within it, the LPM certainly does still exist. Though the decision has also led to organistions and social movements, including Khanya College, APF and PPA, sidelining the LPM in their activities, there have been attempts at reviving it. A press statement written by leaders of the newly constituted LPM in Protea South was released in November 2011. In the letter, they lamented that Maureen tried to

> convince the entire LPM branch in Protea South to join and vote for the DA during the 2011 local government elections. Unfortunately, most of the LPM comrades followed Mnisi into the DA and, for the entire time leading up to the elections, it became impossible for the LPM to organise anything in Protea South as almost all the members, especially most of the youth, were engaged in canvassing for the DA and trying to convince people to vote for the DA, under Mnisi's instruction.[44]

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Disillusioned with Maureen and much of the community's support of the DA, a meeting was held on 23 July 2011 to elect new leaders. Consistent with the notion of a community-based organisation that is non-partisan, these leaders concluded:

> in order to be strong social movements must unite working class and poor people regardless of whether or not they belong to political parties … we do not believe that meaningful change can be brought to our lives through voting. As the LPM slogan [No land! No house! No vote!] says, meaningful change, and land, will only come to us when we organise and unite. Party politics divides and as we have experiences [sic] voting disorganises us.[45]

The slogan, however, suggests that, if the political party in power did in fact deliver land and houses to the people of Protea South, the LPM would vote for the ANC, thus potentially undermining its autonomy from the state.

## Conclusion

The fundamental reasons why bringing about social change has been a priority in Maureen's life and the lives of others in Protea South and elsewhere in South Africa is worth investigating. According to Flacks, 'to the extent that organisers, leaders, movement entrepreneurs, and so on make a difference, understanding their social origins, experience, outlook, and motivational makeup can be critical for understanding the trajectories of particular movements' (Flacks 2005: 11). Looking through the historical lens of Maureen and others provides us with a nuanced understanding of the politics of social movements and their relationship to political parties. It brings to life the politics of protest, which is often depicted in the abstract and devoid of in-depth historical biography. Indeed, Flacks correctly asserts that, 'efforts to understand activist biography can provide insight into central issues of human personality and its socialisation, of ideological hegemony and its contradictions, and the relationships between culture and experience' (Flacks 2005: 11).

Forming a local branch of the ANC, forming the LPM, as well as linking to the DA, have all been tactics in the hands of Protea South residents, who have sought to access resources and decision-making processes of the state. While being 'in' the state (at least in opposition in the state) has offered possibilities for influencing state policies, this does not mean the LPM ceases to exist as a social movement. The case study challenges the binary between institutional or elite spaces and popular ones and, rather, highlights their interface and the politics that guide those individuals and organisations that have been fighting for justice for the poor in their communities.

The case study also illustrates that seeking to access the state, from outside of the state, can be a tiring exercise for an organisation that is always in confrontation. The way that social movements conceptualise their participation in governance, particularly in their attempts at accessing the state or its decision-making processes, provides insights into the politics that underpin their practices. In post-apartheid South

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Africa, several scholars have focused on the question of participatory governance. They have indicated that the institutional mechanisms designed by the ruling ANC that are intended to enable citizens to influence local development practices have largely failed. In reality, South Africa is experiencing weak forms of citizen participation in local-level decision-making, due to a variety of inter-related factors, including increased state bureaucratisation, the adoption of neoliberal policies, and a focus on quantitative service delivery targets (Heller 2001; Khosa 2003).

As Heller (2001) has pointed out, the transition to democracy saw many civic organisers become part of ANC structures. Thereafter, at the end of the 1990s, social movements and indeed new civics, emerged in the context of the adoption of GEAR, but many have been unable to sustain power over the local government's decision-making processes. So far, there have been extremely limited possibilities for building a transformative alternative to the ANC and the DA, given that the left is weak and fragmented. In the absence of a powerful left political organisation that can help sustain social movement struggles, many will die out and others will be co-opted by conservative agents like the DA, as they continue to make strides in poor black communities.

The case of Protea South as a whole also demonstrates diverging strategies that leaders (current or former) of social movements apply in order to access the state. One side refuses to engage in voting for political parties, while the other side has joined the DA. While the PPA, in particular, has argued that voting for a political party serves to oppress, in fact one must pay attention to what this voting means for popular mobilisation. As the distinct case of the OKM suggests, voting also does not mean giving up one's right to organise autonomously or protest. Michel's 'Iron Law of Oligarchy' (1915) is problematic because organisations and individual leaders are social constructs and therefore not predetermined, as he suggested a century ago. Further research should be undertaken to show what different kinds of political parties – indeed they are not all the same – are best suited to build organisations and champion popular mobilisation, particularly of the poor.

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## Notes

1 Abahlali (2009) *Police Suppress LPM Youth March*. Accessed March 2012, www.abahali.org.org/node/4949

2 COPE and PAC are political parties. COPE stands for Congress of the People. PAC stands for Pan Africanist Congress.

3 Abahlali (2011) *By voting we are only choosing our oppressors*. Accessed 12 December 2012, http://abahlali.org/node/7854

4 Trevor Ngwane, member of the OKM, personal communication, May 2011.

5 Duncan J (2011) DA's meritocracy has no merit. *The Star*, 11 May, p.12.

6 *Phakamani*: *Newsletter of the Democratic Left Front*. Issue 5 May 2011.

7 For several months between 2009 and 2011, I lived in this house with Maureen's son, Bongani Xezwi (born in 1980), a youth organiser of the LPM from 2002–10. In 2009, we

worked to revive and build the LPM, particularly in Protea South. We produced several press statements to popularise the LPM and, among other actions, we helped mobilise for a march on 16 June 2009 (with the Poor People's Alliance) to Hector Peterson Museum. I am grateful to Bongani for connecting me to the LPM and for providing me with critical insight into the internal dynamics of this organisation.

8 Maureen Mnisi, former provincial chairperson of the LPM, interview, 23 June 2011.

9 Maureen Mnisi, former provincial chairperson of the LPM, interview, 23 June 2011.

10 Maureen Mnisi, former provincial chairperson of the LPM, interview, 23 June 2011.

11 Maureen Mnisi, former provincial chairperson of the LPM, interview, 23 June 2011.

12 Maureen Mnisi, former provincial chairperson of the LPM, interview, 23 June 2011.

13 Maureen Mnisi, former provincial chairperson of the LPM, interview, 23 June 2011.

14 Maureen Mnisi, former provincial chairperson of the LPM, interview, 23 June 2011.

15 Maureen Mnisi, former provincial chairperson of the LPM, interview, 23 June 2011.

16 Maureen Mnisi, former provincial chairperson of the LPM, interview, 23 June 2011.

17 Maureen Mnisi, former provincial chairperson of the LPM, interview, 23 June 2011.

18 Maureen Mnisi, former provincial chairperson of the LPM, interview, 23 June 2011.

19 Maureen Mnisi, former provincial chairperson of the LPM, interview, 23 June 2011.

20 SANGOCO, according to its constitution which was adopted in 1997, is a non-profit organisation aimed at empowering civil society and promoting people-centred and people-driven democracy.

21 Lizah Cossa, chairperson of LPM Protea South.

22 Maureen Mnisi, former provincial chairperson of the LPM, interview, 23 June 2011.

23 Maureen Mnisi, former provincial chairperson of the LPM, interview, 23 June 2011.

24 Lizah Cossa, LPM Protea South chairperson, interview, 11 June 2011.

25 Maureen Mnisi, former provincial chairperson of the LPM, interview, 23 June 2011.

26 Maureen Mnisi, former provincial chairperson of the LPM, interview, 23 June 2011.

27 Resident of Protea South, interview undertaken by Bongani Xezwi in 2010.

28 Angelina Thebula, LPM organiser, interview undertaken by Bongani Xezwi in 2010.

29 Maureen Mnisi, former provincial chairperson of the LPM, interview, 23 June 2011.

30 Maureen Mnisi, former provincial chairperson of the LPM, interview, 23 June 2011.

31 Buyi Nkosi, leader of the Soweto Forum, interview, 22 June 2011.

32 Buyi Nkosi, leader of the Soweto Forum, interview, 22 June 2011.

33 Maureen Mnisi, former provincial chairperson of the LPM, interview, 23 June 2011.

34 Maureen Mnisi, former provincial chairperson of the LPM, interview, 23 June 2011.

35 Maureen Mnisi, former provincial chairperson of the LPM, interview, 23 June 2011.

36 Maureen Mnisi, former provincial chairperson of the LPM, interview, 23 June 2011.

37 Moses Thebola, LPM Protea South youth organiser, interview, 11 June 2011.

38 Moses Thebola, LPM Protea South youth organiser, interview, 11 June 2011.

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39 Lizah Cossa, LPM Protea South chairperson, interview, 11 June 2011.

40 Lizah Cossa, LPM Protea South chairperson, interview, 11 June 2011.

41 Maureen Mnisi, former provincial chairperson of the LPM, interview, 23 June 2011.

42 Maureen Mnisi, former provincial chairperson of the LPM, interview, 23 June 2011.

43 Moses Thebola, LPM Protea South youth organiser, interview, 11 June 2011.

44 Landless People's Movement [Protea South] Press Statement, November 2011.

45 Landless People's Movement [Protea South] Press Statement, November 2011.

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# 4 Ritualistic spaces? Re-examining invited spaces of participation

Obvious Katsaura

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Public participation in decision-making and in development initiatives has become the hallmark of contemporary democratic orders and is increasingly being adopted in most of the world (Arnstein 2011; Corbridge et al. 2005; Williams et al. 2003). Theorists and practitioners concerned with public participation have ranged from those who are hopeful about its socioeconomic transformative and public empowerment potentials, notwithstanding its limitations (Cornwall 2004; Cornwall & Gaventa 2001; Hickey & Mohan 2005; Swyngedouw 2005; Widner 1992), to those who are reticent, sceptical or pessimistic about it (Aalen 2002; Swyngedouw 1996). These analyses of the potentials or limits of public participation seem to have been trapped within an instrumentalist philosophy that focuses on the role of public participation as a tool for broad-based socioeconomic transformation and empowerment, leaving a conceptual lacuna in the understanding of spaces of public participation as universes of political rituals, socialisation and drama of public life (histrionic spaces) in their own right. This chapter, therefore, examines the internal drama of public participation, its functionalities and connections to broader political dynamics, without unrelentingly reading public participation as an exclusively development- and empowerment-oriented endeavour. It examines spaces of public participation as ritualistic spaces of political tautology and self-centred, micro-level politicking and explores their articulation to institutions or spaces of 'higher-level' mainstream politics.

The chapter revolves around the claim that spaces of public participation, both invited and invented (or otherwise), tend to be spaces pregnant with ritualism. The concept of ritualism as used here depicts a scenario where public participation becomes a customary or habituated practice (Berger & Luckmann 2006). Firstly, this ritualism takes the form of political tautology as signified by repetitive recycling of discursive agendas in spaces of public participation. In analysing this political tautology, I deploy the Goffmanian concept of 'interaction ritual' (Goffman 1961b), which refers to the everyday symbols and (ceremonial) repetitions in human association. Secondly, the ritualism performatively finds expression in the self-centred politicking at the micro-level of public participation – in which public participation acts as a 'rite of passage' for aspiring leaders or politicians and those seeking personal livelihood transformation. I deploy the Bourdieusian concept of capital to unpack what is at stake in this micro-politics and how these stakes influence

participants' behaviour or local struggles. In doing so, I also apply the Goffmanian notion of 'dramaturgy',[1] analysing self-centred politicking as constituting the 'back stage' of public participation (Goffman 1956; Goffman 1961a; Goffman 1963). Although I remain cognisant of the 'front stage' of public participation – which is the apparent, acted and, sometimes, artificial stage of practices of actors (Goffman 1961b; Goffman 1963) – I choose to focus here on unpacking the back stage, which is the hidden, and perhaps more real, stage of practices of actors (Goffman 1961b; Goffman 1963). The back stage, as I show below, is where the 'politicks'[2] of backbiting and self-aggrandisement is practised. Thirdly, my analysis explores how mainstream politics percolate the local participatory arena, focusing on the role of party and state politics in this case. I interpret this dynamic as constituting what I coin as the 'broader stage' of public participation. The broader stage is one that is connected to, but goes beyond or above the immediate stage where participation takes place, yet heavily influencing the trajectory of participatory action or practices. I argue that practices in the miniature arena of public participation are connected to macroprocesses in the state (in government) or the broader social context: the political, economic and social fields (Bourdieu 1990; Bourdieu 2000; Wacquant & Bourdieu 2005). I explore these three observations by way of a case study, as described below.

## Preamble on case study

My analysis draws on observations of community meetings and local politics in Yeoville, an inner-city neighbourhood in Johannesburg.[3] Yeoville is a multi-national neighbourhood, concentrating one of the biggest cohorts of African immigrants in South Africa (Palomares & Quiminal 2011). In Yeoville, one finds a constellation of community organisations providing spaces of public participation, both invited and invented (Katsaura 2012a). Table 4.1 describes selected community organisations, that invited public participation in Yeoville in one way or another.

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**Table 4.1** *Selected community organisations generating public participation in Yeoville*[4]

| Community organisation | Brief description of activities |
|---|---|
| YCPF – Yeoville Community Policing Forum/ CPF – Community Policing Forum | The YCPF/CPF was a partnership between elected community members and South African Police Service. The main focus of YCPF was to help reduce crime in Yeoville. YCPF held monthly meetings with members of the police service to discuss the local crime challenges. They also held occasional public meetings, as and when necessary. They were the link between the police and the community, facilitating communication between the two. They also co-supervised and co-organised the street patrollers, in conjunction with the police. I use abbreviations YCPF and CPF interchangeably: the former where there is a need for specificity (in reference to Yeoville Community Policing Forum) and the latter when referring to the CPF in general terms. |
| SCFs – Sector Crime Forums | Sector Crime Forums were subforums of the CPF, which conducted monthly meetings at grassroots levels in policing sectors. There were three sectors in the Yeoville policing precinct – Sector 1 (Yeoville), Sector 2 (Bellevue) and Sector 3 (Observatory). |
| YSF – Yeoville Stakeholders Forum | YSF was an affiliation of 22 community organisations in Yeoville and operated as an umbrella body. It was formed as a contact community organisation in 2004 at the behest of the Johannesburg Development Agency (JDA), during the period when JDA was implementing an infrastructural development programme in Yeoville's Rockey and Raleigh streets. YSF conducted monthly meetings, bringing together representatives of community organisations and other stakeholders in Yeoville. It was a platform for sharing information and seeking solutions to local challenges. |
| YCF – Yeoville Community Forum | YCF was an organisation created by a group of South Africans living in Yeoville in response to the housing situation. It lobbied the municipality and government to address the challenge of lack of housing, high rentals and the issue of hijacked buildings.[5] During the early days of its inception in 2010, the YCF threatened militancy and violence in their response to the issue of hijacked houses. The YCF generated what can be referred to as an invented space of participation, due to the spontaneity of its formation and the fact that it was formed out of its members' frustration with existing government-mandated spaces of participation. |
| Ward committee (WC) | The ward committee, headed by the ward councillor, organised ward public meetings. The focus of the ward committee was to promote participatory local development, including public safety. In Yeoville, the ward public meetings were convened once every month. |
| ADF – African Diaspora Forum | ADF was formed in 2008 to respond to the xenophobic violence that rocked South Africa in May 2008. The ADF claimed to have about 23 migrant organisations affiliated to it. It initiated education programmes and awareness campaigns to improve tolerance and co-living between South Africans and non-South Africans. |
| YBCDT – Yeoville Bellevue Community Development Trust | YBCDT was a local non-governmental organisation working toward socioeconomic development in Yeoville. |

In the section below, based on my observations of participatory meetings generated by organisations described in Table 4.1 and my theoretical insights, I describe and analyse the political tautology characterising spaces of public participation.

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Demonstrating how they operate as ritualistic spaces of association that generate and maintain ritualistic communities, I argue that ritualism, in many instances, becomes an end in itself, rather than a means to an end.

## Spaces of political tautology: Ritualistic functions?

I argue, in this section, that the ritualisation of spaces of public participation can be reflective and symptomatic of the associated political tautology, in which issues are recycled and never really resolved. In spite of their much publicised developmental function, spaces of public participation can be conceptualised as spaces of rituals – of practices repeated for the sake of it (sometimes for symbolic or ceremonial reasons). They are places that reflect or epitomise the drama of everyday life. Over a period of my research in Yeoville, I observed that the same items on the agenda of community organisations in 2010, when I started observing community meetings, remained on the agenda even until 2012. These items included illegal liquor outlets, illegal land rezoning, hijacked buildings, housing, crime, public violence and public noise, amongst others. These were the very same problems that were dealt with by local organisations such as the YSF, YCPF, Sector Crime Forums, YBCDT, ward committee and YCF. While they were never really resolved, these problems continued to be a rallying point for community meetings. Although capability of public participation or public forums in addressing local challenges was desirable, their effectiveness in this regard was less significant than their ritualistic capabilities or functions – their role as spaces of socialisation or outlets for the public's frustrations with the challenges of everyday life.



**Figure 4.1** *People in attendance at one of the monthly ward public meetings in Yeoville*

© Katsaura 2011, Yeoville Recreation Center

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Why were these spaces of public participation not effective in addressing local challenges? Perhaps the answer lies in the lack of strong local leadership, lack of economic resources and poor support from government, among other handicapping factors. In their writings on local government in South Africa, some scholars have indicated that it has failed because it has not adequately responded to community needs (see McEwan 2003). Other observers have noted that spaces of public participation are spaces of sedation of members of the public, in which they can share their common problems; thereby acting as a 'nurofen' (Baeten 2001) and an outlet for public anger or frustration about perceived lack of service delivery by government. Morange (this volume) goes even further, when she argues that the participatory forums in which central Cape Town street traders were invited to influence urban regeneration were very efficient means of defusing resistance, partly through the co-option of leaders, but more subtly through their own internalisation of the city's (neoliberal) expectations – in which unchallenged repetition of the same mantras (street traders as entrepreneurs) could be described as a form of ritualisation.

My observation is that merely attending public meetings, despite the lack of resolution of local social problems that rally people together, constitutes ritualistic behaviour. Public meeting spaces can, thus, be described as ritualistic spaces of hope where the prospect of resolving participants' challenges is echoed and continuously revived. Meeting attendance becomes an end it itself – a ritual of public socialisation, communion and solidarity – and not just an instrumental community problem-solving endeavour. Owing to this ritualisation of spaces of public participation, some residents did not patronise these spaces:

> There are too many meetings going on here in Yeoville. What is boring is that we keep on attending these meetings and yet get no results on the issues we want addressed. It becomes useless really. It's better to find something better to do with your time. I would rather stay at home and rest than attending endless meetings.[6]

Because participation in community meetings has become ritualised, it is not surprising to note that, in Yeoville, it was generally the same group of active participants who circulated between the YCPF meetings, ward public meetings and SCF meetings (Bénit-Gbaffou & Mkwanazi, this volume). The YCF is the only forum whose participants were a bit unique, being a mainly elderly female population clamouring for housing against a context of allegations of the hijacking of buildings by non-South Africans. Nevertheless, the core leadership of the YCF also attended ward public meetings, YCPF public meetings and SCF meetings. This meant that there was a thread of influence that tended to cross-cut the agendas and content of the various spaces of participation, hence the commonality of issues discussed in these various forums. The distinction between the invited and invented spaces of participation – between the content and form of YCPF meetings, SCF meetings and ward public meetings, on the one hand, and YCF meetings, on the other – therefore tended to be blurred, despite notable animosities between these spaces.

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**Figure 4.2** *A protest led by Yeoville Community Forum (YCF), 'under the tree'*

© Katsaura 2010, Yeoville Park

The depiction of spaces of public participation as ritualistic spaces – spaces of political tautology or circularity – brings to question the usual expectation that participatory spaces are problem-solving. This political tautology might be a symptom of elite capture (capture by interested sectors in the state or by political parties) of participatory spaces that makes them work to reproduce the status quo by keeping the subaltern at bay, through keeping them busy in these tautological spaces (perhaps this is more the case with invited than with invented spaces of participation).

Although this political tautology can be understood as keeping participatory spaces in limbo, it does not necessarily or entirely do so. Bénit-Gbaffou and Mkwanazi (this volume) have optimistically argued that repetition is often used as a tool for legitimation and consolidation of dominant discourses (whether positive or negative), helping the construction of a community (progressive or not). In this sense, interactions in these participatory spaces generate possibilities for various forms of vibrant micro-politicking, with potential for positive socio-political and economic consequences on the personal lives of participants (or at least viewed by them as such) and on the wellbeing of communities. The question though, in contrast to Bénit-Gbaffou and Mkwanazi's observation is: whose dominant discourses are being legitimated or consolidated in these spaces? In my view, these are not so much the interests of the subaltern, but perhaps more those of the local elite (or aspiring local elite) and the overall state project of containing public frustration (see Swyngedouw 2011). For the local (aspiring) elite it is sometimes about self-interest (Katsaura 2014). Most such self-interest tends to occupy the back stage of the public participation agenda.

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## The back stage of public participation: Self-interested politicking?

Spaces of public participation are, indeed, also spaces in which vicious, self-centred micro-politics and micro-economics – rather than broad-based, social and political transformations – are sought by participants, especially those holding or aspiring to hold leadership positions in these spaces. They can be characterised by hustles for livelihood opportunities and concerns by grassroots socio-political actors to crack into macro-politics or obtain recognition from institutions of power, whether social, political and economic (Bénit-Gbaffou & Katsaura 2012). My analysis shows that spaces of public participation can operate a) as spaces of rites of passage for leaders, and b) as spaces in which rituals of power contestations materialise at a micro-level.

### Rites of passage: Hopes for self-transformation or self-solace

Based on my observations, I argue that spaces of public participation sometimes operate as arenas in which participants (especially aspiring leaders), aim for personal, political and socioeconomic gain. Thus, these spaces operate as participants' (anticipated) gateway into mainstream politics and better livelihoods. I argue that, in this way, participation in and belonging to these spaces becomes a 'rite of passage', in the political and economic sense. This at least appears to be the case if one examines the logic behind volunteerism expressed by some participants in these spaces – most of whom aimed for a career in politics as a way of seeking to improve their economic fortunes. The conversation I had with the chairperson of YCPF is revealing:

> OK: Do you harbour any political ambitions outside of the YCPF?
>
> YCPF chairperson: Of course. I was deployed here. Most people you see in CPF structures are deployed by the ANC. I am a member of the ANC.
>
> OK: Do you hope to become a politician one day?
>
> YCPF chairperson (laughs): Of course! Everything is done for a reason. No one can just volunteer![7]

To reinforce my point about the marketability of community politics as a step towards mainstream politics or economic emancipation, I profile the socioeconomic circumstances of some community leaders in Yeoville. Table 4.2 shows that most people leading community organisations were not formally employed, creating their own trade in the community organisation sector.

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**Table 4.2** *Brief profiles of community leaders or activists in Yeoville*

| Community leader/activist | Employment status | Notes on activities |
|---|---|---|
| YCPF chairperson | Unemployed | Operating more or less full time in the YCPF and as community activist, getting ad hoc funding (from YBCDT) for community surveys or activities |
| YBCDT chairperson | Self-employed – created his own job opportunity in the YBCDT | Running a local non-governmental organisation – YBCDT – that he created for himself (through gaining access to private funding) |
| YSF chairperson | Unemployed | Full-time community activism, getting ad hoc funding (from the state or party) for community surveys or activities |
| Ward councillor | Employed as elected ward councillor | Working full time as a councillor |
| YCF chairperson | Unemployed | No full-time activity other than community activism |
| ADF chairperson | Employed in a private company | Balancing employment in a private company with community activism |

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As much as office holding and involvement in spaces of public participation can be driven by hopes for personal livelihood and gaining social status, it is also a way of passing time and finding solace, especially for unemployed youths. At best, it is a way of meaningfully contributing to local social wellbeing. The structure of local leadership, in this case, brings into question the assumption that it is the 'local uppers' (Williams 2003)[8] who are able to pool together resources and bring the state to account on behalf of the poor, in dealing with local problems. This is because the economic standing of some of these local leaders suggested their placing as *lumpen proletariat* or an urban underclass, whose hope for finding formal jobs elsewhere are slim. Community activism and politics, therefore, seem to provide a window of opportunity for upward social mobility through political promotion or political opportunity grabbing, which can result in economic benefit. It is, however, also possible that these leaders' economic status does not necessarily correspond to their political status. They might have garnered political capital or political status – without necessarily gaining economic capital – through long-term involvement in political parties, particularly the African National Congress, or in other political forums and in socio-political activism.

Indeed, opportunities for upward political mobility for this urban underclass or these 'urban outcasts' (Wacquant 2008; Wilson 2012) are there. Community organisations generate spaces for local socioeconomic commerce, involving local leaders and other participants. In a document about why the YCPF failed, YCPF taskforce[9] members wrote: 'CPFs must be free of political interference especially when those interfering want to control and use the CPF for political party purposes and to use the structure for their own personal political ambitions'.[10] In other spaces such as the YCF, the leaders had political ambitions beyond the YCF and its mandate

of dealing with housing and other local challenges. YCF leaders aimed at taking matters into their own hands in the name of efficiency; but they also wanted to join the municipal council to help improve service delivery, at least according to their claims. In May 2011, leaders of the YCF, including the chairperson and the secretary stood for election as ward councillors. Their election manifesto read:

> As an independent candidate, I will focus on stopping evictions from residential properties, a housing and building audit, full home ownership with title deeds, [reduce] overcrowding, write-off of electricity and water arrears, relocation of street traders, a youth and community centre, skills development, community and school safety, [an end to] illegal liquor outlets, a designated taxi rank, making provisions for the poor and vulnerable and promoting integrated community building. Local government is not a politicians' 'battlefield', but for service delivery.[11]

Although they did not win the elections, they demonstrated their political ambitions, linked to, but going beyond the YCF. More often than not, spaces of participation are, therefore, arenas of political jostling and position-taking by involved stakeholders. This political jostling and bickering is sometimes driven by economic logic – a pursuit for a livelihood or put bluntly, for economic capital (Katsaura 2012a). This is particularly the case in an environment characterised by high levels of unemployment and economic precarity in general (Bénit-Gbaffou & Katsaura 2012). Despite being economically disenfranchised citizens, these largely unemployed leaders of community organisations demonstrated agency and some higher levels of political competence and political literacy, although they mostly did not succeed in getting elected into councillorship.

This also reflects on the increasing economic calculations that have become a factor in, or, to be blunt, a curse of South African politics in general, where access to the state is conceived as equivalent to access to resources for self-enrichment. While this position is acceptable, the logic of micro-politicking should not be reduced to economism. Leaders and other stakeholders in spaces of participation should not be merely conceived as *homo economicus* (Baum 1996) or *homo sociologicus* (Darendorf 1973) – economic or socially self-interested beings, respectively. There are many other possible drivers of their seemingly self-interested behaviours, including the need for a sense of self-worth and purpose – or 'moral capital' (Casey 2005) – resulting from the practice of selfless acts. Compounding my analysis of spaces of public participation as arenas of self-centred politicking and accompanying rituals, I examine the power contestations in these spaces in the section below.

## Micro-level power contestations

Spaces of public participation are arenas of political contestation between local leaders (Katsaura 2012a). Local leaders undermine and backbite one another, in coalition or individually, competing and coalescing for followership, material and non-material resources. This competition and coalition can be construed as driven

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by the need for economic, political and social capitals, amongst others (Katsaura 2012a; Katsaura 2012b). Competition between local leaders takes the form of publicly dismissing one another and shaming one another's initiatives or activities. The emergence of the YCF on the local political landscape of Yeoville resulted in new forms of contestation between the YCF and existing local organisations. In a YCF public meeting, an executive member of YCF claimed: 'We do not belong to politics. Politics has never done anything for us here in Yeoville. We work for service delivery only'.[12] This implied that other organisations in Yeoville, except YCF, had no interests in improving the situation of the poor.

There were alliances formed against YCF, the newcomer in the local political landscape of Yeoville. The YSF, ward committee and YBCDT collectively condemned the YCF, dismissing it as an 'under the tree organisation'. Initially, the YCPF chairperson was participating in YCF meetings, as the YCF agenda was in line with the initial plans of YCPF for 2010, which were largely xenophobic, focusing on attempts to conduct citizenship verification and to deal with the issue of buildings supposedly hijacked by immigrants. But he later withdrew his participation. The dissociation from YCF by the YCPF chairperson was partly a result of the public delegitimation of YCF and his dependence on the YSF-YBCDT link for resources and other kinds of non-material support (Bénit-Gbaffou & Katsaura 2012).

Local leaders compete for followership, mobilising members of their organisations or the electorate. To attract membership or followership, leaders frame their organisations as better than others, attempting to appeal to the majority of their perceived constituency. For instance, the YCF, starting off as a grassroots movement of people frustrated by lack of housing provision and the challenge of hijacked buildings in Yeoville, ended up packaging its leaders as candidates for councillorship in Yeoville and surrounding areas. In this case, they started competing for votes with the African National Congress (ANC), Democratic Alliance (DA), Congress of the People (COPE) and independent candidates in the May 2011 local government elections.

There were also battles for legitimacy, taking the form of public denunciation, insults and threats of violence (Bénit-Gbaffou & Katsaura 2012). For instance, there was a prolonged contestation between the YBCDT director and the ward councillor. Throughout 2010, it was noticed that the councillor would denounce the YBCDT director in ward public meetings, and the YBCDT director would do also the same to the councillor. Depleting or undermining the material resources of a (perceived) local competitor is another strategy used in weakening and delegitimising him or her, while building own legitimacy (Bailey 1969). For example, in her contestations with YBCDT director, for a couple of months, the then ward councillor for Yeoville blocked the transfer funding that was due to YBCDT from the Development Bank of Southern Africa (DBSA). The DBSA had awarded the YBCDT a grant worth 2 million rands to implement projects in Yeoville, but the councillor insisted that the money should go through the City. She managed to suspend the financial transfer to YBCDT and then asked the YBCDT director and the YSF for a public apology for an attack they had made on her two years previously, through a letter by ADF, a member

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organisation of YSF, which charged that the councillor was xenophobic. The YBCDT director pleaded with the chairperson of ADF to apologise to the councillor so that she would stop blocking the money due to YBCDT, but the ADF chairperson chose to withdraw from the executive of YSF rather than apologise to the councillor.

Spaces of public participation are a potential arena of messy politics, operating at both the front and back stages, becoming even messier in the latter. They are spaces in which people attempt to build status politically, socially and, by extension, economically – in an environment largely characterised by economic deprivation and precarity. In this regard, they are spaces of hope for individuals and communities, while also operating as saddening (or sadistic) spaces because of their failure to resolve broader societal challenges and enhance the attainment of the 'public good', as they somehow remain entrapped in the agenda of maintenance of an unjust and selfish political status quo. This observation is akin to what others have described as elite capture of spaces of public participation, in which the 'local uppers', in cahoots with trans-local power brokers (politicians or senior bureaucrats), pursue a corrupt and selfish politics of self-aggrandisement (Véron et al. 2006). This also brings to question the Chatterjeean concept of political society, which gives credence to the ability of members of the 'local uppers' to engage the state on behalf of the masses (Chatterjee 2004). What we may end up having are politically and economically self-interested 'local uppers' who get entangled in state and political party networks of corruption, at the expense of the real subalterns (Véron et al. 2006).

In the section below, I use the concept of a broader stage of public participation, showing how it is connected to macro-politics and agendas thereof, analysing the role of party and state politics.

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## The broader stage: Partism and statism in spaces of public participation

While both invited and invented spaces of participation can be conceptualised as spaces of freedom and association, they are also spaces in which political partist[13] and statist[14] rituals of domination are latently and sometimes manifestly pronounced and entrenched. In this case, my argument is that for one to understand the micro-dynamics of spaces of public participation, it is imperative to locate them within the broader stage of politics: of party and state politics.

### 'Partism': Reification of political parties and urban democratic spaces

What is the relationship that unfolds between political parties and the public, especially in spaces of public participation that are purportedly non-partisan? From my observations, political 'partism', as a state of mind, an identity and as a way of life (un)wittingly percolates spaces of public participation that could be deemed non-partisan. In meetings of the YSF and YCPF for example, some participants would wear political party regalia, such as hats and T-shirts; specifically those of ANC,

COPE and DA. Even sitting arrangements in meetings were sometimes patterned along political affiliation, as some people tended to sit close to people affiliated to their political party, although this could have been subconscious behaviour. Political party affiliation, therefore, somehow impacted on the internal socio-political fabric of spaces of public participation and of community organisations generating this participation. The narrative below shows a key informant's concern about the hijacking of the YCPF by the ANC Youth League (ANCYL):

> People are elected into positions in CPF in a public meeting of approximately 50–100 people. Those people that are there on that particular day are the ones that vote. This electoral process is flawed and there is need to reinvent the process. It would be important to have people representing the YSF, NGOs, political parties, schools and faith-based organisations in the CPF. I have been trying to find out what to do with the CPF. Last year there was going to be an election. Before the election, the ANC youths became too militant, challenging the police and the existing CPF. Till today, the station commander does not attend public meetings. He wants an apology from the youth. The youth voted new people into the CPF on the basis of ANC strength. There was no handover between the current CPF and the older CPF. The current CPF chairperson claims to have been insulted. There is a kind of crisis at the moment. Police treat the CPF in a very dismissive way; they don't respect the CPF at all. The CPF lacks confidence.[15]

This election brought the legitimacy of the YCPF into question. In a YCPF meeting, a senior police officer questioned:

> It is possible that the election of the current CPF was not properly done – the CPF is investigating that and will report back on it. This is not being done to say that the CPF has no right to exist. It is merely to show that we should ensure that all our documentation is in order so that the CPF and the sector forums can move forward properly and fulfil the mandate they have been given in terms of the Police Act.[16]

In an interview, asked if the YCPF elections were hijacked by the ANCYL,[17] the YCPF secretary and member of ANCYL responded:

> Let me clarify something. I am a member of the ANC, and I am a member of the ANCYL as well. I am not going to be biased here. The ANCYL didn't hijack the CPF. The ANCYL did not do such a thing. Everybody said it was fair. If you are not able to mobilise people, why should you complain? People vote someone whom they know. Let's not get there because people always want to disturb what is working properly. The previous CPF was composed of disgruntled members. They were criticised in a public meeting. How can you resign if you are criticised in a public meeting?[18] If you resign it means that you are not a leader and it shows lack of maturity. The community comments, the

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> community criticises. You can't please everyone, but you can at least try to keep them happy.[19]

This highlights political party invasion of spaces of public participation that are supposed to be non-partisan, at least on paper. CPFs in South Africa have been considered as non-partisan spaces and they have, therefore, largely slipped under the radar of political analysis (Fourchard 2012) in a context characterised by a scholastic discard of micro-politics. The presence of party politics in purportedly non-partisan spaces of participation reflects the politicisation of the everyday (Bénit-Gbaffou 2012), or even, as noted by Piper in this volume, the rise not only of the party-state but also of the party-society. The enmeshment of the political party in the field of governance and in the social field as well, speaks to my argument that contemporary South African contexts have seen the reification of the political party (specifically the ruling party) – resulting in a socio-political system that can be described as constituting partism. This observation tallies with Bourdieu's observation that the political field is the field par excellence, dominating and superimposing itself on other fields (Bourdieu 1991). In the case of South Africa, it is the political party which is a significant actor in the political field, dominating not only the field of government, but also of community organising. This is in tandem with Piper's argument (in this volume) that what we have in the South African context is supremacy of political society over civil society, embedded at the national level (where the ANC arguably dominates civil society in the Tripartite Alliance) and trickling to the very local level of what we commonly refer to as 'community'. At this very local level, the dominance of the political field over other fields (field of community politics), casts itself in what Habermas conceptualises as the 'colonisation of life worlds' (Pusey 1987), a situation where the political system invades the public sphere and the cognitive and cultural capacities of individuals or social groups. In this case, what happens in the back stage of public participation is remotely or closely dictated by what happens in the broader political field. Actors in spaces of public participation therefore struggle to acquire symbolic and political capitals in the broader political field, advancing towards this goal in a sometimes and somewhat concealed manner. The embeddedness of political partism and associated rituals in the arena of public participation and civilian association is also accompanied by the engrossment of statism in everyday life.

More often than not, in the South African and other contexts, the ruling political party, the state and the governed communities become intimate and indivisible. What obtains is what can be referred to as the party state[20] (Southall 1994; Widner 1992) or what Piper (this volume) refers to as the party-society. So, once the ruling political party has become realistically and imaginatively present in spaces of public participation, the facticity and dominance (and even shortcomings) of the state become apparent at the very local level.

## 'Statism': Encroachment or edification of local political fabrics?

In the configuration of solutions to local problems, there is a public belief that the South African state can provide solutions, although it has generally failed to do so

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to full public satisfaction (Alexander 2010; Bénit-Gbaffou 2008; Booysen 2007). Crime, violence and housing are some of the top issues that the state is perceived as mandated to and capable of solving (Parnell & Pieterse 2010). Yet these challenges remain largely unresolved. Spaces of public participation, both invited and invented, are therefore spaces of talks about, with, for and against the state – spaces of statised and statist thoughts, rituals and practices (as also illustrated by Wafer and Oldfield in this volume). They are spaces where the hegemony of the state is entrenched, while being challenged at the same time. The state is blamed, called upon, praised and/or dismissed in these spaces. It is the norm for government to be mentioned in spaces of public participation, as these spaces create dialogues with or against the state. The following examples represent typical statements that blame, praise, dismiss or call on the government or state, made by people who participate in public meetings, and illustrate the everyday presence of the state.

Blaming the state:

> When the xenophobic violence started in May 2008, the government didn't do anything. We thought that the government would send the police or army to stop the violence, but it didn't. That's why we formed ADF to respond to this violence and to lobby government and other stakeholders to act. I had to use my own network, being a leader of the Ivorian community, to make sure that this endeavour was a success. As ADF, we work with migrants and we want to work with the South African community to combat xenophobia. We had projects in Alexandra and we worked with the police and CPF to deal with the people, educating them about other African countries.[21]

Praising the state:

> Those people staying in hijacked houses are doing that at their own risk. There is a directive from government to evict hijackers.[22]

Dismissing the state:

> If we want to see real change in the crime situation in Yeoville we have got to rely on ourselves and not on the government. There is need for people to work together to succeed.[23]

Calling on the state:

> As Yeoville Community Policing Forum, we can lobby government about the issue of liquor licensing to make sure the government deals with the challenges of liquor that we face as Yeoville. We can lobby the MEC office and support the office on the moratorium.[24]

What is the positioning and role of the state or statist thoughts and habits in spaces of public participation? From the examples above, the state is *sui generis* in the minds of the public, whether in a positive or negative sense. About the state, Bourdieu writes that it does not exist only out there in the guise of bureaucracies

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and authorities; it also lives 'in here': in people's habitus and daily encounters. It is ineffaceably engraved in persons in the form of state-oriented mental categories acquired via schooling and different mechanisms of socialisation, through which 'humans cognitively construct the social world', so that they already 'consent to its dictates prior to committing any political act' (Wacquant 2004: 8). This scenario is tantamount to what Habermas conceptualised as the colonisation of 'life worlds': the invasion of everyday public thoughts and practices by the 'system' in and of politics or rule (Goode 2005; Pusey 1987). Both invited and invented spaces of participation can epitomise this 'colonisation of life worlds' (Pusey 1987) as the participants therein cannot escape the 'thought of the state' (Bourdieu 1998). Spaces of public participation (mostly invited, but also invented) can, therefore, be conceptualised as ones in which the state is latently or saliently omnipresent. Participants in these spaces tend to think with, through and against the state.

The presence of the state or of statist thoughts and practices in spaces of public participation can be understood as both positive and negative. It is positive in that citizens participating in spaces of public participation, more often than not, seek to dialogue with the state, calling on it to resolve their everyday challenges, which, in the context of urban South Africa, mostly take the form of struggles to access basic services. Spaces of public participation become arenas in which demands are made to the state, there are struggles to access the state and the state is invited to the grassroots, challenged, blamed and praised. Therefore, in this case, engagement with the state seems imperative and unavoidable. The statist thoughts and behaviours are negative in that they can be blamed for the reproduction of domination of the public by the state – by politicians and bureaucrats. What we end up having is what Swyngedouw refers to as the 'erosion of democracy and the squeezing of the public sphere' (2011: 370). As socioeconomic developmental or transitional spaces that thrive on calling the state to accountability, spaces of public participation may thus become 'impotent' and vehicles for broad-based socioeconomic transformation. As long as statist thoughts and practices dominate spaces of public participation, it is possible that these spaces remain subservient to the state, sometimes to the detriment of the emancipatory and transformative potentials of these spaces. Therefore, public engagement with the state in the context of spaces of public involves the balancing of acts or thoughts that call for the state's intervention in resolving local challenges and also keeping it at bay to avoid state annihilation of these spaces of public participation.

## Concluding note: Ritualism and realpolitiks of public participation

As the foregoing analysis shows, spaces of public participation of all kinds (invited, invented or otherwise) tend to have often ignored latent functions, other than those that are apparent to us. My discussion explores public participation, in the context of urban communities, as fully fledged spaces of urban socialisation and as ritualistic and histrionic spaces that are pregnant with the tautology and drama of life – every

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day and momentary. This conceptualisation comes in the wake of the observation that politically or economically instrumental and transformative analyses of urban public participation have missed out on understanding the ways in which it contributes to urban public moments, practices, experiences and everyday urban life politics at the miniature level. For participation does not simply serve the purpose of enhancing socioeconomic transformation, but can be understood as an inherent part of urban public life, especially in conditions where democracy and freedom are ideals that are desired.

Spaces of public participation are arenas of political tautology (fixed or shifting) – of rituals of sociation and public communion – which serve ceremonial functions of absorbing and/or containing public socio-political frustration or anger. They can be depicted as platforms that enable failed or failing governments to still reproduce themselves, regardless of their failures. These spaces may generate a generally non-explosive (or less explosive) outlet for social anger in contexts that are largely characterised by violence. They, therefore, may epitomise the ritualisation of public frustration and its overall containment by institutions or agents of the state.

Secondly, spaces of public participation enable participants (mostly in leadership positions) to hope for comprehensive socio-political and economic transformation of their personal lives. In this case, spaces of public participation can provide passage through which participants hope to graduate into mainstream politics and/or earn a more decent livelihood. Local leaders or activists sometimes latently convert spaces of participation into spaces of hidden livelihood commerce (the back stage), bickering and contesting each other for access to or control of economic and political capitals. These contestations (or coalitions) are also configured as struggles for political power and other self-gratifying or communal moral, social, political and economic benefits.

Thirdly, spaces of public participation may only be fully understood by unpacking the broader stage in which they are located and operating. In this case, I show how rituals of political partism and statism inevitably permeate spaces of public participation, no matter how non-partisan and non-governmental they can purport to be. It can be observed, following Bourdieusian reasoning, that the public cannot escape thinking through, with or against the state (Bourdieu 1998); that is they cannot abstract from the thought of the state. Wafer and Oldfield (in this volume) similarly conclude, through analysis of the engagements between street traders and the state in Johannesburg, that the state is a very powerful imagination that continues to influence everyday public discourses. The political party and the state are therefore further reified in and/or by spaces of public participation; rather than de-mystified, as may be expected or anticipated. This seemingly makes participatory spaces more susceptible to the whims of the state or political party.

While some of the above observations may read like assessments of the (in)efficacy of public participation, the main goal here has been to highlight the significance of dynamics of public participation, instrumentally evaluating the processes and politics

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therein and thereof, simply in terms of anticipated socioeconomic developmental outcomes. This chapter has, thus, attempted to highlight the politics of public participation as a politics of public life in itself and of itself, through exploring and analysing its internal instantiations and meanings, while, of course, relating it to the broader drama of statist and partist political life. In this way, the chapter highlights the mostly informal and unconventional logics and dynamics of public participation (backstage of public participation) and unpacks how the architecture of power at 'higher levels' remains rooted and is reflected in spaces of participation, where the so-called ordinary people mainly practice their politics (the broader stage of public participation).

## Notes

1 The concept of dramaturgy denotes a language of theatrical performance used by Goffman in his analysis of social life.

2 I use the word 'politicks' here to reflect more on the self-centredness or egoistic orientation of those engaged in contestations at the micro-level of public participation. See also Bénit-Gbaffou's introductory chapter to this volume.

3 This study is based on ethnographic observations made in Yeoville while I conducted fieldwork for my PhD. The research benefited from the broader support of Yeoville Studio, a community-oriented research initiative in the Centre for Urbanism and the Built Environment (CUBES) at Wits University.

4 See a related table in Katsaura O (2014) Contours of urban community politics: Learning from Johannesburg. In Haferburg C & Huchzermeyer M (Eds) *Urban governance in post-aparthied cities: Modes of engagement in South Africa's metropoles*. Stuttgart: Gebruder Borntraeger (pp. 104–105).

5 Hijacked buildings are those that have been unlawfully occupied and are under the unlawful control of an individual or group without the consent or approval of the owner.

6 Yeoville Resident, conversation, November 2011.

7 YCPF Chairperson, interview, April 2012.

8 'There are individuals with economic and/or political resources that are important for the poor' (Williams 2003: 175).

9 A YCPF taskforce was formed in November 2012 to re-establish the YCPF in Yeoville, after it was disbanded by the Gauteng Department of Community Safety because of its alleged failures.

10 See report, Smithers M, Delly N, Mbuyiseni K & Dlamini V (2012) *Yeoville Community Police Forum Task Team: How to ensure the success of the CPF*. Johannesburg: Yeoville Community Policing Forum (YCPF) Task Team.

11 Yeovue News (2011) 2011 local government elections in Yeoville Bellevue. *Yeovue News* 4(14): 2.

12 Mkhulili, YCF executive member, YCF public meeting, November 2011.

13 By 'partism' I mean the reification of the political party.

14 By 'statism' I denote the reification of the state.

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15 YSF Secretary and YBCDT director, interview, August 2010.

16 Colonel Ratau, police officer, YCPF broader meeting, July 2012.

17 African National Congress Youth League, which is the youth wing of the ruling party in South Africa.

18 The previous YCPF chairperson being referred to here was accused of being pro-foreigners because he was trying to challenge xenophobia. This accusation and associated humiliation in public by the youth resulted in him stepping down.

19 Pule, YCPF secretary and ANCYL member, interview, September 2010.

20 This concept denotes circumstances in which the ruling political party becomes synonymous with the state – a phenomenon that is common in many polities of the world; being so salient in transitional countries.

21 ADF official, interview, February 2012.

22 Ward councillor, ward public meeting, November 2010.

23 Participant, Sector Crime Forum 1 meeting, October 2010.

24 Participant, YCPF public meeting, October 2011.

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# 5 Constructing communities in public meetings: Local leaders and the management of xenophobic discourses in Yeoville

Claire Bénit-Gbaffou and Eulenda Mkwanazi

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Civil society in South Africa has a reputation of being incredibly lively, vibrant and active. This representation is linked partly to South Africa's past; during the anti-apartheid struggle, urban mass movements and popular neighbourhood mobilisation – which was federated in the late 1980s under the banner of the United Democratic Front (UDF), allied to the still-banned African National Congress (ANC) – made the cities 'ungovernable' and contributed to the demise of the regime. But an active civil society remains a feature of South African political culture: where public meetings happen at least every week in popular neighbourhoods (Gervais-Lambony 2008); where community-based organisations compete to have a day in the week for their regular meetings; and where mass protests are a key element of the political landscape (Mattes 2008).

Yet, civil society has transformed since 1994, with the establishment of a democratic state under the rule of the ANC as liberation party. Many have predicted, witnessed or analysed the weakening of civil society under democratic rule: as struggle leaders have joined the democratic government or the ranks of the ruling party; as formerly independent movements have aligned themselves with the ANC and can no longer be very critical (Cherry et al. 2002; Zuern 2002; Piper in this volume); and as the ANC extends forms of control over many local community organisations (Bénit-Gbaffou 2012), silencing most forms of radical critique. Other authors (Ballard et al. 2006; Beinart & Dawson 2010) emphasise the restructuring of social movements around new areas of mobilisation, scales and modalities, including non-progressive forms, such as xenophobic violence (Glaser 2009, and this volume; Von Holdt et al. 2011).

All the authors, however, agree on the increasing institutionalisation of local forms of public engagement. Firstly, the new government has, indeed, committed to organising local participation in several spheres of public life (and, in particular, in urban governance at a local ward level, around newly elected ward councillors), along global 'good governance' lines, but also in order to deepen the democratic experience that most of the population has been deprived of for decades.[1] Secondly, from an urban governability point of view, the new government also needed to direct, order and gain control over a vocal and legitimate civil society – that, it argued, no longer had a role to play in a new, democratic and ANC-driven government. This institutionalisation of public meetings has been heavily criticised for sterilising

spaces of public debate, contestation and exploration of collective citizenship; and for imposing forms of hegemonic control of state and party over society.

This critique echoes broader international debates on the nature and importance of participation in urban governance, around what has been called the 'invited spaces of participation' (Cornwall 2004): participatory platforms that are initiated by local authorities or dominant institutions or actors, 'inviting' residents, beneficiaries or other selected groups of people to 'participate' (in different capacities, to different degrees) in decision-making, policy design, project management or implementation. These 'invited spaces' are contrasted to what has been called 'invented' spaces of participation (Miraftab 2004), often seen as more independent, authentic, and able to contest the established order, where residents take the initiative of the interaction with public authorities and invent their form, place and content.

In South Africa, 'invited spaces of participation', and, in particular, institutional participatory platforms developed by local authorities in the post-apartheid era, have been judged as being inefficient and sterile (Ballard et al. 2007; Friedman 2006; Harrison 2001; Sinwell 2009; see also Katsaura and Gervais-Lambony's chapters in this volume).[2] More broadly, these invited spaces have been criticised as inherently (no matter their institutional designs) less conducive to 'real' participation than 'invented' spaces of participation. By nature, they could not nurture democratic governance, and have failed to support residents – especially the poor or marginalised – in meaningfully shaping urban policies (Bacaro & Papadakis 2009). In contrast, invented spaces of participation (or 'insurgent citizenship') have been seen as the means by which progressive political agendas, efficient tactics and strategies could be developed for low-income residents to be heard (Ballard et al. 2006; Beinart & Dawson 2010; Friedman & Mottiar 2005; Sinwell 2010), even if forms of insurgent citizenships could also lead to sometimes violent, dangerous or exclusionary practices (Glaser 2009, and this volume; Holston 2007; Meth 2010; Von Holdt 2010). In South Africa and elsewhere, not only have invited spaces been analysed as 'useless' or 'inefficient', they have often been criticised as being sedative (Morange, this volume; Staniland 2008), preventing social change by silencing or corrupting civil society leaders and working towards the reproduction of existing power structures.

However, academia is currently reconsidering invited spaces of participation. Many authors nuance their own former criticisms, acknowledging that no-one can predict the outcome of participatory processes (Corbridge et al. 2005; Cornwall & Coelho 2006; Sinwell 2012), no matter how skewed and dominated by existing powers. In this sense, invited spaces can sometimes be re-invented and appropriated by invited participants. The opposition between the two types of spaces is also mitigated by the fact that the people engaging in invented spaces of participation are often the same as those participating in invited spaces (Piper & Africa, 2012): far from being a different group of people with opposed political views and world visions, those who engage in protests, for instance, are likely to also attend institutional meetings and workshops. Finally, observation of invited spaces of participation helps to shift the main question

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from no longer asking whether invited spaces are able to transform urban policies or governance patterns (even if this remains relevant) to asking how we can explain the success of these invited spaces of participation, in terms of residents' persistent attendance. What roles and functions do invited spaces perform? What is at stake in these public meetings? What social and political processes are happening; what is changing or being consolidated? What are the politics and power games at play? What types of communities are being built in these processes?

The main question posed above has been given several types of answers in the South African context, that we do not have space to fully present here.[3] In summary, evidence gathered repositions invited spaces of participation as important for local democracy and citizenship, particularly for low-income residents. The invited space of participation is a platform: for raising awareness (for instance, in the mass character of a concern); for education on rights and procedures; for exchanging information; for understanding how the state works (and therefore how to try and influence it); for identifying who is holding power; for building individual and collective legitimacy, status and recognition; for displaying one's social status or political identity or showcasing one's party loyalty; for community building; or for opening a door in a multi-pronged political strategy (seldom confined to invited spaces). In that sense, invited spaces of participation are no longer to be observed in isolation – they are more and more to be studied as caught in a web of social and political networks and in a range of participatory spaces, more-or-less invited, more-or-less invented, but all interdependent. In this chapter, we want to explore the ways in which local public meetings (invited but also invented) contribute towards building a sense of local community: both a sense of collective identity and a sense of local belonging.

This chapter stems from the systematic and consistent observation (over a 12-month period in 2010; but also prior to it, in previous research and also in an activist and resident capacity dating back to 2008) of several spaces of participation in a low-income neighbourhood: Yeoville, in Johannesburg. The approach chosen, a monograph, is argued to have more advantages than it has limitations. It gives a sense of depth in both space and time that no more geographically widespread research could have given access to.[4] And, we argue, time, repetition of patterns, shifting contexts, changing (missed or exploited) opportunities, do matter in the process of constructing a sense of community – that is what this chapter can perhaps uniquely unpack, complementing other approaches in this volume (observations of a series of meetings on a specific theme, such as street trading regulation, in Morange's chapter; more punctual observations of meetings of different scales in Gervais-Lambony's and Buire's chapters; more discrete observations of meetings in Katsaura's chapter). This grounded analysis, presented through detailed ethnographic narratives, does not deny the area's uniqueness and specificity, but also provides instruments to reflect more broadly on political choices, local contexts, tactics and strategies in local governance.

Yeoville makes an interesting case study (see also Katsaura's chapter for a complementary presentation of this site). A low-income and peri-central neighbourhood,

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it functions as an entry point into the city for both international (African) as well as local migrants, with xenophobic tensions but, so far, no explosion of mass violence (even during the 2008 wave of xenophobic attacks in urban South Africa). It is very popular and overcrowded: a slum with degraded housing but also a vibrant and lively neighbourhood, with a dynamic civil society. Most participants in the public meetings discussed below are popular, with low education levels, but not characterised by long-lasting unemployment (Yeoville as a peri-central area is close to job opportunities – even if menial); they present an assortment of a minority of long-term residents and newly arrived migrants (from South Africa and from the African continent). Xenophobic tensions, as shown in scholarly work on the issue (Landau 2011), do not derive exclusively from absolute or even relative deprivation – they might be also triggered by rapid social change, thriving economic competition or focused state intervention, where resource creation (by the state or the market) in a context of scarcity and diversity exacerbates competition between groups.

In this chapter, and similarly to Katsaura (this volume), we will center our observations on ward public meetings (chaired by the local councillor), with comparative reference to two other public participatory spaces: sector crime forum meetings (chaired by the police) and a community-based organisation's meetings, the Yeoville Stakeholders' Forum (YSF, chaired by an elected resident). Our focus will, however, be different, centering on the analysis of how xenophobia and foreigners in general are 'treated' in these public spaces – as this issue involves the definition of 'the self' as much as the definition of 'other' (Elias & Scotson 1965). Important, indeed, is to mention that there was not a single public meeting where the issue of foreigners and xenophobia was not raised (more specifically in ward public meetings, crime sector forum or community policing forum meetings, and less so in the YSF meetings). Important, too, is a reminder about the national context at the time: rising popular frustration in a context of global economic crisis, mass unemployment, and a degree of disenchantment towards the liberation party; aftermath of the wave of xenophobic attacks that shook the whole country in May 2008, and that sporadically reemerged in a variety of localities, often triggered by local political competition (Misago 2011).

Our aim here is to understand how the issue of xenophobia is managed in public forums: how the chair or leader of the meeting responds to, initiates or reflects, drives, directs or shapes, tolerates or bans, discussions on the matter. The study of the management of xenophobic tension (not in one meeting but across a full year, and across a spectrum of forums) allows for the exposure of one key element of community building: the setting, consolidation and exploration of community boundaries – the processual definition of insiders and outsiders. Indeed, attending a variety of public meetings over a year, regularly and consistently, allowed the authors to see how ideas or practices displayed in one forum percolated into another, were repeated, consolidated or expanded in the next meetings, therefore constructing a shared, or rather dominant, vision for what Yeoville community ought to be.[5] Some Yeoville participants might have been less consistent in attending than the authors were but, nevertheless, follow-up on items raised, similarities and changes in meeting

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agendas, and recurring styles and key ideas (even obsessions) in leadership, were clearly shaping specific visions for Yeoville. While they differed according to the public spaces observed, these visions had obvious links and circulations between the local public spaces, which were by no means impermeable and independent. Consequently, even if we, like Katsaura (this volume) observed the somehow sterile repetition and the reiterated non-resolution of local issues raised, we do not emphasise in this chapter the 'tautology', the circularity or the fixity of these public platforms. Rather, we interrogate and understand these repetitions as part of a process (even if adopting ritual forms, as Katsaura argues) of community building, based on the assumption that people attend these meetings for reasons (see Gervais-Lambony in this volume), and we observe perhaps more sensitively (due to our methodology) subtleties, variations and nuances of public discourses over time and spaces.

The chapter starts with a preamble setting the scene for the three types of regular public meetings observed. It is then structured around three main forms of community building around the question of xenophobia, that we argue is constructed (or, occasionally, deconstructed) in public forums. The first one is around the chairperson's attitude towards hate speech or utterances of xenophobic statements by participants. Generally, we witnessed a passive encouragement of xenophobia by explicit tolerance for xenophobic speech to be expressed publically, without restrain. A second key element of community-building is the issue of participation in the meetings; often, the repeated statement that 'foreigners do not attend *our* meetings' (even when it was factually incorrect) was an effective tool in building notions of 'us' against 'them', and this unquestioned statement became 'evidence' that percolated into other public forums. A third, more active intervention into debating community boundaries is for local leaders to actively bring contested or sensitive issues (involving xenophobia) into public debate – exploring and pushing the limits of what can be discussed and expressed publicly and how this can be done, with the effect of creating or consolidating new legitimate arenas for xenophobia to expand.

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## Setting the scene: Contrasting several invited participatory spaces

During our research, we selected three public spaces of participation for observation, selecting public platforms that were organised on a sufficiently regular basis and that were relatively broad in their geographic scope (we excluded street meetings for instance, focusing on neighbourhood-based types of public meetings). We were able to consistently attend: monthly ward public meetings (chaired by the ward councillor and open to all residents of the ward); monthly meetings of YSF, a forum of various local civil society organisations (with membership being limited to to two participants per organisation); and community policing meetings, held less regularly, intended to facilitate dialogue between residents and the police.

Each of the three spaces is unique in its own right, having its own goals and objectives (see Katsaura, this volume: Table 4.1). Each space has been created with

different outcomes in mind and has different types of influence on the community at large. And each space (except perhaps the ward public meetings, as the prototype of 'invited space')[6] straddles invited and invented spaces of participation, showing that the dichotomy, analytically useful, is actually blurred in practice.

Ward public meetings have been created by local government legislation as an extension of the state to provide a more accessible platform from where residents can interact with their ward councillors. In post-apartheid South Africa, it was indeed crucial, not only to institute formal mechanisms of representative democracy ('one person, one vote') or to draw new political boundaries that 'integrated' or mixed social and racial groups, but also to deepen democratic accountability and engagement through a set of participatory mechanisms, structured in particular around the ward councillor, her ward committee (an elected body of 10 residents with specific portfolios), and regular ward public meetings.[7] Ward public meetings are not unique to Yeoville, as they are a national requirement for all wards; but some of the issues raised in meetings are tailored specifically towards those affecting Yeoville.

The YSF is a forum of local civil society organisations, 28 of which are currently registered members (Mkwanazi 2010). It was initiated by the Johannesburg Development Agency (JDA), the development arm of the municipality, when a public intervention was planned in Yeoville between 2005 and 2009. JDA called for the creation of the forum to address the need to include residents in the regeneration of the area, and to deal with the challenge of addressing too many fragmented and diverse community organisations. However, since then, the YSF has developed its own dynamics. Chaired by an elected local leader, no longer organised around JDA's requirements, as its intervention in Yeoville has ended, YSF has become to some extent an 'invited space' of participation, chaired and convened by residents themselves, although quite institutionalised and formalised (each registered organisation can send a maximum of two representatives).

The community policing meetings also straddle 'invented' and 'invited' spaces of participation. It is important to say that there are two forms of community policing in Johannesburg. Firstly, community policing forums (CPFs), which are chaired by elected members of civil society. CPFs were created to keep the police accountable, and are a mandatory function of each police station; this is the result of the need to restructure South African police in the post-apartheid era – departing from the political and repressive apartheid police, and rebuilding (black) residents' trust in the institution. CPFs are both invited – it is the state that pushes, through law, for their creation – and invented – chaired by residents to hold power (the police) to account. Secondly, there are sector crime forums (SCFs), chaired by a police officer in a subarea of the police station's jurisdiction to discuss crime and related issues with residents at a more local level. Two of these SCFs cover Yeoville and were observed during our research. They are more univocally 'invited spaces' of participation, even if deconcentrated at the micro-local level, and were developed in response to police claims that CPFs were too politicised to be efficient to fight crime, and as the police implicitly wanting to regain control of community-police interactions.

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For analysing these public forums, we developed an observation grid (Mkwanazi 2010), around three key topics: spatial settings within meetings (as displays of power), attendance of meetings (as forms of inclusivity or exclusivity; but also dynamism or dormancy; stability or fluidity) and stakes of each meeting (what was discussed explicitly, but also what was unfolding implicitly in those meetings).

**Table 5.1** *Public meetings observation grid: The case of Yeoville*

| Key topics | Ward public meetings | YSF meetings | SCF/CPF meetings |
|---|---|---|---|
| SPATIAL SETTING: Arrangement of space<br><br>Participants' intervention | • Authoritative – ward committee sits (silently) behind desk; councillor chairs meeting, addresses audience and invites speakers to come to the table.<br>• Questions addressed from seats; people raise hands and stand up when talking. | • Power sharing – circular arrangement with a table for writing; members and leaders huddled around the table.<br>• Conversation mode – everyone speaks from their seats; close interaction among participants. | • Authoritative but shared power (police officer and forum chair sit behind desks); evolving towards a circular arrangement.<br>• Conversation mode – everyone speaks from their seats. |
| ATTENDANCE: Visible diversity of the audience | • Clothing – ANC T-shirts displayed; no traditional or ethnic regalia.<br>• Language – national diversity sometimes perceptible through languages and accents; languages (not always translated) include mainly English, Zulu and Sotho.<br>• Age and gender – mixed, many older residents. | • Clothing – people feel free to wear traditional, ethnic or national regalia; diversity of political affiliation (ANC or ANCYL present but not displayed; COPE[8] displayed).<br>• Language – English is the communication vehicle.<br>• Age and gender – mixed. | • Clothing – presence of uniforms (police officers, street patrollers); no traditional or ethnic gear.<br>• Language – Zulu in SCF1, English and local languages in SCF2; English mostly in CPF.<br>• Age and gender – mostly male; mixed ages. |
| STAKES: Topics discussed<br><br>Atmosphere of the meetings | • Wide variety: community and local projects, development (soccer world cup), housing, xenophobia, city council.<br>• Tone – authoritarian; defensive; informative.<br>• Tensions – sometimes confrontational (challenging the councillor; hate speech; people standing and pointing fingers). | • Community wellbeing: human trafficking, employment, gambling and drinking, education, integration and xenophobia.<br>• Tone – consensual and friendly; an open (but directed) discussion.<br>• Tensions – limited tensions; sometimes between COPE representative and other members. | • Crime (in a broad sense); poverty issues (unemployment, overcrowding, migration), xenophobia.<br>• Tone – questions and answers (strong leadership role); emotional, dominated by key figures.<br>• Tensions – tensions sometimes arise, especially around xenophobic issues. |

In this chapter, we would like to contrast the ward public meetings (chaired by the local ANC councillor) with the two other participatory forums: the YSF (more inclusive and mixed, and embedded more in civil society) and the crime forums

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(more conservative, as issues of crime and control of the street at the local level often lead to exclusionary practices).

## Tolerance, rejection or encouragement of hate speech in public

The way xenophobic statements, or more elaborate hate speech, are managed in public meetings is crucial in setting the norm – what is tolerated or not, what is legitimate or illegitimate. As innocuous as it may seem, passive tolerance of xenophobic statements by the chairperson of the meeting is a form of management and legitimation; the lack of reaction by local leaders to xenophobic comments acts as implicit validation of what is being said. Even if individual members of the audience sometimes react to xenophobic statements being made, their lack of endorsement or even their rebuffing from leadership have a strong impact on what is proposed as a collective local norm of behaviour.

Example 1 displays several instances of tolerance for hate speech in the name of freedom of expression. This tolerance may resonate from personal sympathy; but most importantly, it corresponds with a political strategy as the councillor needs to be on par with her constituency (which, at least in some respects, excludes foreign migrants, who are not voters). There is however a fine line between the loyalty shown to her constituency and allowing people to voice their concerns, and an outright tolerance of hate speech. It is this fine line that is defined and debated in these public meetings.

### Example 1 – 'Let him speak'

**Notes from public ward meeting, 20 April 2010**

(Context: An old man, speaking in isiZulu, has been making allegations against foreigners about a crime committed in Yeoville. He is using the term *kwere-kwere*, a derogatory term for 'foreigners'. A South African member of the audience stands up and interjects.)

**Man A:** Councillor, this should be stopped.

**Councillor:** I would have stopped the guy if I had thought these were xenophobic comments. Let him speak.

**Notes from public ward meeting, 13 February 2010**

(Context: A South African man makes statements in isiZulu, with an angry and accusing tone, pointing fingers, and using the term *kwere-kwere*. A member of the audience with a strong Nigerian accent reacts and asks the councillor to stop the man from speaking. The councillor retorts she won't do so.)

**Councillor:** People come to these meetings to speak their hearts out. Let him speak his heart out.

(Note: The Nigerian man in the audience is a well-known and active member of Yeoville civil society: a representative of a Nigerian association and an executive member of the

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African Diaspora Forum (ADF). He also used to be involved in Yeoville CPF. The disregard for his request is also a disregard of his humanity, and ultimately the non-recognition of his role in the community.)

Example 2 illustrates a second tacit validation of xenophobic statements. The councillor asked the CPF chairperson to present the CPF programme to the audience, and failed to react to aspects of the presentation that were clearly xenophobic and actually illegal. Some worried (but mildly expressed) comments come from the audience; they are not really followed up by leadership.

## Example 2 – 'We want to see who they are hiring'

**Notes from public ward meeting, 13 February 2010**

(Context: The CPF chair is asked to present the CPF programme by the councillor. Since the election of the new CPF leadership in 2009, there has been no CPF public meeting. The chairperson presents the programme in a mixture of English and isiZulu.)

**Mbuyiseni, CPF chairperson:** We have a problem about the citizenship around Yeoville, because if for instance you arrest a person, he calls himself by the name Sifiso; tomorrow the same man mugs you, you check his name on his passport and it is now Thokozane and after that you ask for the ID it says Sanele. So we are trying to get a hold of those people. These are some of the issues we are going to report to the station commander about … The next part of our programme deals with businesses. We want to know about the businesses of Yeoville, that there are people like this and that. We want to see who they are hiring, check the percentages of the people that are working there, whether there are five Nigerians, five Zimbabweans and five South Africans, and whether those people have the relevant documents. You find those people are using the money to get citizenship …

**Man A:** [with strong Nigerian accent] When the chairperson of the CPF was talking about citizens, it was spoken in a different language and some of us could not hear what had been said, so could you please clarify? And I would like to ask just one more question: how many foreign nationals are part of the new set up of the [CPF] executive? I know that we voted for people. You guys cannot fight this crime alone; we need people who speak the languages you cannot understand to interpret. Not everybody as you say has a criminal record. We need to come together as people of Yeoville. So we need to restructure ourselves in Yeoville in terms of this.

**Woman A:** It is interesting to hear the CPF programme as we are all eager to know and engage. We would have much to say about it. Will it be possible to have the programme in writing, or will it be open for discussion some time?

**Mbuyiseni:** About the issue of the foreign nationals, it is only your nation [Nigeria] that we have a problem with. From Congo and Ghanaians, they are committed. We want foreign nationals to be part and parcel of the CPF. So that whatever we discuss, they know about [it]. And if we are going to organise, they are there. About the programme, we'll have a public meeting soon.

**Councillor:** Good. I propose to close this meeting here.

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This stands in contrast with the constant tracking of xenophobic discourse expressed in YSF meetings, driven by liberal anti-apartheid leaders with strong views that they don't hesitate bringing forward in other participatory forums, such as the ward committee meetings, even if they hold a minority view there and are not backed up by the meeting's leadership. As in Example 3, the YSF leaders are enforcing a zero-tolerance attitude towards xenophobia, using repetition of the same mantra to construct a common social norm, but in the opposite direction: constantly reminding all participants about the dangers of slippery discourses and oversimplifications. This norm might be internally contested, or not understood equally by each member, but leadership is firm in constantly reaffirming its position and debunking prejudice.

## Example 3 – 'We must be careful'

**Notes from YSF meeting, 15 April 2010**

**Maurice, YBCDT chairperson:** In the last 3 weeks, 22 people were arrested involved in syndicates, linked to 2 guest houses. They found 22 guns and 10 stolen cars. There is an important thing that the superintendant said: every one of these people are South Africans. They are not foreigners. These are syndicates operating from KwaZulu-Natal.

**Notes from YSF meeting, 21 October 2010**

**Mbuyiseni, CPF chairperson:** Some community members are complaining about these *spaza* shops [informal shops selling convenience goods in residential areas]. It is not manageable. Lots of things are happening within those premises. Foreigners dealing drugs … For us as a community, how can we tackle this?

**Maurice, YBCDT chairperson:** We must be careful not to blame foreigners …

**George, YSF chairperson:** [interrupts] It is by-law transgression. There is no xenophobia here.

**Maurice:** Many people breaking the law are South Africans too. Currently YBCDT is conducting an audit, noting all the *spaza* shops and car repairs. We'll take this information and discuss the way forward with the City …

**Old woman, unknown organisation:** These people see that they can do what they want, here. South Africa is the mother of Africa. In other countries there are no street kids, it is not allowed. Here they are, in Yeoville.

*[Two Congolese men, members of the forum, look at me, smile, and sigh – what can we do? She is so old …]*

**Hussein, Muslim community representative:** I am not accusing foreigners; I am not accusing South Africans. Wrong is wrong.

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## Building a dominant vision through repetition: Foreigners' actual participation in community meetings

More active ways of building local communities and defining insiders versus outsiders are used through the repetition in each meeting, almost as a ritual mantra: foreigners do not attend 'our' meetings. What was initially presented as regret ('it is a pity as they are important to the community') is, through repetition, built as an accusation ('they are not interested, they are not part of the community') and a stigmatisation ('they are happy to come here to do business and exploit us, but when it comes to commiting their time to the community, they don't care').

### Example 4 – 'They don't want to be part of us'

**Notes from ward public meeting, 20 March 2010**

**Councillor:** As long as they don't want to be part of us, it will be difficult to educate them. I invite them at each and every meeting. They don't come. Maybe these meetings are a waste of their time.

(Note: This was reflected in the meeting's minutes as an item called: 'Explore the inclusivity of Foreign Nationals'.)

**Notes from ward public meeting, 14 August 2010**

**Councillor:** To fight xenophobia, it should not be done by South Africans only. Please our brothers, come to our meetings.

**Man A:** People can own business but why don't they participate in meetings of this kind? There are also people who think they can take the law into their own hands. We need workshops to talk. Our brothers are taking our people out of their houses at night. That is what I see. That will result in xenophobic violence.

**Man B:** [stands up] I beg your pardon! I am here. I am a Nigerian.

**Councillor:** Yes, but where are your fellow brothers?

(Note: After the meeting, I talk to Man B (the Nigerian participant who spoke up). He is organising daily afterschool activities for children at the recreation center – for free, to keep them off the street. The councillor knows him well as a man working for the community. He is angry – but not surprised – at the way he was treated at this meeting.)

**Notes from ward public meeting, 11 September 2010**

**Councillor:** It is a problem that our brothers do not attend meetings. I always invite them, but they never come.

**Marc, ADF chairperson:** Councillor, I am happy to help you mobilise the migrant community. Could you keep me informed of the meetings' dates?

**Councillor:** You can read *Yeovue News*, the dates of the meetings are always indicated there.

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In the meantime, at least some foreign residents are attending meetings. In the ward meeting of the 20 March 2010, out of 40-odd members of the audience, I could identify (through personal networks)[9] at least 8 foreign participants – this is far from being negligible. But they are doing their best to remain invisible: wearing plain clothes (never traditional or ethnic regalia, unlike in other meetings such as church or YSF meetings), seldom talking and hardly engaging in discussions involving xenophobic or hate speeches. Invisibility is foreign residents' usual survival strategy in this type of public space. It is only when they are involved in community-oriented activities that they dare to speak up, such as the one Nigerian speaking up in Example 1 and the other in Example 4; or the leader of the ADF, who was also involved in the YSF as deputy chair.[10] Foreigners often do not feel welcome in these public meetings and employ basic survival strategies not to be noticed, not to be targeted and not to trigger xenophobic comments or accusations.[11] Beyond the repeated (and sometimes incorrect) accusations of 'not coming to meetings', 'not caring', 'not belonging', the general attitude of meeting leaders is largely unaccommodating, especially on issues of language.

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## Example 5 – 'We don't have time to translate. We encourage you to learn local languages'

**Notes from ward public meeting 14 August 2010**

(Context: Several speakers have made explicitly xenophobic comments in isiZulu about foreigners – they include the use of the derogatory term to designate foreign migrants, *kwere-kwere*. They speak loudly and vehemently and part of the audience claps hands.)

**Marc, ADF chairperson:** I am Marc, the chair of the African Diaspora Forum. We are engaging our communities to learn local languages, but for meetings like these it will be very helpful to feature someone speaking a local language and English, so that he can translate. Please allow us to hear every person who is talking.

**Councillor:** Unfortunately we don't have time to translate each and every comment in public meetings. The meetings are long enough. We encourage you to learn local languages, since you are in South Africa.

**Notes from ward public meeting, 11 September 2010**

(Context: An old South African lady has made a long comment in a local language. The audience cheers and laughs.)

**Marc, ADF chairperson:** Madam Councillor, we have been sitting in this meeting since 14h00, it is already 17h00. We are all tired, and wanting the meeting to finish, but, please, we also would like to laugh, together with you. Could you kindly translate? [Everyone in the audience laughs. The councillor translates the conversation, and the meeting resumes.]

While foreign residents or activists may try various strategies to be more included (discourse of rights – which in Example 5 did not work; humour – which worked in this instance), and repeatedly raise the issue of language and inclusivity, there is

clearly no policy from the meetings' leadership to welcome and include those who do not speak local languages.

The repetition that 'migrants do not attend meetings' has now become common knowledge, even common sense, and is used in a variety of platforms to incriminate foreigners as 'others'. We saw in Example 2 that the councillor's repeated statement was appropriated and further developed by meetings' participants. Example 6 illustrates how these statements are repeated in other public platforms, and become a way of singling out foreign migrants as problematic 'others'.

## Example 6 – 'We can bring the horse to the water …'

**Notes (translated from isiZulu) from SCF 1 meeting, 22 September 2010**

(Context: For some time, SCF meetings have not been happening, and that day attendance is very low (10 people). The meeting (two hours) is almost exclusively devoted to discussing how to increase attendance: focusing mostly on the issue of foreigners' attendance.)

**SCF1 chairperson:** I want to know for each and everybody who is sitting here as a citizen, as a community: how many are you that encourage and inform others that the CPF [sic][12] exists and is working and they need to participate in these gatherings?

**SAPS inspector:** Sir, last year it is was me and Captain X, we went to Congo nationals, Ghanaians … Most of the international foreigners don't want to attend the meetings; they don't want to be involved to the CPF [sic]. I do not know what their problem is.

**Chairperson:** Thank you. You know the question I ask: who went to the neighbours to publicise? The inspector just put it; they went here and there to recruit foreigners …

**Member X:** Residents, this is true. I went house to house from the bottom to the top. I found our brothers, now let me be clear … We want a relationship from our brothers from Zimbabwe, our brothers the Congolese, Nigeria and others, really to find ourselves as one. What bothers me firstly is that they have been allowed into South Africa, but how do we welcome them when they do not want to work for the community? Secondly, yes, others do things that are against the law, and that is why we call the CPF and the SCPF [sic] in order for us to be one …

**Member Y:** We can go door to door to understand in each house, in each flat how many people are staying here, and their difference. How many Nigerians are here, how many South Africans are here, how many Zimbabweans are here.

**Chairperson:** He is just suggesting.

**Member Y:** Yes I'm just suggesting.

**Member X:** People of God, let us decide where are we going to start to make a door to door to tell our brothers, look, come, let's come together because we've got a problem that is coming. There are people here in South Africa by law; there are those that are illegal. If we want, we can tell our government that we want 'operation clean up houses'. With 'operation clean up houses', we will be going into people's houses with the police and together as the CPF and search in the houses, people popping out. They are going

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to run to the [news]papers, saying that the police of Yeoville are no good. But to avoid that, let's come together and strategise how we can live In Yeoville.

**Member Z:** I was with [Member X], when he went door to door, we tried, I don't want to lie. We tried. We went from door to door from Louis Botha until Raleigh. What can we do? Because you can take the horse to the water but you can't force it to drink … Why would we help them if they don't attend?

**Member W, foreign national:** I remember when we started meetings, many people came. But since the patrollers have started patrolling … they [foreign residents] doubt … None of the patrollers is foreign, so they doubt now.

**Chairperson:** Okay, now we're starting on patrolling. When the patrols started, they were only taking South Africans, and excluding foreigners from patrolling, yes?

**Member W:** Yes.

What is striking in this long quote is firstly the obsession with foreigners' participation – while it is the overall participation of residents which is failing, and while there is, in fact, at least one foreigner present in the meeting (who does not speak out immediately, and who actually has a feeling that foreigners are marginalised in community policing operations). The discussion on foreign migrants' (lack of) participation takes up half of the meeting. Interestingly, this topic is first mentioned by the police officer, as a biased response to a rather broad question about the overall lack of participation, asked by the chairperson. The chairperson, however, confirms the narrow direction taken by the discussion.

A second point is the ambiguity of the reasons given for inviting foreigners. Is it because they are perceived as 'a problem', and inviting them is a peaceful way of dealing with the problem? Or, is it because they are also part of 'us' and part of the solution to crime issues? Both presumably, but, in any case, foreigners are systematically stigmatised as 'others' – most apparent in the police officer's initial statement and in Member Z's speech: 'We can take horse to the water … Why would we help them if they don't attend?' This ambiguity is present also in the mixture of threats and appeasing sentences (which may amount to mere political correctness). Expressions that are too directly offending are gently corrected (which may be because of the researcher's presence), such as member Y, who is not rebuffed openly, but subtly reminded that he is not holding an official position: 'It is just a suggestion'. But there are also threatening discourses in the form of suppositions: Member X states that they could loot foreigners' houses, but they'd rather invite them to discuss, as a sign of their goodwill. The whole meeting is about constructing acceptable norms, or rather acceptable expressions of a relationship with foreigners irremediably seen as 'others' – a sort of trial and error process where expressions are being publically tested and debated; where the *doxa* exposed in ward public meetings is repeated, deepened and further explored (leading to question the access of foreign migrants to community policing service, as if their presumed lack of attendance was a legitimate reason to exclude them).

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## Shaping public debate: Demining the field, or opening new spaces for xenophobia in the public realm?

The constant stigmatisation of foreigners as outsiders to the community is taken further by more direct and thematic accusation against them, legitimising and consolidating xenophobic prejudices through their validation in local leaders' speeches. Here the incremental construction of a Yeoville community does not take the form of repetition, but of constantly pushing the limits and opening new arenas for the expression of xenophobic resentment. In many ward meetings, it is the councillor herself who brought up new topics at each meeting, which were directly blaming foreigners for the plea of Yeoville residents, or even for the rise of xenophobia.

### Example 7 – 'I am not xenophobic but …'

**Notes from YSF AGM meeting, 17 May 2008**

(Context: It is in the period of the May 2008 xenophobic attacks; the whole country is shocked by the violence of xenophobia and the rapid dissemination of riots in urban areas. Yeoville has been quiet, but tensions are rife. One YSF executive member proposes that a clause be added in the forum's constitution, stating that the forum is committed to fight any form of xenophobia. The councillor, invited to the meeting as it is the AGM and she is to chair the electoral process, reacts against this proposal.)

**Councillor:** I am not xenophobic, but my heart cries when I see South Africans in the street while foreigners are comfortably sleeping in our houses. I have dealt with that already in the past and I am tired of it. *[Her speech is welcomed by a round of applause coming from half the audience.]*

(Note: The councillor was later discreetly approached by YSF and ADF leadership and asked to publicly apologise, which she refused to do. The ADF then approached her ANC hierarchy to bring her to task, with no visible result – the ANC region was torn apart by leadership struggles. Eventually, the ADF published a paper in the local gazette to denounce the 'xenophobic councillor'. Two years later, the councillor retaliated against YSF-ADF, which suggests that this publicisation, in invented spaces, yielded some internal reprimand in the ANC, or in government.)

The councillor's statement echoes a longstanding debate on housing issues within the ANC and ANC Youth League (ANCYL), the latter proposing publically and repeatedly (in ANC meetings and in ward public meetings) to go door to door, investigate who is living where and chase away foreigners. There are even rumours that the councillor has been involved in a housing scam (Dube et al. 2010). Some YSF and ANC members, however, have successfully intervened to stop such potentially explosive statements from being made in public. The councillor has finally abandoned these public stances, while some of the most turbulent members of the ANCYL have been excluded from the organisation. But the idea rears its head now and again, as illustrated in Example 8.

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## Example 8 – Housing issues: A door to door survey

**Notes from ward public meeting, 20 April 2010**

**Simphiwe (CPF deputy chairperson):** I would not want xenophobic violence to start again. But there … *[Switches to Zulu]* … a building on corner X and Y streets, that has been hijacked by Zimbabweans … *[Switches to Zulu]*

**Councillor:** You raise an important concern. Myself, I have many times raised the issue. I would like a door-to-door survey about who lives in these buildings. But I've been discouraged to do so.

(Note: After the meeting, I approach the CPF chairperson to have him clarify his statements for me. He is unambiguous: 'My aim is to get Yeoville back to what it was before. You need to go at the root of the problem: there are just too many foreigners. You see, if you chase a pig away, another pig will come. If you chase the mother pig, all the piglets will follow'.)

At each meeting, a new topic pertaining to xenophobia arises. Sometimes it is raised by members of the audience in their individual capacity or as community leaders; but often it is raised by the councillor herself, opening a new door for public discussion on xenophobia. The issues raised by leaders do reflect tensions occurring outside the space of the meetings: community policing dynamics, as illustrated in Examples 6 and 7; or emerging informal groups, directly challenging the councillor. Indeed, a group of residents, unhappy with the existing 'invited' spaces of participation, has invented its own: the Yeoville Community Forum (YCF), nicknamed 'under the tree' as its members used to meet weekly under a tree in a public park, is ostensibly boycotting the ward meetings as being inefficient in solving housing and crime issues, criticising the councillor as being soft and passive, and calling for more direct action, especially against foreign migrants (see Katsaura 2012, and in this volume).

As a reflection on other local political dynamics and residents' genuine concerns and experiences, it is not illegitimate per se to bring issues of xenophobia in public ward meetings for broader discussion. However, the ways in which these tensions are brought in seem to be a means of broadening and diffusing them, rather than appeasing or unravelling them.

## Example 9 – Moving to employment issues

**Notes from ward public meeting, 14 August 2010**

**Councillor:** Moving to Point 6 of the agenda, on xenophobia … We must admit in Yeoville we are very mixed. When I go for my hair, I go to a Nigerian hairdresser. There is not one single South African there. That is not right. I said, I want to see the owner, can't you find any South African hairdresser? If she cannot get them, I will assist her. We can't build such a society. We are talking about xenophobia. The shops, they only deal with their own nationals. They need to change. Where are they anyway? They are never are part of our meetings …

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*[This starts a whole conversation on xenophobia. Xenophobic statements are made, people concur and tensions rise.]*

**Thandi, ANC chairperson:** We should remove the word 'xenophobia'. If we are going to talk about that, there will always be anger and complaints. We must make this meeting constructing communities.

**Patrick, ANCYL:** It does not matter the nationality of the person who does something wrong. The issue is if it is wrong it must be dealt with.

**Man, taxi association representative:** Without them, there is no business. We accept whomever we do business with. Our business is our family. In this regard we need a taxi rank in Yeoville, with shelter, toilets for drivers. We would like a petition requiring a taxi rank.

**Ben, COPE representative:** We need affirmative action so that foreigners hire South Africans.

**Councillor:** Let us move on to the next issue on the agenda.

The councillor's initial statements set up the tone for the conversation, to the point where even the other ANC leaders felt obliged to criticise the way the meeting was led (although in an oblique way: by criticising the item on the agenda), and call for a more inclusive and constructive way of handling the meeting. Some community members dared to speak differently, such as the taxi driver, a pragmatic businessman, who hinted at the fact that foreigners are not the main issue and tried to start a petition on a local need instead, but their comments were not echoed or followed up. Ironically, the COPE representative, generally systematically oppositional to the councillor, ended the discussion by agreeing with her – which she could not acknowledge, either.

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## Conclusion

This chapter has argued that invited spaces of participation play an important local function, beyond the display of personal political strategies and ambitions (Katsaura, this volume), beyond the important airing of grievances and beyond the possibilities of inventing oneself as citizen (Gervais-Lambony, this volume; Buire, this volume). Invited spaces might not be the place for direct influence on decision-making (be it strategic or pragmatic, broad or narrow); they are certainly not the spaces for radical change, and are seldom the spaces for confrontation to existing powers, even though they can sometimes be daunting for local leaders. But, to put it simply, things are happening there, positive or not. Invited spaces are not '*mere* talk shops'; talk matters. Invited spaces of participation are places of incremental construction of collective, local, legitimate and dominant norms: of expression, of conduct, of action. They are places to test what is acceptable or not, to measure the popularity of ideas or actions, as well as their legitimacy: how ideas are supported or contested by the audience but also by local leadership. It is not surprising, therefore, that many outbursts of xenophobic violence within South Africa erupted after CFP or public

meetings (Misago 2011). Leaders test their audience to find out what support their visions yield or the resistance their visions meet – maybe as much as members of the audience test their leaders, to find out to what extent their own visions are supported or discarded by local leadership. Continuity in time, repetition and consolidation act as a validation of a (specific) community vision (as a set of discourses and practices aimed at defining the 'community') that becomes the dominant one.

On the more specific matter of the construction of a xenophobic community, and the challenges to it, this case study illustrates two further points. The first is the key role played by leadership, setting, to a great extent, the tone and the boundaries of interactions occurring in these public spaces, through a variety of more-or-less subtle, implicit and direct interventions. Local leaders' ways of tolerating various expressions of xenophobia are scrutinised by the audience as ways of legitimising the local order to be: by being silent or not reacting to some ideas (either as a form of support – 'let it be' – 'or as a form of discard through lack of follow up); by developing or emphasising other ideas; by accommodating or not diversifying languages; and by putting issues on the table or avoiding them. These are not necessarily easy choices to make: a cap on xenophobia might ignore real and rising issues that possibly need to be discussed; choosing English as a means of communication might yield detrimental to the full participation of the lower-educated participants; etc.[13] In this sense, the pressure that is put on local leaders' shoulders (listening to their constituencies and responding to their requests or at least concerns) is at the core of local democracy – much easier to avoid at higher scales of government – and it requires both a sense of leadership and a strong vision to be able to deconstruct xenophobic resentment and redirect local angers and frustrations towards other, more constructive and more relevant forms of collective action. In the absence of such a sense of leadership, supra-local scales of debates, regulation and recourse (at other levels of government or political parties) are crucial – however they do not seem to exist or function currently.

The second point is at the core of the discussion about invited spaces of participation: do they leave the possibility for contention, for contest, for 'invention'? This point is more specifically about contesting local leadership and the dominant vision of a local community they build. An obvious conclusion might stress the importance of local activism – the multiplicity of invited as well as invented spaces of participation allows for different norms to be tested; different leadership choices to be explored; different discussions to emerge, all with partly overlapping audiences which materialise the interconnectedness of all these local spaces of participation. Within this multiplicity, one is exposed to both more extreme visions (xenophobic, violent) and more liberal visions (inclusive, tolerant) of the local community. However, this conclusion does not go very far, as often happens with tautological debates on social capital (Fine 2001). Possibly more interesting is the issue of migrants' strategies and tactics of visibility or invisibility. In Yeoville, the ability to openly challenge the dominant, xenophobic vision rested on the existence of an organised group of migrants who had demonstrated both local groundedness (relationships, if not alliances,

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with local civil society organisations) and powerful, extra-local networking (as a display of power – both an attractive opening and a means of possible retaliation). Needless to say, these conditions are not easily gathered and Yeoville might be quite an exceptional case in Johannesburg. Individual (and even collective) migrants' visibility is often too much of a risk to take, seldom balanced by the political gains made in participating. A strategy – or perhaps, rather, a tactic – of visibility is mostly resorted to as a response to specific, crisis circumstances, rather than constituting an ongoing form of local participatory engagement.

Coming back to the nature of these local participatory spaces, it should also be stressed that they are not all equally in a position to construct the dominant norm of what the community is, or ought to be. In Bourdieusian terms, the political field is highly competitive and by no means even (Bourdieu 1981; Katsaura 2012; Stokke & Selboe 2009). The potential of a participatory space to become the platform for legitimising a set of collective norms (structuring the local 'community') depends on a variety of factors, including scale of the audience, regularity of the meetings and the ability to be connected to other spaces of participation (protests and forms of collective action termed 'invented spaces'). But it also depends, perhaps even more importantly, on the political power, influence and legitimacy of the leadership itself: more-or-less institutionalised through an official position in the party and in the state; and considered more-or-less able to mobilise resources and constituencies. In this Yeoville case, the ward public forum (headed by the local ward councillor, whose political legitimacy is validated by local government, the voters and the ANC) is setting the tone (echoed and amplified by CPFs and headed by police officers) and is more able than others to construct the 'dominant' vision for the community. It is the leader's own political legitimacy that is able to confer legitimacy to local norms debated in the forum the leader chairs. The other participatory spaces, invited and invented, driven by leaders with other, less institutionalised forms of political legitimacy, can be understood more to be *challenging* the dominant norms constructed in the ward and community policing forums (in more xenophobic or more liberal directions): proposing alternative visions and ways of living in Yeoville or more directly confronting the vision constructed in the more official participatory forums. These challenges to the dominant vision for the community, constructed in the 'most' invited spaces of participation, nevertheless confirm the interconnected nature of all these local spaces of participation, between which information and people percolate on an ongoing basis.

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## Notes

1 See *Transformation: Critical Perspectives on Southern Africa*, 2008. Special issue on local democracy in South African cities (pp. 66–67).

2 See also *Transformation: Critical Perspectives on Southern Africa*, 2008. Special issue on local democracy in South African cities (pp. 66–67).

3 This was one of the research themes within the programme CORUS: 'Voices of the Poor in Urban Governance: Participation, mobilisation and politics in South African cities' (2008–11), funded by the French Ministry of Foreign Affairs, and involving about 30 French and South African researchers. For some more elements of this theme, see *Journal of Asian and African Studies* 46(5), Special issue on 'Accessing the state in cities of the South', 2011.

4 The methodology of this research is manyfold. It rests foremost on an honours research report written by Eulenda Mkwanazi (2010), in the broader framework of a community-based research initiative called Yeoville Studio coordinated by Claire Bénit-Gbaffou. There also has been a long-term engagement with the area, as prior research had been done on related topics in Yeoville (Bénit-Gbaffou 2006); and participation into various community meetings had been developed in an activist capacity since 2008 (Claire Bénit-Gbaffou had been an executive and founding member of an organisation called African Diaspora Forum; ADF).

5 Community here is obviously not taken as a given, with shared values and identities existing purely out of living in the same local area, or deriving from residents' supposedly essential characteristics; but is understood as a construct, which entails processes of defining those shared values (what is desired; what is acceptable; what is not; what has to be fought against) as well as the boundaries (who is inside, who is outside 'the community' as well as what it means to 'belong').

6 See Gervais-Lambony's and Buire's chapter in this volume, for the appropriation of such 'invited' spaces by residents somehow turning them into invented spaces of participation.

7 See *Transformation: Critical Perspectives on Southern Africa*, 2008. Special issue on local democracy in South African cities (pp. 66–67).

8 COPE – Congress of the People – is a party that split away from the ANC in 2008.

9 ADF (activist) network; Yeoville Studio (academic) network; personal networks.

10 See Examples 4, 5, and 7.

11 The 24-minute documentary *Baraka [Blessing]*, (Filmmakers Against Racism), showing the deployment of xenophobic tensions against Somalian informal traders in the township of Masiphumelele in 2008 in the Western Cape, illustrates painfully how foreign migrants can be brought into public meetings to be publically confronted, given orders (in that context, to relinquish their shops in favor of South Africans) and violently threatened.

12 The confusion between community policing forums (CPFs) and sector crime forums (SCFs) is often made – even by their respective leadership. While the CPFs are supposed to be led by civil society (as they were instituted in 1995 to keep the police accountable to residents), SCFs are led by the police, as a mere deconcentration policy (subdivide their area of jurisdiction into smaller areas so that they are more manageable; use local residents as informers and supports to local policing). The confusion is possibly triggered by the fact that some members belong to both organisations.

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13 On the broader and more fundamental tensions in which local political leadership is caught, see Bénit-Gbaffou and Katsaura (2014).

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# 6 Uncooperative masses as a problem for substantive and participatory theories of democracy: The cases of 'people's power' (1984–6) and the 'xenophobia' (2008) in South Africa

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Those on the political left who champion participatory democracy expect it to both nurture democratic decision-making and to generate socially just outcomes – unlike 'bourgeois' representative democracy.[1] Participatory democrats of a 'spontaneist' bent think that unregulated popular activity is more likely to produce both of these desirable features: they are suspicious of institutional forms and fearful of co-option; favour 'invented' over 'invited' participation and valorise popular 'insurgency'. Institutionally minded participationists insist on the need for guidance by activists or parties who are committed to both participation and substantive justice. The former seek to unleash the people, the latter to harness them to just goals. When ostensibly participatory processes yield results that are problematic for democracy or justice, the spontaneists are liable to blame institutional forces – capital, the state, vanguardists, the World Bank, local elites – for manipulating or hollowing participation. When institutional participation fails to yield democracy or justice, the 'guided' participationists are liable to blame the particular institutional forces providing the guidance (for being too Leninist, Stalinist, neoliberal, or whatever).[2] I argue here that both reflexes are in the end insupportable, tending as they do either to romanticise the people or to justify authoritarian vanguardism, or to do both at once. The people unleashed can act in undemocratic and unjust ways, for example by engaging in exclusionary behaviour or arbitrary violence, or simply by participating in or supporting an economically unjust system. Equally, though, the enclosure of participation within an institutional scheme designed to guarantee socially just outcomes is liable to sacrifice democracy as a process or procedure, with its necessary pluralism and open-endedness. Some schemes achieve the worst of both worlds – harnessing popular violence and other 'excesses' behind authoritarian projects. A defensible participatory democracy must eschew popular insurgency and enlist institutional guidance and constraint. But the guidance and constraint must take a form that is procedurally open and respectful of uncertainty about outcome, and it must protect individual rights. It must, in other words, incorporate into participatory democracy some of what liberal democracy deems necessary for representative democracy and, indeed, for democracy per se.

This chapter thus challenges the understanding of democracy underlying the initial set of expectations about participatory democracy and (hence) the diagnoses and prescriptions that proceed from the failure of these expectations to be realised.

The understanding of participatory democracy here criticised has two features. The first is an unwarranted romanticisation of participation and/or the people. The second is a conception of democracy that is substantive in the wrong way, reducing democracy to teleology plus what I term 'act-instrumentalism'. An understanding of participatory (or any) democracy incorporating these features leads to a misdiagnosis of participation failures and potentially to prescriptions that are indefensibly either too populist, immediatist and majoritarian – in other words, too democratic in a certain sense – or else too authoritarian. The upshot is a failure fully to appreciate some necessary features of a defensible model of democracy and the terms on which such a model can be defended as desirable, including for the left.[3]

If, according to a certain radical-democratic script, participatory democracy delivers both egalitarian processes and socially just outcomes, this is for at least six reasons. First, participation includes in its deliberations those that 'elitist' democracy excludes – ordinary people, shop-floor workers, residents in poor or working class districts or organisations proffering radical alternatives. As such it has a substantively egalitarian component qua process (Abers 1998; Arnstein 1969). Second, the now-included poor pursue interests frustrated by elitist democracy, backing pro-poor policies such as progressive redistribution of income or the provision of services in poor districts (Abers 2000; Arnstein 1969; Baiocchi 2003a; De Sousa Santos 1998: 462; Isaac & Heller 2003: 104–5) or even the overthrow of capitalism in order to create a less unequal or exploitative order (Glaser 1994a: 171). Third, participation is developmental – it inculcates skills of citizenship, civic organisation or management that will enable the participatory masses to exercise sustained and competent power (Mill 1991; Pateman 1970). Fourth, participation imparts a sense of empowerment, and once ordinary people have tasted power they will not readily surrender it. Fifth, some claim, there is a specific connection between a particular style of deliberation – involving equal opportunities for participation, mutual respect, the providing of 'public reasons', transforming one's conceptions of one's interests in the process of hearing and interacting with others – and impartial or just decision-making (Cohen & Rogers 2003; Young 2000: 17–51). Finally some argue that non-partisan, localised participation is peculiarly suited to issue-based problem-solving, at any rate where it is combined with a more centralised pooling of local experiences. In this way it attends to many problems that bedevil ordinary citizens and which distant representative institutions cannot adequately address (Cohen & Sabel 1997; Fung & Wright 2003).

It is notable that these putative connections vary along two axes. First, some assume an inherent or spontaneous connection between participatory democracy and democracy/justice, or at least allow that such a connection might be inherent or spontaneous. Others assume a degree of guidance, or at least allow for it. Second, some connections operate via an adversarial logic, involving an assertion of power by the poor in their own interests; others presume a deliberative and impartial pursuit of a common good, somehow conceived. The first position in each binary fits most

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readily with spontaneous, libertarian and insurgent conceptions of participation; the second fits most readily with institutional or guided participation.

In practice, democratic participators often refuse these scripts, and make decisions to do one of the following: persecute outsiders, those external to the empowered people; persecute internal minorities and deviants; impose local political monopolies; validate local social and political hierarchies; seek resources at the expense of other groups; or express preferences for policies and organisations that do not challenge structural inequalities. In short, the people can be conservative, sectarian or repressive. Their governing modalities can be rigidly regulative or (worse) arbitrary and unpredictable. Participatory democrats are inclined to overlook or justify such practices when they serve a just cause; or to attribute them to manipulation by elites, or manipulation by reactionary elites, when they judge the practices to be manifestly undemocratic or unjust. The suggestion in this chapter is that they can arise from democracy itself – either from an excess of it or from its inherent and natural indeterminacy.

The failure of the masses to follow participatory scripts arises from the ways in which 'the people' are different from what participationists of various hues imagine them to be. They arise, too, from inescapable epistemic uncertainty. These two sources must be distinguished, for they carry distinctive normative implications.

One can suggest a number of reasons why people may not be as they are imagined by participatory libertarians. First, they are not reducible to economic and class interests, but operate within worldviews or rationalities (including conservative or repressive ones) that have their own histories, psychic payoffs and instrumental utilities. Second, even where actors proceed from material self-interest, doing so does not necessarily steer them towards class solidarity or, in the case of the poor, support for radical change; people can claim or hoard resources for other kinds of groups than classes, including, for example, ethnic groups or compatriots. Third, there is likely to remain, even under egalitarian conditions, an irreducible diversity of interests and values within the people themselves. Fourth, humans do not always operate according to a ratiocinate ideal – they are guided by, inter alia, emotional states (including anger), the desire for revenge, fear of change, hatred of deviance and individual or collective narcissism. Fifth, hierarchies have a powerful tendency to assert themselves in human groups for a variety of reasons, whether because actors have different levels of knowledge, confidence, commitment, resources and time; because of differentials in social status; because of the dead weight of 'traditional' legitimacy; because of the allure of charismatic authority; or because brokers or big men provide access points to wider systems of power. Finally, human beings are often insufficiently knowledgeable to make the 'right' decisions.

Some might object to the quantity of anthropological, psychological and sociological supposition packed into these hypotheses. Demonstrating their universal validity is not my purpose here. The purpose of the list is to offer plausible proximate explanations for collective behaviours that have been observed often enough;

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normatively I limit myself here to the proposition that democratic realists should prudentially design institutions on the assumption that they may be true, just because they are plausible enough to be so, given what we know. It is important to say, also, that circumstances can be shaped to ameliorate these features: provision of quality public education, the institutionalisation of mechanisms of accountability and impartial adjudication, and the guarantee of rights, to name a few; were this not so, democracy itself would be impossible. The point is that the design of such measures should be informed by a realist rather than romantic conception of the people. Nor is it sufficient simply to posit 'deliberative democracy' as a solution; the challenge is to explain why the exhortation to proceed deliberatively often fails. The institutionalisation of deliberation can assist, but even then it encompasses just one modality of democratic decision-making. The institutionalisation of some of the things deliberationists dislike – including the equal representation of competing interests, adversarial politics and the accommodation of expressive political behaviour – will also be necessary on our account (Mansbridge 1980; Young 2000: 36–50).

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But the failure of the masses to follow the radical participatory script is a product not only of the flaws and failings of 'the people'; it is a product, too, of inescapable epistemic uncertainty and its concomitant human fallibility. The fallibilist thesis (Saward 1998: 41; Weale 2007: 66–8) to which I hold does not argue that there are no objective truths, that none can be known or even that reasonable people invariably disagree about correct courses of action. It holds, rather, that the level of uncertainty about the nature of things is sufficient that we can never be certain of the truth of political propositions and that we therefore cannot safely entrust decision-making to epistemic elites or 'experts' on the grounds that they have privileged access to the truth. If ignorance is a non-ideal feature of people that can be ameliorated by education, it does not follow that a select group of people necessarily always knows what is the right thing to do, that they would do it even if they did know, that it would be possible for the less knowledgeable to identify them, or that their rule would command the legitimacy necessary for their effectiveness.

It is important to say that this uncertainty applies also to the validity of goals that supporters of social justice consider morally urgent and necessary, including, say, redistribution of wealth. As an egalitarian myself, I hold that equality can be defended on a range of deontological and consequentialist grounds. But I have to allow that in holding this view I may proceed from false suppositions about human nature or economics. Put another way, reasonable people can disagree about human psychology and economic theory. One important defence of democracy is that it institutionalises the debate, choice and capacities for experimentation and course correction (including changes in leadership and ideology) that give institutional recognition to fallibility. This is why a defensible theory of democracy is in the first instance procedural and formal: it cannot intractably institutionalise substantive ideological and policy choices that are themselves legitimate subjects of democratic debate. Democracy is about justice in a certain sense, but primarily in the procedural

sense: it is about the equal chance to participate in making collective decisions. Procedural justice itself has substantive entailments, but these cannot be conflated with one particular ideological or doctrinal choice in the field of economic theory. There can be no capitalist democracy or socialist democracy – just democracy, as such.

The relevant implication, for now, is that 'the people' will often make ideological choices that leftists may disagree with and, moreover, these choices may be reasonable and, more alarmingly still for socialists like myself, they may even be true. Just as democratic theory needs to recognise that peoples will not always cooperate with left wing participatory scripts, in 'responding' it has to be able to distinguish instances in which the people are making choices that ought to be prohibited as deeply unjust on any reasonable account and choices with which leftists happen passionately to disagree but which, nevertheless, represent reasonable or legitimate choices. Participation will not necessarily pull people to the left, and it would be absurd to disqualify it as undemocratic, or abandon it, because it does not reliably do so. Moreover any attempt to make sure it always does will explode democracy itself.[4] There *are* certain substantive ideological choices that are inevitable in democratic design; but these must be correctly identified, and the range of possible design choices must be compatible with an idea of impartial procedure. There *is* a necessarily outcome-assessing element to the justification of democracy; but the system-consequentialism required to give this its due must be distinguished from what I call act-instrumentalism. These points will be developed later.

## Councillism, civil society, xenophobia

This chapter is an exercise in normative democratic theory. It nevertheless seeks to illustrate some of its key claims via commentary on two historical episodes: the 'people's power' movement that took root in South African black townships and settlements in 1985–6, and the 'xenophobia' that raged, again in 'black' areas, in 2008. These two episodes occupy very different places in the mythology/demonology of South Africa's progressive circles. The first episode is widely hailed as a brief but heroic experiment in participatory democracy. Some saw it as prefiguring a form of democracy more 'advanced' than representative democracy, much as Lenin insisted that the soviets, which people's power resembled, heralded a more advanced form of participatory democracy than Russia's Constituent Assembly. Indeed, Martin Legassick has argued that South Africa's post-1994 system of governance, based on conventional representative democracy, constitutes a 'counter-revolution in democratic form' compared to the people's power movement of the 1980s (Legassick 2007: 432). The xenophobia, by contrast, is reviled in the same circles as an ethnic pogrom fuelled by nativist politicians and businessmen, as both a product and act of social injustice. With the exception of this author (Glaser 2008), no one, to my knowledge, has discussed it as a manifestion of democracy understood in a certain sense, one commonly celebrated on the libertarian left – as popular insurgency conducted outside, despite and against the state. By some such

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measures, I will suggest, the xenophobia was more genuinely popular and bottom-up – more democratic – than people's power. Yet both manifested what Michael Mann terms democracy's 'dark side' (Mann 2005), and both illustrate problems with the romanticisation of the people. Both illustrate how mobilised peoples can turn on outsiders and deviants in violent and arbitrary ways. The people's power movement exemplifies, in addition, a particular, problematic solution to popular 'excess': namely the attempt to enlist controlled popular violence for an authoritarian project, or at least a project with strongly authoritarian tendencies.

Conscious that 'the people', left to themselves, sometimes fail to support socialism, display reactionary attitudes, engage in anti-social activity, avail themselves to demagogy or lack competence, some leftists have eschewed participation in favour of straight vanguardism. Lenin's support for Taylorism and one-man management and Trotsky's for the militarisation of labour fall into such categories, and find some warrant in Marxist-Leninist theories of ideology and false consciousness. Yet the open repudiation of democracy has been rare, even on the Marxist-Leninist left.[5] In principle both Lenin and Mao were committed to the kind of participatory democracy symbolised by the Paris Commune, and Marxists have celebrated a particular, councillist model of democracy inspired by this precedent if not precisely derived from it. In the Marxist-Leninist tradition this model combines popular participation with vanguardist guidance. It rests on the simultaneous celebration of the masses and of 'their' party. Even in power, Marxist-Leninists institutionalised various forms of popular participation, albeit of an apolitical, controlled kind (mass sectoral movements, workplace and neighbourhood councils, criticism and self-criticism sessions and complaint-registering mechanisms).

I have joined Sirianni and Wohlforth in expressing scepticism about the councillist model (Glaser 1994b; Sirianni 1983; Wohlforth 1981). Part of our critique has to do with limitations of its institutional design – its economic, class or workplace bases, its pyramidal delegation system, its indirectness and non-proportionality of representation – part to do with its eschewing of open-ended representation and political contestation in favour of a rigid harnessing of popular action to particular ideologies, goals and parties. But, while my own emphasis in the past was on the elitist-authoritarian potential of this system, I now recognise that its 'dark side' had (at least in the popular, revolutionary moments of its history) a people-driven element; for example, in the case of Russia, it gave expression to violent features of popular culture and mentality (Figes 1998: 95–102). In certain situations it suited vanguard parties and movements to unleash precisely this element, even while at other times it suited them to dampen it; sometimes they sought to do both. In its routinised moment the system degenerates into (or culminates in?) something arguably resonant of the kind of post-political participatory 'administration of things' envisaged in classical Marxism – a dystopian playing out, rather than repudiation, of Lenin's supposedly 'libertarian' *State and Revolution*, as Polan (1984) has noted. In its popular moment, by contrast, the council resembled a revolutionary movement as much as a system, and gave rise to a kind of semi-directed popular terror.

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One plausible reading of the people's power movement in South Africa is that it was an embryonic council movement that sought to mobilise, channel and constrain a violent, popular rebellion. The resulting 'red terror' was a product of both populist and vanguardist dynamics, both of them pregnant in the council form and both problematic for democracy.

The xenophobia cannot be interpreted as councillist; it appropriated state powers over migration and settlement but did not seek to establish a permanent apparatus (councillist or otherwise) able to replace the state. Instead it exemplified an insurgent component within South Africa's post-1994 constitutional order. In its other manifestations (e.g. 'service delivery protests') this insurgency is celebrated on the contemporary South African far left, where it is favoured over both the state and more 'respectable' civil society formations, such as NGOs (Neocosmos 1998; Pithouse 2013; Selmeczi 2009). These insurgent elements are defined by four elements: localised leadership, (often) fleeting organisation, crowd violence and the appropriation of forms of authority normally claimed by the modern state – for example, its policing and immigration-control functions (Monson 2011; Von Holdt et al. 2011). They fit more closely an anti-institutionalist, movementist, anarchoid conception of democratic practice than a councillist one that, however protean, seeks organised governance.

As a few have noted, some of the repertoires of contemporary insurgency originate in violent forms of youth protest that came to the fore in people's power in the 1980s. They are, however more democratic in the 'dark' sense than people's power: they defy rather than enact the directives of the liberation movement (which is now in power) as well as the scripts of the new far-left grassroots activists; they are also by some measures more spontaneous than people's power. As the insurgency turns xenophobic, participationists deny that it is democratic or participatory and attribute xenophobia, for example, to the machinations of politicians or businessmen. But the 'good' insurgency is quite difficult to sever from the 'bad'. The denialism of the radical democrats re-enacts the populist and participatory romanticism that prevents them from thinking clearly about the requirements of democracy, participatory or otherwise.

I will discuss those requirements more fully later. First I will first examine people's power and xenophobia more closely.

## The people's power movement

Viewed from one angle, people's power was not a new form of governance but the culmination of a programme to render black townships, and South Africa more generally, 'ungovernable'. In these terms its aim was negative: to annihilate an existing state. To this programme people's power offered 'mass revolutionary bases' and 'organs of insurrection' (Bozzoli 2004: 89–90). More specifically, it provided an organisational mechanism for mobilising residents behind protest actions, training activists and absorbing repressive shocks (Seekings 2000: 143–4, 170–77). But

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activists in the movement understood that alternative governance was needed in areas vacated by state power, if only to establish or maintain popular support among residents who were otherwise in danger of losing access to basic goods and services (Bozzoli 2004: 185; Seekings 2000: 172).

For some participants and sympathetic observers this alternative governance transcended political or practical necessity; it represented the creation, in embryonic form, of new, higher forms of democracy (Morobe 1987; Suttner 1986). Their democratic model was, as I argued elsewhere (Glaser 1998), councillist or conciliar. Its ideological inspiration was threefold. One source was the ANC's own ideological traditions and organisational precedents. The Freedom Charter insisted that 'The People shall Govern!' and called for 'popular organs of self-government'. This latter was an ambiguous signifier – probably deliberately so – that could invoke for its diverse audiences either non-racial representative democracy or some version of soviet or council democracy.[6] The ANC's M-Plan for insurrection at the beginning of the 1960s also constitutes a precedent of sorts for people's power. In a conscious reference to this nomenclature, the mid-1980s people's power plan was referred to by some as the G-Plan, after Mathew Goniwe, who led the pioneering councils in the Eastern Cape. A second source of inspiration was Marxist thought, both orthodox Marxist-Leninist and heterodox Marxist (including Trotskyist and New Left), as well as participatory experiments pursued under a broadly Marxist rubric, perhaps most immediately those of Cuba and Nicaragua. A third lay in the workerist or quasi-syndicalist forms of shop floor democratic organisation associated with the new trade union movement that had emerged in the 1970s (Bozzoli 2004: 112–22, 181–9; Seekings 2000: 175).

The resulting architecture closely resembled the soviet one: a system of pyramidal indirect elective representation supposedly rendered directly democratic or participatory by mechanisms of mandate, report-back and recall (Morobe 1987: 84–5). According to the standard format, the cellular units were yards or streets; next up in the pyramidal hierarchy were zone, area or section committees; at the top of the pyramid was a civic organisation, the delegates to which would be ratified at a mass rally (Bozzoli 2004: 189–97; Morobe 1987: 84). The elective apparatus was accompanied by various forms of sectoral organisation, notably for youth, and organisations to run 'people's' schools, courts and other forms of alternative administration and justice (Bozzoli 2004: 190). The whole system was ostensibly guided by the liberation movement via its internal wing, the United Democratic Front, which claimed to practise a similar form of 'people's democracy' within its internal structures (Seekings 2000: 305).[7]

This classically councillist scheme was hailed as prefiguring a higher form of democracy than representative democracy. Unlike the latter, it involved the masses directly in governance 'at all levels and in all spheres … real effective control on a daily basis' (Morobe 1987: 82). Unlike the latter it held elected delegates strictly accountable. And unlike the latter it challenged rather than reproduced capitalism, with which the apartheid system was presumed to be intertwined (Morobe 1987).

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It thus performed both the procedural and substantive functions required of a 'true' participatory democracy.

But in fact people's power contained both undemocratic elements and darkly democratic elements. More often than not it enacted a de facto political monopoly. It operated as a form of participatory governance largely internal to 'Charterism', despite the UDF's proclaimed popular-front openness to multiple political tendencies and the apparent concern of some popular power structures to appear nonpartisan. The Charterist monopoly was sometimes violently enforced locally against Inkatha and Azapo and also, Jeffery alleges, against individual political dissidents and nonconformists (Bozzoli 2004: 205; Jeffery 2009: 127, 476–7; Seekings 2000: 146–53). The entanglement of the Charterists in a brutal turf war with Inkatha reinforced the militarisation of popular protest and the conversion of people's power into a series of armed encampments 'protected' by often brutal ANC self-defence units (Jeffery 2009: 357; Marks & Mackenzie 1995). Second, the alternative governing order included 'people's courts' that administered swift and often dubious civil justice in 'liberated areas' (Bozzoli 2004, 143–177; Burman & Schärf 1990; Seekings 1989). Third, residents were in some instances physically forced to attend meetings. Fourth, people's power was linked to a larger insurrectionary movement that violently enforced struggle tactics such as consumer boycotts and 'stayaway' strikes. The movement also enacted brutal retribution against actors thought to be associated with the 'system' – not only councillors and policemen but also those suspected of spying for the state. The forms of violence employed to these various ends ranged from beatings administered by courts and forcing adults to swallow soap powders purchased in defiance of consumer boycotts to, most notoriously, the 'necklace' method of burning people alive (Bozzoli 2004: 38, 133–177, 236; Jeffery 2009: 75–111, 154–6; Seekings 2000: 151–3).

If Anthea Jeffery (2009) is to be believed, all this amounted to the logical unfolding of a multifaceted 'people's war' plotted by the exiled ANC under Vietnamese inspiration and implemented through its domestic surrogates. This certainly captured one of the dynamics under way. Egged on by the ANC in exile, Charterist activists established people's power in order to secure ANC hegemony and control (Seekings 2000: 173; Bozzoli 2004: 89–90, 208). And often UDF-affiliated civic structures exercised a more centralised political control through the people's power structures than the direct-democracy rhetoric suggests, aided in doing so by the Leninist mantra of 'democratic centralism'.

But a second dynamic operated, partly in tandem with this top-down dynamic and partly in tension with it: the popular one. For evidence that the violence contained genuinely uncontrolled and demotic elements, consider two phenomena. Criminal elements intermingled with 'comrades', producing the composite 'comtsotsi' who was often difficult to distinguish from 'disciplined' comrades (Bozzoli 2004: 95–105, 236; Marks & Mackenzie 1995). Still more clearly demotic was the persecution of witches – here was a folk discourse powerful within local moral orders that had no warrant in liberation-movement texts (Bozzoli 2004: 86, 136; Jeffery 2009: 127–8).

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People's courts drew also on longstanding precedents, conservative and apolitical rather than radical, of folk justice in predominantly black urban areas; they were to this extent not exclusively products of revolutionary moments and blueprints (Seekings 1989; Burman & Schärf 1990).

The struggle leadership wanted to mobilise popular violence but also to control it (Bozzoli 2004: 92, 125; Seekings 2000: 132–4, 171–78, 314–24). By popular violence I mean, not violence directed by the people as a whole, but violence directed by one part of the people, and primarily by politicised youth, against the oppressor state and, where they got in the way, conservative elements in the black population. The young comrades were the 'shock troops' of the revolution (Bozzoli 2004: 38), their attacks on councillors, policemen and informers essential to the people's war. At the same time this violence carried risks for the liberation movement. Necklacing shocked international public opinion, to which the ANC was trying to appeal. Many older people were unsettled by the assertion of power by the youth, for example in enforcing informal local justice, previously employed by older residents to control the youth (Bozzoli 2004: 158). Coercive enforcement of boycotts and stayaways threatened to alienate township residents from the struggle and unleash violent backlashes of the sort that eventually arrived in the form of conservative 'vigilantism' (Jeffery 2009: 129–34; Seekings 2000: 157, 176).

The UDF and local leaders thus found themselves caught between opposing imperatives – the imperatives of mobilising the insurrectionary energy of the young and of building an alternative order with cross-generational and global support. The UDF's language reflected its dilemma – its leaders never, for example, condemned necklacing and a few in the ANC seemed tacitly to encourage it, along with rough popular justice (Bozzoli 2004: 254; Jeffery 2009: 111–12; Seekings 2000: 315). People's power was established in part to manage and contain the popular violence, both political and criminal, that flourished in conditions of contested sovereignty. The National Education Crisis Committee (NECC) and Commission on People's Education sought to provide an alternative education for school students who seemed intent on postponing their education until after the revolution. Civic activists tried to substitute disciplined people's courts for kangaroo courts. But the boundaries between the popular and guided, the undisciplined and disciplined, frequently blurred (Bozzoli 2004: 199–201, 236; Burman & Schärf 1990; Seekings 1989).

The form of democracy enacted by people's power could be read, retrospectively, as prefiguring three possible futures. The one implicit in contemporaneous discourse was a council state. But councillism itself had two possible futures. One was routinised and bureaucratised. In this version a highly indirect system of representation is controlled by a vanguard party whose cells penetrate all of its tiers and constitute its active element. Party competition within councils is banned, as in society generally. The people are consigned to performing various 'safe' tasks that do not impinge on society's strategic direction or choice of top leadership, while councils double up as mechanisms of party surveillance, instruction and mobilisation. The collapse of

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the Soviet bloc closed off this option, variants of which had been widely tried by liberation movements in post-independence Africa (Glaser 2007).

Muted echoes of bureaucratic councillism can be found in post-apartheid institutions of municipal participation, here burnishing the legitimacy of a multiparty liberal democracy rather than a one-party state. Like bureaucratised soviets, ward committees, IDP consultations and other forums engage with local technical matters unthreatening to the national regime and are frequently informally controlled by a dominant party (here the ANC). Thanks to the overall context of protected political liberty in post-1994 South Africa, these local bodies can sometimes serve as effective sounding boards for popular grievance. But as other chapters in this volume illustrate, these 'invited spaces' of participation are mostly pretty feeble and do not lay claim, even formally, to constitute sovereign popular bodies. Sometimes they escape centralised control, becoming bases for opposition to the municipal elites or platforms for unauthorised appropriations of state power. But even in these cases they have not made any serious attempt to forge an alternative centre of authority to the national regime.

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The other possible councillist future has never been seen in practice. Here the council system is maintained as a participatory system through high levels of decentralisation and mass activity and the active exercise by lower tiers of mandate and recall powers over delegates in higher tiers. It becomes a basis for the reconstitution of the state on all spatial scales. However, I am sceptical about whether such a system can operate democratically, especially in large states confronted by intense coordination demands, without abandoning its defining features: class-based or functional electorates, indirect election, and political monopolies of a single party or even of socialist parties in the plural. I have argued recently that Legassick and others are wrong to wish to see a revival of councillism, and I maintain this view (Glaser 2012).

A second possible democratic future began to crystallise from the late 1980s, with the appropriation by South African anti-apartheid forces of a 'progressive' version of the 'civil society' discourse associated more naturally with liberal thought (Mayekiso 1992; Swilling 1992). In liberal thought civil society is seen as a pluralistic associational sphere outside of the state but legally protected by it. It is the terrain of competing interest and cause groups, and it serves as a countervailing power to that of the state, acts as an intermediary between individuals and the state, encourages active citizenship, provides space for associational self-government and communicates intensities of feeling not conveyed by the flatness of the voting process. In its radical appropriation it becomes a kind of collective progressive subject rooted in the masses, holding the putatively pro-poor government to its progressive promises, implementing progressive projects, benefiting from state resources and finding group or corporatist representation in state structures. The latter version has its totalistic and unrealistic aspects, attempting to render civil society into a unitary quasi-governing actor under one or other partisan or ideological hegemony, despite

its internal differentiation and limited access to resources. It also threatens cooption into the state (Friedman 1992; Glaser 1997; Steinberg 2000; see also Piper in this volume). But it has a salutary aspect in its challenge to private capitalist power as well as the state. At any rate, elements of both pluralistic and 'progressive' civil society came to pass in the 1990s. Insofar as the 1980s and people's power – notably the activism of civic associations – prepared the ground for a combination of the two, I would argue it played a positive democratic role.

The third possible democratic future was one of permanent insurgency. Here the popular style of the 1980s survives and inserts itself into post-apartheid repertoires. It does so both for better and worse: for better, to the extent that the dominant-party state requires periodic popular eruption to keep it in check. 'The smoke that calls' (Von Holdt et al. 2011) demands that rulers attend to those otherwise invisible. Spectacular disobedience can be an appropriate riposte to harm inflicted actively and with impunity by legally sanctioned powers. But it does so for the worse too, because permanent popular insurgency taps into sometimes violence-tolerating local moral orders. This 'dark side'[8] of democracy manifests itself in lethal strike violence, xenophobia, vigilantism and destruction of schools, libraries and clinics desperately needed by the poor (Meth 2010; Monson and Arian 2011: 33–41; Von Holdt et al. 2011: 27).[9] It fuels and feeds off state violence in a milder re-enactment of the later 1980s style of militarised civil conflict. Like the popular violence of the 1980s, it can be manipulated by leaders seeking to gain political power, in this case local power.[10] It rarely leaves behind durable grassroots organisations. And it at least arguably forms part of a larger proclivity to societal violence – a 'culture of violence' – that manifests itself also in some of the world's highest levels of violent crime (Dlamini et al. 2011: 49; Harris 2002; Jeffery 2009; Marks & Andersson 1990; Molapo & Ngubeni 2011: 82). Popular protest is an essential element of democracy; permanent riot, vandalism of the commons, coerced protest and anti-social violence must eventually jeopardise civil society and legitimate democratic order. The boundary between the two modalities is up for constant negotiation. But it is difficult to see what kind of defensible democratic order, constitutional or revolutionary, a simple politics of insurgency could enact or portend.

It is to one element of this dark side – the xenophobia – that I turn next.

## The xenophobia

The 'xenophobia' outbreaks of May 2008 represented a nationwide intensification in the often violent hostility that has greeted the sub-Saharan African and South Asian immigrants into South Africa since 1994. The May pogroms claimed 62 lives and displaced about 100 000 people. Antipathy to immigrants crosses racial and class lines in South Africa, but the pogroms themselves emanated from poor local blacks, especially in shack settlements and worker hostels in the cities, and targeted immigrants who lived in mainly black areas. Locals (especially men) complained that 'foreigners' took their jobs, houses, customers and women, that they caused

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crime, even that they brought disease (Booysen 2011; Everatt 2011; Hassim et al. 2008; HSRC 2008a; Landau [ed.] 2011; Neocosmos 2010, 117–149; Von Holdt et al. 2011).

In a chapter penned as part of an emergency response to the pogroms (Glaser 2008) I argued that the xenophobia was in certain senses a profoundly democratic phenomenon – albeit one that displayed an exclusionary side of democracy and made clear the dangers of populism. None of the subsequent detailed research of others has, to my mind, upset this verdict. But the view of the xenophobia as democratic has met objections on several grounds.[11]

The first objection questions the existence, pervasiveness or intensity of popular xenophobia. Certainly President Mbeki did, as did Neocosmos prior to the May 2008 events (*Mail & Guardian* 3 July 2008; Neocosmos 2010: xi, 5–6, 89, 97–9).

A second objection insists that the poverty and inequality associated with South Africa's neoliberal capitalism are to blame for xenophobia, fuelling as they did divisions among the working class and poor (Amisi et al. 2011; Ngwane 2009).[12]

A third objection acknowledges the force of the local – in other words, a bottom-up dimension – but emphasises manipulation of the population by self-appointed local elites, operating outside, inside or in collusion with elements of the local state (Misago 2011; Molapo & Ngubeni 2011b: 92).

A fourth objection, of particular interest here, is that the state was somehow responsible for the phenomenon, at least in large measure – either *this* state or, generically, the modern state (Landau 2010; Landau [ed.] 2011; Neocosmos 2010).[13] *This* state, because it imprisoned and deported 'illegal' immigrants in large numbers; Department of Home Affairs bureaucrats carried over apartheid-imbibed habits of controlling urbanisation; police and immigration officials harassed and extorted money from migrants; public servants displayed xenophobic attitudes and politicians depicted foreigners as impeding efforts to improve the lives of South African blacks (Landau 2010, 2011a, 2011b; Monson 2011; Neocosmos 2010: 85–95; Vigneswaran 2011).[14] In all these ways the South African state was held to have demonised foreign migrants and rendered them vulnerable to civilian attack.[15] The attackers, for their part, were simply doing the state's dirty work (Landau 2011a: 2–3, 11–13).[16] The problem for Neocosmos is not popular xenophobia but the liberal state's success in transforming a previously mobilised population into politically passive xenophobes (Neocosmos 2010: x, xiii, 17, 102, 114–15). And if these are faults of the South African state, the modern state in *general* is culpable too, because the 'modern state ideal' of citizenship entails exclusion and marginalisation of non-citizens (Klaaren 2011: 138–40; Landau 2011a: 4).

In none of these responses was 'the people' primarily the driver, and in none was democracy seen as a source of the problem.

Some of these objections likely capture elements of truth, whether about the context of xenophobia or about its sociological character. But they fail to contradict the

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democracy thesis, either because they selectively underplay evidence compatible with the thesis or address different questions.

First, contra Mbeki, public opinion surveys and focus groups confirm the existence of strong and probably rising popular xenophobic sentiment prior to 2008, sometimes extending to sympathy for anti-foreigner violence or a willingness to 'take action' to exclude foreigners. Though prevalent across races and classes, this xenophobia is most marked in informal urban settlements and among men (Everatt 2011; HSRC 2008a, 2008b; Landau 2011a: 6; Neocosmos 2010: 123–5).[17]

Second, regarding the thesis that capitalism is to blame, it is widely accepted that poverty, inequality and scarcity constituted background conditions conducive to the scapegoating of spatially proximate, socially isolated individuals and groups who were perceived as successful competitors in various economic domains. To the extent that capitalism and neoliberalism contributed to these conditions, they contributed to the creation of a context conducive to xenophobic violence. However the implicit material determinism of such accounts leaves too much unsaid about human agency, patterns of mobilisation and institutional mechanisms. Capitalism does not predetermine how people will respond to its oppressions. Contra Ngwane (2009: 1 fn. 3), reference to the structural sway of capitalism thus cannot counter the democracy thesis because it does not address the agency-related issue of whether the xenophobic mobilisation constituted a form of democratic action.

Third, evidence for a local leadership role in the xenophobia cannot disqualify the democracy thesis. It seems clear that local politicians and businessmen were involved in stirring unrest, but no popular revolt is ever absolutely spontaneous and leaderless. The important point is that the agitators involved were locally rooted, and they responded to, as well as stoked, xenophobic sentiment. Their ranks included marginal groups, like unorganised youths (Von Holdt 2011b: 99). They were often difficult for researchers to identify – products of 'informal and semi-organised networks' (Nieftagodien 2008: 74), 'informal groups and networks' (Von Holdt 2011a: 15), 'self-appointed leaders [who] went about, often in groups or small committee contexts, leading followers into attacks [and] gaining esteem through the attacks' (Booysen 2011: 145). Where anti-foreigner mobilisers operated from more formal local organisations, it was often those designed to facilitate popular local participation, like community policing forums, ward committees and branches of the South African National Civic Organisation (SANCO). Some complicit participatory organs – like street, block and area committees – parrot 1980s people's power (Booysen 2011: 145; Monson 2011: 180; Molapo & Ngubeni 2011: 73; Monson & Arian 2011: 33, 40; Von Holdt 2011: 16). Local activists linked to the Anti-Privatisation Forum and other radical groups also mobilised anti-immigrant sentiments, sometimes to the consternation of their top-tier leaders (Nieftagodien 2008: 73; Sinwell 2011: 146–7). Those who seek to exercise local leadership face pressure to conform to anti-xenophobic sentiment (Neocosmos 2010: 132). Others have built followings and organisations by initiating anti-foreigner attacks; in such cases local leadership and organisation are a product rather than generator of xenophobic violence. 'Organising attacks on and removing

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"unwanted" outsiders', writes Misago (2011: 100), 'has proved to be a highly effective strategy for earning a people's trust, gaining legitimacy, and expanding a client base and the revenue associated with it'.

Fourth, the post-1994 state has not, in fact, exhibited an uncomplicated complicity in xenophobia. While state personnel have often treated black immigrants in outrageous ways, the police and state bureaucracy provided some protection for non-nationals during the pogroms. The corrupt nature of state officials cut both ways, exposing migrants to arbitrary power and extortion but also enabling them to bypass immigration restrictions. Over the years, politicians and parties have made both xenophobic and anti-xenophobic public comments (Neocosmos 2008: 592, 2010: 85–9, 103–4). The popular belief that presidential-contender Jacob Zuma would be tougher on immigration than incumbent President Mbeki may have energised xenophobic Zuma supporters (Chance 2008; Landau 2011: 12; Monson & Arian 2011: 31). In contrast to many African and Western countries, however, no political party has sought votes on an anti-foreigner ticket. Mbeki himself was devoted to the project of building pan-African solidarity. The state's tardy response to the pogroms spoke above all of haplessness and denial. Even Landau (2011a: 1), who insists on the centrality of 'statecraft' in explaining the xenophobia, acknowledges that the state response was 'confused [and] contradictory' and that the 'impetus for the violence' came from 'ordinary township residents'.

It is clear that some state personnel were negligent or actively complicit in violence during the pogroms (SAHRC 2010). At the same time, there is evidence the state officials most likely to take anti-foreigner positions were those most in touch with popular feeling: those who expressed affective ties or popular mandates, rather than bureaucratic impersonality. Monson (2011: 188), for example, shows how in Itirileng and Alexandra the police most likely to fail in their duties to protect foreigners were those most rooted in the settlement.[18] Conversely, police in other areas were afraid that protecting immigrants would undermine the trust they had built up with local communities (Hornberger 2008: 139–40). The involvement of the public in community policing has sometimes had the effect of exposing foreigners to local anger and retribution (Neocosmos 2010: 126–31).

Indeed, preventing xenophobic violence required courageous and effective local leadership willing to eschew populist appeals and/or able to deflect popular anger to other, more systemic sources of popular grievance. Neither the state nor community-based and civil society organisations provided enough of this, though there were hopeful counter-examples (Chance 2008; Kirshner 2012; Langa 2011).

Whatever contribution 'statecraft' made to exclusionary discourse, the xenophobic violence itself – qua movement – represented an unauthorised appropriation of state immigration-control functions. Adopting an expanded view of the state, one may choose to view this as a kind of out-sourcing, in which the state as concept is implicated. Thus construed, the state's role indeed extends to encompass popular action. But at least this is clear: the popular appropriation of state functions was

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premised on a widespread view that the formal state was not doing enough to keep 'foreigners' out. Some who distanced themselves from the popular violence insisted that it would not be necessary if the state itself did the work it was supposed to do of physically excluding and removing immigrants (HSRC 2008a: 27; Monson 2011; Neocosmos 2011: 391). This was a revolt against perceived government hospitality to foreigners.[19]

The modern concept of citizenship rooted in nation-states is certainly implicated: without a notion of 'South African' there could be no concept of 'foreigner'. And it is citizenship that accords most fully the right to rights in a world demarcated into territorial nation states. But a few observations are germane here. One is that modern democracy itself has grown in tandem with the nation-state, so that the claim about the mutual implication of states and citizenship in xenophobia is not a claim against the democratic-ness of the xenophobia.

Relatedly, democracy's entire history has been accompanied – or bounded – by exclusions. Democracies are rooted in a demos or community that entitles its own members but not others to exercise powers of governance (hence also its association with struggles for national self-determination). It is a claim to self-government by specific bounded groups. And as Mann (2005) notes, while democracies are more benign than other systems to their own, they can be nasty to their external and internal 'others'. In recent history, Mann notes, it is the coincidence of demos and ethnos that has been especially lethal to outsiders.[20]

Though citizenship is everywhere and inherently exclusionary, dominant South African concepts of citizen rights are *relatively* benign in their implications for non-citizens, compared to some others. The ANC's 1955 Freedom Charter and 1996 Constitution accord significant rights to non-citizen residents, rights buttressed by treaty obligations, asylum legislation and some, if not all, high court jurisprudence. The overall record of the post-1994 state with respect to immigration and asylum is pretty mixed (Albertyn 2008; Crush 2008; Klaaren 2011: 143; Monson 2011: 176; Neocosmos 2010: 112; SAHRC 2009: 24–6).[21] Popular hostility to immigration is acknowledged by one key expert in this field to be a crucial impediment to improving this record in a more inclusionary direction (Crush 2008).

In any case, the 'people' in the case of the xenophobia offered up their own account of South African citizenship that did not always coincide with official categories. This demotic account did not distinguish between documented and undocumented immigrants, citizens and non-citizens. It defined certain ethnic groups (most commonly Zulus) as more authentically South African than others (most commonly Venda, Pedi and Shangaan) (Chance 2008; Everatt 2011: 8, 14; HSRC 2008a: 23–4; Worby et al. 2008: 16). Popular citizenship sometimes devolved into radical localism: rights came to be seen in some townships and settlements as the entitlement of their 'bona fide' residents (defined variously by length of residence, property ownership or dominant local ethnicity) rather than of outsiders and newcomers, whatever their ethnic or national provenance (Dlamini 2011: 39; HSRC 2008a: 24;

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Monson 2011: 193; Molapo & Ngubeni 2011: 94–5; Nieftagodien 2008, 2011). Ethnic consciousness and urban-insider protectionism may bear the imprint of apartheid-era official categories, as contributors to Landau (Ed.) 2011 assert, but if so apartheid's categorisations constitute distant background conditions that are hard to quantify; neither exclusionary phenomenon enacts post-1994 official policy, the predominant thrust of which has been unitary, integrative and 'nation-building'.[22]

There is no denying that xenophobia connects with a radical, insurgent demand for citizenship, whether national (South African) or parochial (as a sort of 'right to the city'). It amounted to a demand for deep but narrow citizenship:[23] deep, in the sense of entailing more than just formal citizenship but the realisation of substantive socioeconomic rights enunciated in the Freedom Charter, the South African constitution and in successive ANC election manifestoes; and narrow, in the sense that citizenship was a moral entitlement earned by a specific history – of suffering at the hands of colonialism and apartheid and of self-sacrifice in the struggle against them. These rights were, in popular perception, radically particular: they were the rights not of universal subjects but of South Africans who had formed legitimate expectations of post-apartheid deliverance, now supposedly threatened by 'foreigners' who had never suffered apartheid (Landau 2010, 2011a, 2011b; Neocosmos 2011: 391). Neocosmos may be correct in viewing rights discourse as implicated in the xenophobia, but it was precisely the *active* popular claiming of rights, and the popular parochialisation of universal human rights, that rendered this discourse lethal. It is difficult, therefore to see how active popular mobilisation per se offered a solution to xenophobia. True, as Neocosmos notes, state politics since 1994 has contributed to a 'dominant perception that indigeneity is the only way to acquire resources' (Neocosmos 2008) – for example, through BEE policies. But the particularisation of right has been a co-produced effect.

That the xenophobia is connected to the demand for substantive citizenship is illustrated by a wider phenomenon that reveals, too, the legacy of the 1980s. Many post-1994 xenophobic outbreaks have piggybacked on the phenomenon most closely tied to post-apartheid insurgent citizenship: the 'service delivery protests' that have destabilised municipal government since roughly 2000. These involve demands for services – like housing and sanitation – that corrupt, most often ANC-led local governments are held to have denied to local residents. The service delivery protests amount to a rolling revolt against corruption and mismanagement but also, according to celebrants on the far left, against the structural violence of capitalism in general and 'neoliberal' governance in particular. Yet on numerous occasions popular grievances have been expressed bi-directionally: vertically against the state and horizontally against immigrants (Booysen 2011; HSRC 2008a: 24–5; Von Holdt 2011a). This is deep but narrow insurgent citizenship in action. It appropriates many of the protest repertoires of 1980s struggle, from *toyi-toyi*ng to stayaways, burning municipal buildings and homes to, in the worst cases, burning people alive (Dlamini et al. 2011: 50–1; Von Holdt 2011a: 6).[24] At the same time, its idiom is, if anything, more 'democratic' than 1980s people's power, because it was not forged either by

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the state or by a national liberation movement, but against both, at once. Here the popular rather than guided moment dominated. Here was the true 'invention' of spaces of participation, however ephemeral.

## Implications for democratic theory

There is a quite different possible counter-argument to claims about the democraticness of the xenophobic outbreak. It is that democracy cannot be present where, by definition, certain fundamental rights are violated. I take democracy to mean, simply, rule by the people, directly or indirectly. Democracy thus defined requires, at a minimum, the observance of political rights internal to the logic of genuine popular self-government: freedoms of association and expression, rights to participate in decision-making and, where powers are delegated, equal rights to choose and be chosen for leadership. Beyond that lies a supportive infrastructure of civil rights that are indirectly necessary to democracy: rights of religious and cultural association, certain kinds of equality rights, some would add certain kinds of property rights (Beetham 1999). Did the xenophobic movement violate these rights? This depends on the definition of democracy's demos. If the 'foreigners' are to be understood as internal to its demos, it violated their rights grotesquely. If the demos at issue is the self-proclaimed one, the one that rose up against immigrants, then we do not know enough to say, because we do not know enough about the mass meetings, activist gatherings and other local decision-making processes that generated the pogroms. We do know that they were associated with ostensibly participatory structures, organisations and assemblies. There is certainly no *a priori* reason to think that they were less democratic than the processes involved in people's power.

There are, for democratic theory, various possible ways to proceed from this verdict about democracy and the pogroms. One way is to condemn democracy in general or to favour elitist over participatory democracy. These are not my theoretical and normative strategies, since I am a strong defender of democracy understood as including participatory elements. Three other strategies seem possible. A first strategy is to own up to a certain irony in my use of the term 'democracy' in relation to the pogroms. Everatt (2011: 31) described my claim as sarcastic. In this ironical voice, the pogroms were democratic in precisely the sense that certain radical democrats mean when they talk of democracy as insurgent participation, even if they don't want to admit that this is where their notions of participation lead. In this voice I am simultaneously employing and condemning a certain radically populist definition of democracy. A second, more Whiggish strategy holds that democracy exists as a work in progress, and its progress is primarily about progressive inclusion of previously excluded groups. Here the pogroms and people's power represent a limited or 'primitive' democracy located within a progressive and evolutionary narrative. Even Mann, full of warnings about the mass mobilisation of peoples against other peoples in the democratic age, concedes something to Whiggishness: democracy, he implies, becomes kinder to internal and external outsiders as its institutions stabilise and boundaries clarify (Mann 2005: 4). A third strategy involves distinguishing good and

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bad democracy, and locates people's power and the xenophobic pogroms in the bad democracy category.

I employ all three strategies to a degree, because suitably modified they are not incompatible. There *is* some irony in my proclaiming the xenophobia to correspond to an advanced form of democracy; in the ironical voice I am speaking of democracy as certain radical democrats mean it, and I mean to show that this kind of democracy is not a 'higher' or defensible form. There is also truth in the idea of democratic history as progressive inclusion, though inclusion has been bought at the cost of democratic depth and the story seems to lack a happy ending – for there is no immediate evidence that democracies have found a way to 'deal' adequately with the challenge posed by mass migration across national borders, and, in particular, the challenge of rendering rights either universal or portable. But it is the third strategy that I want to pursue in this conclusion. My theoretical move here is to distinguish indefensible from defensible conceptions of democracy. Here defence is understood as a move within the analytic-philosophical game of 'justification'.

The essential problem, recall, is this: the 'people' and participatory democracy are romanticised, when in reality the former 'unromantically' often refuse to cooperate with the progressive scripts written for the latter. That is, they fail reliably to engage in egalitarian decision-making practices or to generate laws, rules and policies that are consonant with radical change in inclusively pro-poor directions. The uncooperativeness of the people is not the only problem afflicting participatory democracy, but some others arise from the particular remedies through which some radical democrats seek to address this one. These radical democrats produce problematically authoritarian solutions because they misjudge the problem. The challenge is how to construct a defensible democracy, including a defensible participatory democracy, given the uncooperativeness of peoples. Or put another way: what can legitimately – and democratically – be done about the problem of the people?

Here it is important to reintroduce my earlier distinction between two clusters of reasons why people may not 'cooperate', when they do not: one had to do with characteristics of the people (their divisions, beliefs, inadequate education, psychological states); the other has to do with epistemic indeterminacy, especially in respect of economic theory – that is, we cannot be certain what sorts of economic and other policies best advance social justice or pro-poor values, even assuming we could agree on a normative principle (say, Rawls's 'difference principle') by which allocative policy options ought to be judged. The first may lead the people to do things that are bad by the lights of *any* reasonable or humane observer, or by anyone who respects the most basic and widely valued rights; the second may lead people to make choices that may or may not be bad because we have no epistemically privileged vantage point from which to judge them. The challenge is to decide which decisions belong to which categories, and to decide what follows from the resultant categorisation.

It is in assessing just these matters that radical democrats are advised to take seriously certain aspects of liberal democratic theory. Liberal theory incorporates a

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certain (healthy?) fear of the people, even as it has reconciled itself historically with democracy on various utilitarian and deontological grounds. It seeks to constrain the people through the institutionalisation of individual negative rights (for example against torture, enslavement and arbitrary violence), the establishment of counter-majoritarian institutions (like courts) and the disaggregation of the 'people' into competing interest and cause groups, diverse mini-publics and multiple levels of governance or decision-making. In other words, individual rights check majorities and peoples check peoples. This pluralistic way of thinking does not share the distrust of 'faction' and 'interest' that characterises much classical republican and more recent deliberative-democratic thought.

At the same time, liberal-democratic thought alights on a model of democracy characterised by procedural open-endedness, empirical consent, uncertainty about outcomes, experimentalism and the possibility of collective self-correction. This is the way it addresses the second condition – inherent epistemic uncertainty or uncertainty about the 'correct course'. It does not disqualify people for arriving at the wrong decision, at least not in principle. (In this respect it may need to be distinguished from actually existing 'bourgeois democracy', a system of power that often reverts to the rule of force when confronted by leftist governments.)

The experimentalist account here also marks this out as a 'low' liberal understanding of democracy. Low liberalism is to be distinguished from the sort of 'high' liberalism (Freeman 2007: 45) influenced by Kant and Rousseau and which finds some echoes in more recent liberals like the earlier Rawls. High liberals place a high premium on a conception of persons as rationally autonomous, as capable of exercising powers of reason in the interests of justice and the common good. Often implicit in high liberalism is a distinction between people in their higher selves – who exercise rational autonomy and generate a general will, obedience to which is an expression of autonomy itself – and a lower self that merely expresses the 'will of all' or what I term empirical will. High liberalism posits a large role for reason and seems sometimes to assume that reasons converge on correct outcomes. It is liable to invest too much authority in those who represent the pinnacle of public reasoning (judges and even philosophers). High liberalism goes too far in challenging majoritarianism, threatening democracy itself with the kind of teleological substantivism favoured by some authoritarian leftists. Low liberalism involves giving actual empirical peoples sway in areas of maximum epistemic indeterminacy, above all in economic theory. If you are a leftist guided by low liberalism you will not ban 'the people' from expressing pro-capitalist views or voting for pro-capitalist parties, because you recognise that economic theory is the area where heightened uncertainty properly permits experimentation. In that sense, the low liberal is a formal rather than substantive democrat.

Low liberal democracy implies a certain ideological neutrality. However, even low liberal democracy confronts inescapable substantive – if you like, ideological – choices with regard to democratic design. It is in respect of these choices that leftwingers and radical-democrats will diverge from conservative liberals. A few

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examples: locating decision-making at a higher spatial scale may be more compatible with inter-regional substantive equality than locating it at the most local levels. Requiring procedural democracy on all sites of public power – including in the workplace or firm – involves a substantive challenge to the concepts of property and the private that conservative liberals hold dear. A participatory or egalitarian democrat may choose to give more substantive force to equal political rights, for example by taking radical measures to limit the influence of money in politics. He or she may even choose to put certain basic socioeconomic rights in the juridically-protected human rights category. Low liberalism requires only that such design choices do not impede popular sovereignty in areas of inherent uncertainty, and that basic liberal rights be respected, no matter the designs chosen.

Why, though, should a leftist – champion of the poor or social justice – support a democracy that is not inherently or structurally connected to economic justice? The answer to this question must be philosophically pluralist. First, fair democratic procedure expresses a form of social justice within the sphere of decision-making, specifically the value of equality between persons. Second, democracy institutionalises the theory that human beings benefit directly (perhaps in a psychological sense) from the exercise of power over their own lives. Even participatory leftists who prioritise the substance of economic justice appear to accord some independent weight to such self-determination, especially where it is exercised collectively. Third, there is evidence that liberal democracy brings instrumental benefits – in particular, it is definitionally dependent on political liberties and is better than alternatives at protecting citizens from gross human-rights violations. It has no monopoly over economic development, but is more likely than other systems to ensure that development is equitable and welfare-protective and does not proceed at an unacceptable cost to its own citizens (Besley et al. 2005; Brown & Hunter 1999; Caldwell 1986; Christiano 2011; Dasgupta & Maskin 1999; Sen 2009: 342–5; Shandra et al. 2003). There are reasons to think that liberal democracy's relatively greater instrumental success is linked to its character and design: it provides mechanisms for peacefully deposing bad governments, holding leaders to account, scrutinising alternative programmes, experimenting with options, correcting errors, and protecting associational freedoms that citizens and residents, including the oppressed, exploited or marginalised, depend upon for protecting their interests.

As a model liberal democracy respects what I term the *democratic minimum*: 1) *direct* popular determination of the laws and policies of a polity or 2) determination of such laws and policies by lawmakers and executives chosen by 2a) *free and fair election* or 2b) *sortition*, in circumstances where adult members of the polity enjoy 3) *equal formal political weight* and enjoy (iv) *protected individual political freedoms* of association, expression and rights of participation. Liberal democracy satisfies this minimum but has additional specifications: electoral democracy enjoys primacy at all but very local levels, elections to representative assemblies are direct rather than pyramidal, there is open competition between political parties, power is polycentric, due process prevails and citizens are held to enjoy equal political and

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civil rights. Liberal democracy thus understood is not 'bourgeois'. Its requirements of equal political liberty are indeed in tension with untrammelled capitalism, which distributes politically relevant resources unequally (though it stands in tension also with a fully socialised and planned economy). Liberal democracy also permits the employment of mechanisms of direct and participatory democracy alongside standard forms of representative democracy. It presumes that the key insights of liberal democracy – regarding the importance of respecting both epistemic uncertainty and fundamental individual rights – should apply to participatory as well as standard representative democracy. The council, premised on a unitary popular collective and revolutionary teleology, fails to give due regard to either. Popular xenophobia, a movement of advanced democracy by some measures (participatory, bottom-up, decentralised), violates moral and legal rights enjoyed by non-nationals in the wider liberal-democratic polity (South Africa) and it gives play to a type of arbitrary power that is liable to violate the rights of individuals, whether internal or external to its demos.

The defence of liberal democracy here may seem confusingly instrumentalist, given my rejection of teleological conceptions of democracy. Here note, first, that my defence includes deontological elements: roughly speaking, elements of a defence of democracy in its own right, as either giving expression to prior values like equality or as directly constitutive of human flourishing (insofar as people benefit from controlling their life-choices). But I *have* also defended liberal democracy in terms that are at least partly instrumental: I have argued that it is historically better than other systems at providing for equitable development at an acceptable human cost, and that there are grounds for thinking that its relative success in this respect is related to its intrinsic features.

The instrumentalist aspect of my defence of democracy depends on a distinction between *direct act instrumentalism* and *indirect system consequentialism*.[25] A leftist act-instrumentalist defence of democracy insists that democracy is only defensible and/or that democracy is only truly democracy if it reliably and recursively selects leaders and policies that advance substantive social justice according to leftist criteria. Since a system could only do this by severely constraining democratic choice, a leftist act-instrumentalist defence of democracy is incoherent. An indirect system-consequentialist defence of democracy allows that democracy can at a given point select, say, neoliberal leaders and policies, and yet remain both democratic and defensible. It argues that democracy – in the round and over time – does better than rivals at delivering a *range* of human benefits, *including* benefits that leftists themselves most value (such as leaving the poorest better off). While my defence of liberal democracy is partly grounded in its intrinsic properties, no system can be defended (democratic or otherwise) if it proves less capable than rivals *across long periods of times and multiple places* of protecting persons from gross violations or of providing basic economic goods to all on a fair basis. A defensible democracy must at least be compatible with such protection and provision if its intrinsically valuable features (like political liberty) are not to be forced into trade-offs with other human interests.

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The defence of democracy thus has a contingent component, dependent on actual empirical evidence that democracies do better than rivals in providing certain benefits and preventing certain harms. But if democracy can deliver economic benefits reasonably equitably (amongst its other potential benefits) it does not do so spontaneously; it does so at least in part because socialists and other progressives fight for substantively egalitarian or welfarist policies within democratic structures and spaces, and because, as the history of social democracy shows, they can make headway in doing so. Plenty of struggle is still needed, even in rich democracies, where 'neoliberals' struggle to roll back social gains.

As noted earlier, there is, in the end, a limitation to the theory of liberal democracy, but perhaps of democracy generally, that must qualify its value in protecting against human rights violations. The xenophobia violated human rights that liberal democracy in principle extends to all in its jurisdiction, citizens or otherwise; but liberal democracy is premised, all the same, on state-like units. People move, but democracy is anchored to territorial states, and therein lies a perhaps unavoidable limit to its inclusiveness. The demos is always bounded. The universalism implicit in human rights provides one positive, counterbalancing consideration; but an effective global rights-protection regime may be needed as another.

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## Notes

1 See, for example, the formulations of Abers (2000: 5–6, 2009: 141–3), Alonso and Costa (2004), Baiocchi (2001: 44), Gaventa (2004), Taylor (2001: 138), Mohan and Hickey (2004: 59–69).

2 Some who fall into the 'spontaneist' camp reject 'participation' as such, associating it with institutional forms. Since they mostly favour popular collective action they may, nevertheless, be classified as advocates of participation, albeit of an informal or insurgent kind. Quite a few contributors to Cooke and Kothari (2001a, b) seem to fit this bill. For critiques of elite manipulation of democratic processes see also Abers (1998: 39), Baiocchi (2003b: 208), Barnes (2007), Barnes et al. (2004), Brown (2004), Cooke (2004), Cornwall and Bock (2005), De Sousa Santos (1998: 507), Harriss et al. (2004: 6–8), Taylor (2001) and White (1996). By contrast, some less anti-institutionalist writers take the view that even elite-provided or elite-manipulated participatory spaces can be used by the poor and pro-poor elements. See Abers (2000: 196–7), Cornwall (2004: 80–3, 85), Hildyard et al. (2001: 68), Kothari (2001: 151–2), Masaki (2004), Mosse (2001: 21–2, 32), Taylor, with others (2004) and Williams (2004).

3 The 'left' is a term (used interchangeably with *progressive*) employed here to designate those whose distinguishing commitment is to one or some combination of eradicating poverty, achieving greater substantive equality or enhancing positive economic freedom.

4 Both Vladimir Lenin and his council communist opponents are open to this criticism (Glaser 1994a). To take a more recent example, so are those who wanted to turn Brazilian participatory budgeting into an instrument of dual power and socialist revolution (Baiocchi 2003b: 211; Goldfrank 2007: 95).

5 In the development field quite a number of radical theorists, convinced that participation does not work in favour of the poor or marginalised, whether because of manipulation of participatory mechanisms (by elites, development practitioners or powerful beneficiaries) or inherent problems with deliberative interaction, seem to have given up on participation, perhaps on democracy, altogether (Cooke & Kothari 2001a).

6 The Charter's principal author was Lionel Bernstein, a communist who would have been familiar with the soviet concept. On the Charter's inspirational role vis-á-vis people's power, see Bozzoli (2004: 129–30), Morobe (1987: 82) and Seekings (2000: 171).

7 In practice, as Seekings notes, it adhered to these principles at best unevenly.

8 The metaphor of a 'dark side' to South African popular protest after apartheid is employed by both Booysen (2011: 146) and Von Holdt (2011a: 7, 32). Following Mann (2005), I apply the metaphor to democracy.

9 See also Patel K (2013) The intersection of mob justice and xenophobia: A South African story, *Daily Maverick*, 3 June. Accessed December 2013, http://www.dailymaverick.co.za/article/2013-06-03-the-intersection-of-mob-justice-and-xenophobia-a-south-african-story/#.UutAGj2SzCk

10 Indeed, in some cases it becomes another technique or ritual of local electoral politics, establishing constituencies for future election victories. See Dlamini (2011: 33) and Misago (2011).

11 For critical engagements with my chapter see Landau (2010, 2011a: 3–4, 2011b: 232), Monson (2011: 178, 186–7), Neocosmos (2010: 12–13) and Ngwane (2009: 1).

12 It is important to note, though, that the progressive writers like Landau and Neocosmos emphatically reject the idea that poverty and inequality cause xenophobia. Neocosmos sees this as a way of blaming the poor, both Landau and Neocosmos as a way of blaming foreigners (Landau 2010, 2011a, 2011b; Neocosmos 2010: 118, 122). See also Kirshner (2012).

13 'Fundamentally … xenophobia in South Africa is a direct effect of … a particular kind of state politics', writes Neocosmos (2010: x, see also 17–18, 106). Contributors to Landau ([ed.] 2011) primarily blame 'statecraft'. These authors do acknowledge a co-contributory role for popular agency and historical traditions, but the main thrust of their critiques is clearly directed against the state.

14 Neocosmos finds some measure of culpability, even in the post-1994 government's ambition to abolish migrant labour in favour of permanent urban settlement, an ambition which taps, he notes, into a longstanding but simplistic leftist condemnation of the migrant labour system (Neocosmos 2010: 16, 20–1, 39–42, 66–77). For a rebuttal, see Endnote 20 below.

15 In the words of Landau (2011: 4): 'ideas and practices initiated by formal state institutions … have, through diffusion and decentralisation, become the largely acephalous language and mode of politics and social interaction … These practices – now embedded and naturalised among segments of the South African population – act to both guide and constrain contemporary office holders, social movements and residents'. State practices 'enabled, empowered, and often compelled' citizens to resist immigration (Landau 2011: 11). Neocosmos goes further: having taken the view, pre-2008, that the populace was less xenophobic than the state (2010: xi, 5–6, 89, 97–9), after the May 2008 events he laments that the xenophobic masses are exercising, in the phrase of Nyamnjoh, the 'agency of

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zombies'. They are exercising 'a simulacrum of agency, a pseudo-choice', engaged in a 'mechanical reiteration of the logic and statements of those in power' (2010: xiii).

16 Popular action that departs from the 'state-sanctioned social order' or 'trespass[es] into state jurisdiction' is depicted by Landau as itself a form of emergent state action (2011: 16, 18); for a closely related challenge to the conventional state–society distinction, see also Monson (2011). Neocosmos defines the xenophobic state to encompass the 'public sphere' and hence to include trade unions, churches, political parties and the media (2010: 4, 95–6).

17 See also SAMP (South African Migration Project), available at www.queensu.ca/samp/sampresources/samppublications/

18 In general immigrants turned to police for protection during the pogroms, and police on a number of occasions used force to repress popular violence or themselves faced violent attacks for intervening to assist foreigners. See Misago (2011: 98).

19 It is interesting to see the contortions Neocosmos goes through to accommodate evidence for this – he takes recourse in the idea that the population drew on a *state* subjectivity to challenge *government* inclusiveness towards foreigners (Neocosmos 2010: 140).

20 According to Mann (2005: 3–4), 'murderous ethnic cleansing is a hazard in the age of democracy since amid multiethnicity the ideal of rule by the people began to entwine the *demos* with the dominant *ethnos*, generating organic conceptions of the nation and the state that encouraged cleansing of ethnic minorities. Later, socialist ideals of democracy also became perverted as the *demos* became entwined with the *proletariat* … creating pressure to cleanse other classes'. The xenophobia clearly involved efforts to collapse demos into ethnos. People's power was more ethno-racially inclusive, but seemed sometimes to collapse the demos into a unitary people characterised by participation in the struggle and loyalty to Charterism.

21 Even Neocosmos is impressed by the fact that in 1994 the state granted voting rights to miners who were Lesotho citizens (2010: 5, 71–2). Still, his take on South African immigration legislation is largely negative (2011: 77–84).

22 Equally, and contra Neocosmos, I cannot see evidence that anti-migrancy discourses emanating from the left or national liberation movement served as a template for demotic accounts of citizenship. The prominence of Zulu-speaking hostel dwellers in the 2008 unrest renders doubtful Neocosmos's suggestion that hostility to classic apartheid-era oscillating migration served as template for later xenophobia; oscillating Zulu migrants themselves targeted foreigners. 'Faction fights' between ethnically different mine labourers might offer a more plausible precedent.

23 Von Holdt (2011a: 6, 24) locates it within 'a struggle over the meaning and content of citizenship', involving the employment of citizenship to achieve both inclusion and exclusion.

24 For a debate about the merits of treating 'service delivery protests' and xenophobia as part of a single phenomenon, see Von Holdt and Alexander (2012).

25 This draws loosely on the distinction between act and rule utilitarian defences of rights. This holds that rights are to be defended not on a case by case basis depending on whether they deliver benefits, but on the basis of whether a scheme of rights – one which treats rights as uniformly strong claims, despite the immediate consequences of their exercise – is beneficial overall.

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# 7 Participation, neoliberal control and the voice of street traders in Cape Town: A Foucauldian perspective on 'invited spaces'

Marianne Morange

> The central political challenge is to empower insurgent interests in the city to claim their rights, entitlements and interests through the available participatory democratic forums. (Pieterse 2004: 101)

Although community participation is formally presented as a process meant to empower the poor, it is largely admitted that the urban elites who enjoy more social and economic capital often dominate these political arenas. The inconsistencies and flaws in participation processes have been emphasised in many contexts, including South Africa (for example, see Miraftab 2003, 2004, 2007). However, the poor are not only excluded *from* participation. They may be excluded *through* participation when they are associated with participatory processes tailored to disempower them. Beyond tokenism, window dressing strategies or dysfunctional processes, participation might be worked out as an exercise of power, through which selective partnerships are co-opted and political expression constrained and framed. Cornwall (2002, 2004) has theorised this by referring to 'invited spaces' of participation.

Embracing this perspective, I argue that the participatory processes that took place around street trading in central Cape Town late in the first decade of 2000 contributed towards shaping an apparent consensus that was detrimental to the traders. I approach participation from the perspective of a geography of power that draws on Foucault's writings on biopolitics and neoliberal governmentality – the 'government of mentalities' (Foucault 2004/1978–9). Foucault envisions neoliberalism as an encompassing rationality based on entrepreneurialism that frames our *conduites*.[1] I argue that participation is one of the many vehicles of this rationality and that it needs to be scrutinised as such. As Foucault stated, when a form of power is exercised upon a group (or an individual), it is easy to identify the victims (the traders) and to establish by whom power is exercised (the City of Cape Town and a public–private partnership entrepreneurial coalition). But framing the question of power in terms of governance is possibly less relevant than trying to understand *how* power is actually exercised, especially in political contexts where police coercion is deemed unacceptable, as it is the case in post-apartheid South Africa.

To engage in this research agenda, I resort to a case study:[2] Greenmarket Square. It is a major public square that hosts a permanent market in Cape Town CBD and that was partly displaced and downsized in anticipation of the 2010 FIFA World Cup.

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The consultative process that involved the street traders of this particular moment in the history of the square offers a good opportunity to identify the 'technologies of the self' and the 'technologies of power' conceptualised in terms of biopolitics (Foucault 2004/1978–9). By doing so, I do not seek to contribute to the debates on the limits of empowerment through participation (Wilson 1996). I want to show how participation contributes to implement increased restrictions on street trading in Cape Town's CBD through a consensus-style exercise and through the spreading of neoliberal forms of control that serve the broader entrepreneurial agenda. My broader purpose in considering participation is to unpack power dynamics at the urban level, in order to contribute toward an urban geography of power that engages debate about the (in)capacity of the poor to contest neoliberal urban regeneration.

This episode is not representative of all the situations encountered in Cape Town, as far as street trading is concerned (even less in South African cities), but it constitutes a good laboratory because conflicting visions of the square crystallised on this occasion, as tensions reached a peak, making the power relations become particularly apparent. Moreover, the square is emblematic of the transformations linked to entrepreneurialism in the city centre. It exemplifies very well the visionary analysis of post-apartheid deregulation of street trading by Mosdell in Pietermaritzburg (1991: 326): 'the [apartheid] apparatus of control has metamorphosed from a highly regulated system backed up by direct coercive police action, to one of indirect control within which street traders are forced to "police" themselves.' Twenty years later, in Cape Town, 'the machinery for enforcing restrictions' on street trading (Mosdell 1991: 331) has become more sophisticated, as street traders are co-opted as partners to whom the City of Cape Town[3] partly 'contracts out' control and authority over their own activity.

The first section of this chapter explores the changing context of the street traders' mobilisation as the entrepreneurial agenda rises in Cape Town, and it provides some background on the case study.[4] The second section elaborates on the impact of the entrepreneurial rationality on the fragmentation of the traders' mobilisation, putting the Greenmarket Square case study in a broader metropolitan context and connecting it to broader metropolitan dynamics in relation to other Capetonian markets. The third section examines the 'technologies of power' that emerged at the local level when the City launched a consultation process with the traders, in anticipation of the 2010 FIFA World Cup.

## Street trading and the entrepreneurial turn in central Cape Town

In Cape Town, the traders' ability to mobilise against the entrepreneurial turn should be enhanced by post-apartheid legacies: democratisation, repeated calls to participation and public discourses emphasising the significance of informal economy for development. However, the traders' mobilisation does not lead to contestation; nor does it translate into a coherent political opposition, at least in

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the city centre. This section unpacks this paradox and provides elements towards understanding the context of the traders' mobilisation on Greenmarket Square.

## Street trading under the entrepreneurial rule: Contradictory scales and discourses

Since the late 1990s, Cape Town's city centre has been witnessing a drastic regeneration process based on entrepreneurial urbanism (Harvey 1989) and a concurrent sanitising of public space: luxurious international-style loft apartments, art galleries, and coffee shops are booming (Dewar 2004; Pirie 2007) while the poor – street children, homeless people, sex workers, and informal parking attendants – are evicted from the streets of the CBD, relocated or removed to remote suburbs or invisible shelters. This strategy is devised and implemented by a coalition of public and private actors, embodied by the Cape Town Partnership (CTP), a powerful urban regeneration agency. This quango was created in 1999 by the private sector (the South African Property Owners' Association and the Chamber of Commerce) to reverse the perceived 'decay' of the CBD. It is now largely funded by the City (up to 70 per cent in 2010). Over time, its mission has evolved toward a grand economic growth strategy based on a creative agenda, in a pure Richard Florida's style. The CTP now has a mandate from the City to 'rejuvenate' the entire city centre. Its policy is enshrined in the 2009 Central City Development Strategy (CCDS), drafted in partnership with the City. The socially marginalised who try to survive and make a living in the shop-window of this would-be 'world class city' are not welcomed (Didier et al. 2009, 2011; McDonald 2008; Miraftab 2007; Samara 2011). Consumption patterns are dominant and the city centre is planned to accommodate the mainly white, South African upper middle class as well as international tourism and investors, although the City and CTP allege that they support a pro-poor agenda whereby economic growth is supposedly directed toward redistribution and job creation (Didier et al. 2013).

As in many African capital cities where entrepreneurialism translates into a concern over the proper planning of public space and an aspiration to modernity, street trading in particular is considered a problem (Steck et al. 2013). A short period of relative tolerance toward street trading activities in the CBD by the local municipality (that was linked to the decline of the apartheid regime in the late 1980s and early 1990s) was soon followed by a striking back of the emerging entrepreneurial metropolitan government, early in the first decade of 2000. It targeted street trading as an unwanted activity that tarnishes the image of the city, a major problem for this tourist destination. It became a cardinal worry in 2009 as the City was getting prepared to host the 2010 FIFA World Cup. As part of the 'beautification'[5] agenda pushed forward by FIFA, the street traders who used to operate from the main public squares and spaces (the Grand Parade, the central station, Greenmarket Square and the surroundings of the newly built FIFA Green Point stadium – a space earmarked as a Commercial Restriction Zone, that is, where FIFA had the monopoly on trade) were displaced. The squares were revamped and sometimes turned into FIFA 'fan

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parks'. The traders were relocated to hardly visible backstreets and badly located parking lots.

The FIFA World Cup only accelerated a more profound shift, reflected by concurrent public action against street trading at the metropolitan scale. In 2004, the City Council had already adopted a policy document on 'informal trading' that was followed by the promulgation of the metropolitan Informal Trading Bylaw (20 November 2009). These documents restrict street trading based on a quota system: the traders are only allowed to operate if they get a permit from the City and pay a monthly fee. These documents reinstate the neo-modernist tradition of public control over street trading that used to prevail during the colonial and apartheid eras (Dobson & Skinner 2009). After a period of increased tolerance linked to the post-apartheid deregulation of the early 1990s, former bylaws have been reactivated and updated. As early as 1991, Mosdell had pointed out that these bylaws had actually never been repealed after apartheid was abolished, and that they could easily be reinstalled should the post-apartheid option of 'soft control' through participation prove insufficient. On Greenmarket Square, a combination of soft control through participation and direct repression thus prevailed, as I will demonstrate.

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Concurrently the City repeatedly acknowledges the importance of 'informal trading', as it is referred to by public authorities,[6] in terms of economic survival and fight against unemployment because it constitutes a major economic sector in terms of job creation. It was once labelled by former President Mbeki a 'second economy' that needed to be supported, in order to be integrated into the first economy. As a result, and following this national requirement, the City claims that 'the informal sector is an important part of Cape Town's economy, and produces about 12 per cent of its economic output', while employing '18 per cent of people who are economically active'[7], a prime public concern indeed in a deindustrialising city. The City thus recognises that 'urban poverty in Black South Africa is directly related to restrictions on free trading rights for all' (Parnell & Mosdell 2003) and its 2004 vision for informal trading reaffirms the need for 'a well-managed informal trading sector that is fully integrated into the economic, spatial and social development of the city', as well as the need to 'facilitate the access to job and entrepreneurial opportunities within the informal trading sector', based on the assessment that 42 per cent of traders have chosen to engage in informal trading as a result of not having or losing a job (City of Cape Town 2003). The 2009 Informal Trading Bylaw again acknowledges 'the key role that informal trading plays in poverty alleviation, income generation and entrepreneurial development and, in particular, the positive impact that [it] has on historically disadvantaged individuals and communities' (section 1.2), as well as 'the need to adopt a developmental approach to the informal trading sector' (section 1.3).

## Street trading and the new neoliberal spatial order

The tension between entrepreneurial stakes and developmental injunctions is resolved in the application of traditional urban planning regulations. The municipality endeavours to contain street trading within formalised and spatially bounded areas that

are planned and managed by the City's planners.[8] The ultimate goal is to contain the trading within neatly planned thematic markets, a vision shared by the CTP (Radovcic 2009). As the manager of the Business Areas Management Branch of the City once stated, 'it is easier to control one consolidated market area than having to control different areas simultaneously when traders operate in widespread localities' (quoted in Terblanche 2001: 76–7). Containment takes place at both the metropolitan and neighbourhood scales: the CCDS mentions the need for 'well-managed informal trading and kerbside parking' and 'the creation of public infrastructures markets for trading' (CCDS: 15, 18), and local trading plans that specify trading hours, trading spaces and the number of traders who are allowed to operate are crafted locally. Moreover, each trader is allocated a specific trading bay that he/she must operate from.

A spatial gradient of tolerance applies: in 'CBD/ tertiary economic centres' (attractive at the metropolitan scale), street trading is restricted to 'pedestrian malls', 'designated trading areas' and 'appropriate markets', which means that the number of bays is very limited. In secondary economic centres (that attract customers and a mixed clientele at an intermediary scale), 'informal trading' can take place in 'designated trading streets' and in 'open trading areas that allow flexibility for traders as well as formal market spaces'; in 'primary economic centres' (aimed only at a local clientele, that is, the townships), 'demarcated trading bays will only be imposed in high pedestrian traffic flow areas where congestion is problematic' (City of Cape Town 2003: 19–20). The City confirms that street trading is seen as a cause of disorder mainly in the major metropolitan economic cores, especially the CBD. Although neither the 2009 Informal Trading Bylaw, nor the 2004 policy document refer specifically to the city centre (both documents apply at the metropolitan scale), they reinforce the legitimacy and the capacity of the Metro Police, the municipal traffic officers, and the private security officers (hired trough the CTP) to harass the street traders within this specific space.

Ever since the 17th century, Cape Town's city centre has been a highly contested and strategic space and street traders have opposed the hygienist colonial municipal agenda. In the late 1980s, with the decline of the apartheid regime, they reconquered the right to trade in the CBD. One could expect the post-apartheid turn towards democratisation and the concurrent call for the enhancement of civic participation at the national and local levels[9] to combine with the inherited strength of social movements and with the vivid tradition of civil disobedience to empower street traders even more profoundly today. Moreover with 1 400 registered traders in the CBD (CCDS) and 126 000 people engaged in informal activities within the metropolitan area (Romanovsky & Small 2007), one would also expect these traders to be vocal about their 'right to the City … centre', and to contest a regressive policy that contradicts the purported municipal and CTP project of an inclusive post-apartheid Cape Town.

Indeed, associations, NGOs, political parties and ordinary citizens were invited to comment on the draft metropolitan policy on street trading. Street traders opposed the policy because, they argued, it threatened their activities. This mobilisation

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raised many expectations, but it was short-lived and when the Informal Trading Bylaw was passed in 2009 it encountered little resistance. As stated by the official who was responsible for the consultation process in 2009 for the Business Areas Management Branch of the City: 'I was quite surprised, we expected a stronger opposition'.[10] As opposed to what one might expect at that time, there was actually no 'serious challenge to the CTP strategy' (Miraftab 2007: 612). No comments on the metropolitan Informal Trading Bylaw were sent by traders' associations, and only political councillors, businessmen and other local associations expressed their views. The traders' fights remain fragmented and they suffer from a lack of a networking ability at the international level. Political contestation at the city scale focuses on the shortfall in service delivery and in housing provision in the townships and in informal settlements (Ballard et al. 2006; Oldfield & Stokke 2006). The social impact of urban regeneration in the city centre goes largely uncommented.

It was thus easy for the City to regain control over an activity that had developed without obstruction after the late 1980s, following the deregulation and the opening up of the CBD to all traders. The lack of recognition of 'informal' trading by local authorities, exemplified by the shrinking of the City's staff involved in the management of this economic activity from 18 in the early 1990s to 2 in 2007 (Miraftab 2007) has reversed: in 2009, a special division has been created within the municipal Business Area Management Branch, that is in charge of the implementation of the new Informal Trading Bylaw. It is in this context of reinforced public control that Greenmarket Square was targeted by the City and the CTP as a major site to be turned into a FIFA 'fan park'.



**Figure 7.1** *Greenmarket Square: An 'African market' that contributes to the development of the tourist economy, or an 'eyesore' in the 'regenerated' and beautified historic centre of Cape Town?*

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Greenmarket Square is located on one of the oldest public squares in Cape Town. At the time of writing it hosted around 250 traders who display colourful bric-a-brac under old rusted canopies, in sharp contrast with the skyline of the surrounding CBD. It constitutes an island of economic marginality within an ocean of wealth embodied by the upgraded colonial buildings, refurbished loft apartments and newly built office blocks that surround the square (see Figure 7.1). The market is a combination of imported African curios, sold mainly by African foreign migrants, and cheap crafts and clothes, sold mainly by coloured or white South Africans (Table 7.1). Thirteen nationalities are represented on the market, but it is dominated by migrants from central, eastern, and southern Africa (mainly from Congo, Kenya and Zimbabwe): they represent two thirds of the traders, as opposed to one third of South Africans. It has led to tensions over the nature of the market, as reflected in its spatial division, an outcome of its intricate history.

**Table 7.1** *Greenmarket Square: Who are the traders?*

| Nationality | Number of traders | | Neighbourhood of residence* | | |
|---|---|---|---|---|---|
| | | | Suburbs | City Centre | Townships |
| Congo (DRC & Brazzaville) | 32 | 12.0% | 24 | 3 | 3 |
| Kenya | 21 | 7.9% | 5 | 16 | 0 |
| Zimbabwe | 17 | 6.4% | 3 | 12 | 1 |
| Senegal | 12 | 4.5% | 7 | 4 | 0 |
| Sudan | 5 | 1.9% | 43 | 32 | 3 |
| Uganda | 3 | 1.1% | | | |
| Cameroon | 2 | 0.7% | | | |
| Angola | 2 | 0.7% | | | |
| Malawi | 1 | 0.4% | | | |
| Tanzania | 1 | 0.4% | | | |
| Rwanda | 1 | 0.4% | | | |
| India | 1 | 0.4% | | | |
| Other non residents | 64 | 24.0% | | | |
| South Africans | 84 | 31.5% | 32 | 26 | 26 |
| Not specified | 21 | 7.9% | n/a | n/a | n/a |
| **TOTAL** | **267** | **100.0%** | **114** | **93** | **33** |

(Source: Data collected by the City of Cape Town in 2009 during the registration of the traders for the election of a traders committee)

* Information missing for 27 traders

In the 1990s, as migrants started to arrive from the rest of the continent, the South African art and crafts market of the 1980s turned into an 'African market'. This process accelerated in 1996, when the City delegated the management of the major part of the square (referred to as 'Site A') to a controversial local businessman and then municipal councillor, Badih Chaaban (now the Mayor of the Cape Winelands District Municipality). Seizing the opportunity offered by the changing geopolitical context,

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Chaaban encouraged the development of an African curios market, exploiting the tourist potential of the square. The rest of the square ('Site B') was leased to a South African trader before it was returned to City control in 2002. Site B has remained mainly occupied by South African traders who sell items such as CDs and clothes.

In 2007, a controversy erupted over the alleged mismanagement of the market, the City blaming Chaaban for having given up on the actual control of Site A in exchange for outrageously lucrative rentals: they had doubled between 2000 and 2006, while his contribution to the municipal budget only increased by 5 per cent (Radovcic 2009). The controversy led to conflict and repeated skirmishes and demonstrations on the square, ending up with the City cancelling Chaaban's lease. The City hired a private company to manage the market, through a public tender process.

As the square has a strong economic, tourist and heritage value, it then became a space that was highly disputed between the traders and the CTP-City coalition. Each actor promoted its own distinct entrepreneurial vision for this space: for the traders, that of a vibrant African market for national and international tourists; and for the CTP-City coalition, that of an emblematic public space and Capetonian landmark devoted to major public events, such as podiums and festivals, to attract the urban elite and contribute towards making Cape Town a 'world class city'. As stated by the City's Executive Director for Economic, Social Development and Tourism: 'every major city has a square that defines its character. In London you have Trafalgar Square. In New York, you have Times Square. Greenmarket Square is an essential tourism asset for Cape Town' (quoted in Radovcic 2009: 56).

When Greenmarket Square was targeted for revamping in 2009, in line with celebrating its tercentenary and in preparation for the 2010 World Cup, the traders were asked to vacate the square. However, true to its participatory stance, the City launched a consultation process, through which the traders were asked to partner with local government, in order to negotiate their relocation. It was a consultative process, rather than a participative procedure based on a people-driven approach: discussions were meant to decide on the best relocation option. However, relocation itself was not negotiable and the traders were not invited to expose their vision for the square. Eventually, they were partly relocated and the market was downsized.

In the following sections I show how this agenda was forced onto the traders: on the one hand, through the spreading of a neoliberal rationality based on competition that shapes the traders' relationship to the City; on the other hand, by implementing 'technologies of power' that helped to steer the consultation process at the local level.

## Street traders, competition and entrepreneurial citizenship

There is a lack of leadership and organisational capacity among street traders in Cape Town, due to intricate political and sociological elements leading to internal divisions (between black, coloured and white communities or between South Africans and foreign migrants). These divisions were deepened and exacerbated by the naturalisation of the entrepreneurial rationality and of the competition paradigm

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at both individual and collective levels, with the traders being managed as a 'population' and controlled as individuals – 'government through individualisation' (Foucault 2004/1977–8). As Foucault (1994/1988: 1646) put it: 'The integration of individuals into one community or a totality is the result of a constant correlation between an ever-growing individualisation process and the consolidation of this totality' (author's translation).

## A 'population' to manage and individuals to control

Firstly, through the daily implementation of the 2009 Informal Trading Bylaw, self-constraining individual *conduites* come up among street traders, which are ingrained in the competitive paradigm and in the individualisation of the relationship of each trader to the City. As traders apply individually for a permit and are allocated a bay according to availability (there is a municipal waiting list), their relationship to the City and to the job itself is individualised. They are treated and considered as entrepreneurs with individual duties and responsibilities before the law, which shapes individual behaviours. The applicants, once they become the official and registered holders of the permit, are bound to a set of rules and regulations. They are personally responsible for the good management of the stall and have individual duties in terms of cleansing, safety and neatness, which fosters forms of self-surveillance. They are reminded of this individual responsibility through regulatory measures: the transfer of the permit to another person is forbidden; assistants must be registered and their number is limited; the stall must be occupied by the permit holder him/herself; traders cannot leave the stall unattended and they cannot ask a friend or family member to replace them, except for exceptional reasons, such as illness or family matters that have to be reported to and accepted by the City. The individualisation of responsibilities is also rooted in spatial control and physical constraint: traders can only operate from their trading bay (a 2 meter space materialised by yellow painted lines on the pavement). Their goods (not to mention their bodies) cannot exceed the boundaries of this bay. A harsh inter-individual competition prevails for day-to-day survival: the traders compete for permits and the best trading spots.

Secondly, street traders are constituted and 'managed' as a 'population'. The 2009 Informal Trading Bylaw constitutes them as a group of people that is statistically constructed (their number is controlled and regulated through the issuing of trading permits) and that must abide by a certain number of rules and behaviours in order to access the right to trade. The process is centralised in a database that will be soon linked to an online permit system, and that already allows for real-time updating and reinforced control. As stated in a City communication document: 'Traders who are already operating in a space cannot apply for another one somewhere else in the city and those traders who have transgressed by-laws or are in arrears with their rental payments can be easily identified'.[11] (City of Cape Town 2012).

This 'population' is constructed at the local scale: it is an addition of local populations, each 'population' being defined according to the number of traders that is considered acceptable in a certain space. (City-permitted informal traders are registered in the

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database on an area-by-area basis). It fosters the entrepreneurial sense of inter-place 'competition' (a word frequently used during our interview by one of the elected representatives of Greenmarket Square traders) and it leads to the territorialisation of political mobilisation: although street traders are affected by similar problems across the metropole, they tend to favour place-based forms of mobilisation over forms of organisation at the metropolitan scale. When confronted with this choice, they argue that their problems are specific, a widespread discourse among them: '[there is] no need to work with them [traders of other areas]; I don't want to get involved with other markets' (Abraham, trader in Camps Bay); 'We don't want to interfere [with other associations because] … they did not approach us' (Liza,[12] Greenmarket Square). On Greenmarket Square, the traders considered that they had little in common with the traders on the Grand Parade or those at Cape Town station, who sell fruits, sweets, cigarettes, vegetables or electronics to commuters on their way back to the suburbs.

As a result, when the occasional mobilisation happens, it takes place at the local level and it revolves around local issues. Since the traders are engaged in inter-market competition, they focus on what they consider to be their direct interests – their market, neighbourhood or street – which leads to a fragmentation of their fights. This is reinforced when their application for a permit is channelled through a traders committee that has been delegated the management of the market (for example, in Green Point and Cape Town station). It strengthens the sense of a local interest and control over one's direct environment, a trend that is nurtured by public authorities: they conceive participation as an exercise that takes place at the scale of the market. For example, in 2009, Greenmarket Square was one among many markets to be targeted for relocation but the traders were consulted separately in each market.

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## Accessing the state as entrepreneurs

Incapable of overcoming their internal divisions and of anchoring their fight in metropolitan stakes, Greenmarket Square traders accessed the state as a group of individual entrepreneurs, which contributed to tailoring their claims. They were consulted on economic matters only: the size of the trading bay, the trading days and hours, the shape and cost of the canopies that the City tried to force them to rent or buy. These debates thus took a very technical turn; as the traders' economic activity was considered the sole legitimate reason for their taking part in the debate, the debates did not depart from an entrepreneurial perspective and did not engage with the broader (and indeed complex) issues surrounding the nature and legitimacy of conflicting uses of public space. As a result, their claims were not framed along political lines, in stark contrast with previous Capetonian social movements that opposed neoliberal trends, such as the privatisation of water and electricity management, evictions or housing rights (Oldfield & Stokke 2006).

The fact that the traders contribute to the political debate as entrepreneurs and not citizens with political rights is reinforced by the dominant approach to

community participation as it is conceived and implemented in South African cities. Participation is based on the place of residence and on the accountability of ward councillors to fully-fledged residents. It confines the voices of the poor to residential neighbourhoods and it focuses on the need for services, housing, and employment in the townships and in informal settlements. This choice is all the more debatable in Cape Town, where the poor were evicted from the city centre in the 1960s (when District Six was demolished and razed to the ground), as opposed to Johannesburg or Durban, where the inner city accommodates working-class people whose presence might lessen the commodification of space and sway the entrepreneurial agenda. It also proves highly problematic for street traders on Greenmarket Square because 60 per cent of them live outside the city centre. As a result, they cannot access the classical channels of participation – community police forums, ward forums or subcouncil meetings – where local councillors often promote the idea of a stricter control of 'informal trading' as it is encapsulated in the 2009 Informal Trading Bylaw, in order to best serve what they consider to be the interests of their constituency. For example, in 2007, the chairperson of the CBD subcouncil,[13] a DA councillor (also chairperson of the Safety Portfolio Committee) sent an email to the Business Areas Management Branch in which he made a direct connection between street trading and notions of 'criminal or anti-social activity'. Moreover, although 41 per cent of the African foreign migrants who trade on Greenmarket Square live in the CBD (mainly Kenyans and Zimbabweans; the Congolese community tends to concentrate in a specific suburb), and although 72 per cent of the traders who live in the CBD are foreigners, they are not allowed to vote in the local elections.

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## Competition in a xenophobic environment

The competitive and entrepreneurial paradigms also play internally between the so-called 'local' traders and the African foreigners (non-residents, refugees, migrants, whatever their status is), leading to the unwanted competitor being equated with the foreigner. The xenophobic climate that developed in the first decade of 2000 all over the country, leading to the dramatic killings and lootings of 2008 is a complex phenomenon (Bekker et al. 2009), but it clearly had an economic component; the spaza shops of the presumed African foreigners were among the favoured targets. Violence was fuelled by a sense of frustration, partly linked to the scarcity of economic resources in a competitive environment: as far as street trading is concerned, the number of permits is limited at both the metropolitan and the local levels. In Greenmarket Square, the frustration of some South African traders was reinforced by the perception that the African foreign migrants were running a profitable business – their curios, made in Zimbabwe or Kenya, are cheap, as opposed to the 'local goods'. This climate contributes to the stigmatisation of the foreigners, sometimes referred to as 'makwerekwere', a derogatory slang word whose origin and meaning is unclear.

This tension was articulated at the highest political level in Cape Town: during an interview, an official from the Department of Economic Development mentioned

the fact that a local councillor had suggested, off the record, that the trading permits should be allocated to local residents only so as to 'create opportunities' for them, a view he himself prudently questioned ('I don't know how fair that is'). This question was raised during the public debate on the Informal Trading Bylaw, which states that the applicant for a trading permit 'must be a South African citizen, failing which, must be in possession of a valid work permit which includes, but is not limited to, a refugee permit' (section 8.4.3). But 'the need to give preference to applicants that are historically disadvantaged individuals' (black or coloured South Africans) is also enshrined in section 8.5.2 of the bylaw, despite the request of a local refugee advocacy group to delete this indirect reference to nationality.

This broader context worsened the tensions on Greenmarket Square, known locally for a history of confrontation between the two groups of traders. Chaaban was accused of having brought the migrants in, the South African traders seeing themselves as a minority that is discriminated against. A discourse of 'us and them', traceable on both sides, replayed during the consultation process: some South African traders referred to 'the bottom of the square',[14] arguing that 'we were always separated'.[15] The foreign migrants claimed that they offered job opportunities to South African residents by employing them as assistants (although among the 88 registered assistants, only 29 had a South African nationality and 10 were employed by a migrant, refugee or asylum seeker). Concurrently, the foreign migrants considered that 'they [the South Africans] are many'.[16]

This tension is exemplified by the contradicting discursive rewriting of the history of the market and storytelling exercise illustrated by the following extracts from interviews with two traders' representatives.

## Liza and Alfa: A tale of two traders

Liza, a South African woman who has been selling clothes on the market since 1994 described the market 'before' (prior to the arrivals of foreign African migrants that she locates 18 years ago, in 1990, the post-apartheid turning point).

> There were many things, crafts, glass, jewellery … whites and coloureds and the people used to make money … then, the whites and the coloureds went to work in shops and factories … Chaaban arrived and with him all these black foreigners arrived … he made business, and the people started to sell stalls to each other, to rent their stalls, and drug arrived … street children … you need order you know … the traders [the 'others' – she does not call herself a trader] got used to get away with it under Chaaban … the market manager has to be firm.[17]

In her account, racial mixing (at the national level) is a positive trend, but the cosmopolitan and international component of the market is problematic, and the notion of affluence is associated with that of the homogeneity of the early days, as well as a sense of order and good management.

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Alfa,[18] a Senegalese man who sells African curios resorts to a carefully constructed political discourse that is embraced by many migrants on the square; it echoes the debates on ethnic entrepreneurship (Wa Kabwe-Segatti 2009): when the African migrants arrived, the square was occupied by a small Sunday market, and they helped to set up a permanent market. They brought with them their savoir-faire and trading networks and created an atmosphere that is conducive for business. The late 1990s (the Chaaban period) is associated with the ideas of freedom and prosperity (a vision shared by other African migrants I interviewed on the market). Although Seyni himself only arrived in 2002, he 'recalls':

> Here what you need is an African market … it is Africa, isn't it? The City Council they must understand that here it is an African market, an art market … We did it ourselves. There was nothing here … Us – we know how to do business; we know where to buy. South Africans, they don't know … There was nothing: just a man or two selling jewellery and CDs, or stuff like that.[19]

## The Greenmarket Square 2009 episode: Experimenting 'technologies of power'

More specific 'technologies of power' emerged through the consultation process: the creation of a fictive collective interest allowed the City to render invisible the center of power and to make the traders naturalise even further entrepreneurial values and norms of control; it also undermined the legitimacy of political opposition.

### The Greenmarket Square committee: A firm 'invitation' to 'participate'

When the upgrading process was launched on Greenmarket Square, the City offered to relocate the traders next to the Company's Garden (a less vibrant part of the CBD). Three associations were operating on the square (for only 267 traders); two being really active: Greenmarket Square Traders Association (an emanation from the association created in 2001 on Site B during the Chaaban era), and the Greenmarket Independent Trader Committee formed by a South African trader. This fragmentation resulted from the history of the market, and it is a problem frequently encountered in this economic sector (Thulare 2004). Furthermore, the City was put off by the fights of the late 1990s and it decided to negotiate with a single partner in order to speed up the upgrading. It required the traders to form a single committee, formed of elected representatives who would join a consultative task team. It refused to engage in time-consuming discussions with several associations.

Complying with this municipal requirement was the traders' only chance to be consulted and informed of the renewal process. From the municipal point of view, pushing for the creation of a single body was a risky exercise but it proved to be a very wise move, since it nurtured a 'fiction' of community, partly due to the process through which the committee was formed.

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The municipality approached the traders and asked them to quickly elect representatives. During the interview, a committee member bemoaned the fact that 'it was all hush-hush' because 'the council needed a committee quickly to negotiate'.[20] As stated by the official of the City's Business Areas Management Branch in charge of this process: 'It is difficult to talk to 200 people … it is easier to talk to 6 or 8[21] … you need a leadership to engage with the City, like a little exco.'[22] He also complained about the lack of sustainability of the traders' associations, a problem he had experienced during the consultation process regarding the bylaw: 'Street traders formed associations during the process, but then many dissolved … [there was] not a very good communication from the association; there was a leadership problem.'

The elections were organised by the City itself in April 2008: it printed the ballot paper and provided the venue, a municipal office nearby. Many foreign migrants felt uncomfortable to go and vote, for fear of having their work or resident permit checked by the City. Vote counting was not transparent, which the City official in charge of the process acknowledged afterward: '[the area manager of the municipal Business Areas Management Branch informal trading division] did the counting alone … in her office; she took the boxes'.[23] There were no lists, no political platforms and no electoral campaigns. The area coordinator argued that the absence of an electoral roll resulted from the City's desire to respect the traders' will: 'we did not want to influence them … they made up their own [choice]'.[24] But this absence is more likely to reflect the fact that the elections were hastily organised. As a result, the lack of accountability of the people who were eventually elected weakened their legitimacy. As stated afterwards by one of the committee members, expressing the lack of legitimacy she suffers from: 'They should have made up the lists.'[25]

The votes were so scattered that the election results had very little meaning (Table 7.2). Only 76 traders voted (less than a third) either because of fear, lack of information, or lack of interest. The area manager argued that it was linked to a technical problem: according to the Informal Trading Bylaw, the traders are not allowed to leave their stalls and they cannot hire assistants to replace them (if they do so, they run the risk of losing their permits). However, it is very unlikely that the manager of the market would have reported them missing on the day of the election.

**Table 7.2** *Results of the 2009 Greenmarket Square committee elections*

| Dispatching of the votes | Citizenship | Votes | % |
|---|---|---|---|
| Shahied | South African citizen | 16 | 6 |
| Seyni | Citizen from another country | 15 | 5.6 |
| Samson | Citizen from another country | 11 | 4.1 |
| Lucas | Citizen from another country | 7 | 2.6 |
| Jurayda | South African citizen | 6 | 2.2 |
| Claudia | South African citizen | 5 | 1.9 |
| Others (scattered) | – | 16 | 6 |
| **Total votes** | | **76** | **28.5** |
| **Total voters** | | **267** | **100** |

*(Source:* Personal field work, 2009)



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The municipality also required that a 50/50 balance between the foreigners and the locals be ensured, although there were 35 South Africans and around 200 foreigners. It reinforced (not to say that it deliberately played on) the internal divisions of the group. Once the results were validated by the general assembly of the traders, it proved impossible to disband the committee as some contesters had hoped (a committee member resigned later on); they were silenced in the name of a democratic election.

## A transformative and conservative force

From the beginning it was clear that this task team would serve a single purpose: to negotiate and facilitate the relocation of the traders to another site during the World Cup and, in the long run, to regain control over the square. The committee members were invited to attend the meetings of a task team set up by the municipality that mainly served to keep them informed of the content of the municipal decisions. The meetings were called by the municipality (the traders could not call a meeting themselves), and at the time of the field work (end of July 2009) only two meetings had taken place.

The committee was consulted on technical issues only regarding short-term decisions: security, upgrading of public toilets, number of stalls, shape of the canopies, or nature of the goods sold. Major issues, such as the right to trade, the meaning of public space (who is entitled to control it and how), the conflicts between the 'locals' and the foreigners were not discussed. The traders were not invited to imagine the future of the square, although the revamping was meant to reshape the square and modify its uses after the World Cup. They had no control over the regeneration agenda, although they understood that the revamping of the square was part of this wider process. As a committee member put it: 'some ideas which are good we accept, the rest we refuse'[26] – as if the complex political debate that the reshaping of a post-apartheid city centre should be, could come down to a yes/no pragmatic exercise.

The committee, as an ephemeral political construction tailored from the top to pursue a certain policy and foster the illusion of a collective interest, also acted as a force of political stabilisation that ensured a status quo: for example, a committee member wrote to the council to suggest that the City should bypass the public tender process and renew the contract of the private company that was running the market (the contract had expired in 2009), which indeed happened. He argued that it would ensure a form of continuity in management at a crucial time for the traders and the City. The fact that the committee was instrumental in the political stabilisation of the market is exemplified by another municipal decision: the committee was elected for a year and it was due to be renewed in 2010, but the elections were delayed for the sake of political stability and the committee was renewed automatically in 2010 – another flaw in the democratic procedure. 'The City Council does not want to interrupt the committee … the City Council wants the committee to remain', said a traders' representative.

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This process turned out to be damaging for the traders, as a number of decisions proved detrimental to them: they were not relocated to the Company's Garden, as the Cape Town Heritage Trust actually opposed this option for conservation reasons, but they were forced to operate part-time, taking turns to occupy the trading bays on one half of the square, while the other half was being revamped. The meetings of the task team ended up serving to organise these shifts while the traders were being granted temporary permits – a specific procedure that applied to them only. However, the committee secured a written agreement from the municipality, stating that the traders would be allowed to come back to the square after the World Cup, for the market constitutes a major attraction and a must-go for tourists. As the Executive Councillor for Economic Development and Tourism of the City of Cape Town had previously put it: 'the main thing is that we make it [the market] a good attraction again' (quoted by Radovcic 2009: 55). But the legitimacy of the permanent market on the square has been undermined – the square can now be used by the CTP and the City at any time for other purposes such as sport events or podiums, without the traders receiving any financial compensation.

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## Neoliberal control and the biopolitics

Specific patterns of power account for the weak mobilisation and the poor oppositional ability of the Greenmarket Square committee: the migrants were politically fragile; the group was fragmented; the tradition of association only dated back to the early 1990s; the trauma of the 2007 episode (the municipal fight against Chaaban) had undermined solidarity and fostered a climate of suspicion. For instance, a committee member was accused by the others of nurturing hidden intentions and he withdrew afterwards: 'Shahied wanted the committee to manage the market … he applied for the post of manager; when he failed, he resigned'.[27] But whatever the importance of these dynamics, indirect and subtle forms of control also emerged through a consultation process that can be read through a different lens, in terms of biopolitics and neoliberal control. They share one common feature: neoliberal control does not rely on the capacity of each individual to control the other members of the group individually in a totalitarian regime that imposes a threat of brutal repression to those who do not abide by social norms. Neoliberal control implies the willingness of those who are dominated to cooperate to their own disempowerment, be it as a group or as individuals.

Firstly, power is no longer exercised vertically and directly by the City Council, a representative political structure that is accountable to citizens. As the centre of power was displaced, power was diluted in complex relational governance patterns, blurring political responsibilities. The chain of decision-making also became unclear and confused. For example, when the double bays system was banned (a few traders had secured permits on two bays in order to expand their trading space), it was unclear who had taken the decision and it was easy to hide behind a smoke screen. Was it a technical decision aimed at complying with the municipal bylaw? Was it due

to the capacity of some of the traders to oppose this 'unfair' practice by lobbying the City? Did it come from a member of the committee?

It was all the more confusing that the six committee members did not share the same view on this matter. But, ultimately, the committee was held responsible for the decision, not the City – a very uncomfortable situation indeed: 'some people say you are working for the City Council', '[some people are under the impression that] the committee did not want to fight for the traders', and the 'traders are unhappy with that' (Alpha). The committee members suffered from this situation. They described themselves as middlemen who had no influence on municipal decisions and had been delegated a fake power: 'you have to understand that it is not the committee that decides; it is the City Council that decides … and the traders do not understand that' (Liza). They described their mandate as a 'communication mandate' and argued that their role was to ensure that 'the traders get a fair treatment by the City Council', not to challenge the municipal view (Peter).

To justify their position, they stressed that, without a committee, 'the City Council would dictate so many things', and that they gathered information: 'we get to meet with many people', 'it is important to have a committee', 'we get info from the meetings'.[28] They were constantly required to justify their co-management of displacement, a problem that social movements, trade unions, and civic associations frequently encounter when they discuss strategic choices as whether to 'partner' within a cooperative structure or to oppose an 'enemy'. Some members of the committee even called individually for municipal protection ('the City Council must protect the committee'), leading to an 'us' (City and committee) against 'we' (the traders) confrontation which moved the lines of the inherited political divide (City vs. traders). As a matter of fact, being an elected representative constituted an interesting position: 'this position allows me to know, to be informed and it is nice because it affects my business'.[29]

Secondly, spatial norms regarding the control of bodies in public spaces and of uses of public spaces were enforced through the consultation process that the traders gradually internalised and naturalised. They accepted being squeezed into 2 meter by 2 meter bays. This normalisation was achieved in the name of equity and fairness (each entrepreneur is entitled to apply for the same spatial perimeter). The traders' eagerness to protect their trading space from potential external rivals pushed them to accept the principle of an arithmetical control of the number of permits, a preoccupation that meets the City's spatial entrepreneurial vision and its hygienist component. Although this restriction contradicts the image of the vibrant African market supported by the traders, and although they long for the freedom of trade of the late 1990s in then 'African' market, they cooperated with its disbanding in the name of entrepreneurialism. Put into historical perspective, this is possibly the most surprising renunciation. In the late 1980s, the opening up of Cape Town CBD to free street trading was considered a victory of liberal deregulation over apartheid, as testified by some comments in the liberal press at that time. They associated the

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revival of the city centre with the boom of street trading activities that were thriving in the 1990s:

> only a few years ago hawkers were discouraged in line with official policies at the time. Today the hawkers and their street cries, once a well-known feature of Cape Town, are coming back … at one time it looked as though Cape Town was drifting towards degeneration into a downtown slum … People are coming back into the city centre, boosting the CBD.[30]

Thirdly, these norms are implemented by the traders themselves who self-constrain their activities in the name of a fake self-management and autonomy. For example, the committee partnered with the City to organise a workshop on 'the mixing of goods sold'. The municipal agenda was to force the foreign migrants to specialise in three types of African curios, in order to make the market look more exclusive and neater, a standpoint that immediately echoed xenophobic fears among some foreign African traders since their South African counterparts run specialised stalls. As stated by one of them: 'the City Council wants less curios … and more from local people to come here'.[31]

It is confirmed by the communication documents of the CTP; they convey a storytelling exercise that points out an alleged Capetonian tradition of clothes design that would have started on the square and scaled up from the informal economy to formal businesses (a national stance), leading to famous local success stories:

> *In those days* [the 1990s] Greenmarket Square acted as a support for the local CMT (cut, make and trim) suppliers as well as being the launching pad for clothing labels that today, twenty years later, are familiar names … Anne Eales sold her children's clothing range, Naartjie, from a stall on Greenmarket Square in 1989 before opening her first store at the V and A Waterfront … *In those days* Greenmarket Square was a place where young people could start a business easily and cheaply, when it wasn't necessarily a big step to move from there into the more formal economy [my emphasis].[32]

Through the rewriting of the history of the square, the Chaaban period is outshone, as well as the role of foreign African migrants on the square – photographs of white traders ('creators' in line with the creative city stance) have been carefully selected to be displayed on the CTP website.

As far as curios were concerned, the decision was made that the traders would only be allowed to sell three types of goods (masks, paintings, and jewellery, for instance), which they could no longer choose because they had to conform to a general market plan that defined what types of goods were offered for sale on each and every stall.

Another exemplification of the internalisation by the traders of normative practices is the negotiation on the temporary relocation linked to the FIFA World Cup. The committee accepted to organise a turnover of traders on the square for the duration

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of the revamping. This would have been very difficult for the City to achieve without the consultation process. It helped to make the traders gradually internalise and naturalise this choice as an apparent necessity for the group to reproduce and sustain its economic activity. The fact that the committee members were empowered to manage the permits (they acted as middlemen when a newcomer wanted to enter the market) contributed to shape their identity as partners in business who had accepted the assumed responsibility. Even more striking perhaps, after the World Cup, the market was downsized to 229 stalls (close to the municipal goal that aimed at 200, and that has actually been reached at the time of the printing) and many people lost their permits when the committee helped the City to target the so-called 'casual traders' (people who rented a bay on a daily basis when there was one available), the defaulters (people who were two months in arrears for the payment of their permits) and those who sublet their bay (a practice deemed illegal according to the Informal Trading Bylaw). All were deemed illegitimate vendors. The committee collaborated with the managing agent and the City on this witch hunt, for it was eager to prove to the 'law-abiding' traders that it protected their rights. In other words, the consultation process sowed discord among the traders by discriminating 'regular' traders (those who were entitled to vote and to be represented by the committee) from illegitimate vendors.

Fourthly, the traders were pushed into a consensus-style type of consultation, which undermined the very idea of political contestation. Dissenting voices were silenced in the name of responsible dialogue and contestation was defused: those who refused the consensus were no longer consulted or they were pushed to resign from the committee (a committee member resigned without being replaced and another one, who was critical of the consulation process and the role of the committee, tried to push for new elections, with no success). Through consultation, the liberal political figure of the good participant, as opposed to the deleterious figure of the political opponent was carefully shaped. The traders were pushed to collaborate in their own dispossession as reasonable and moderate citizens who value social dialogue over political activism. The good participant[33] is characterised by his/her good will and sense of compromise, as opposed to the contester, who is seen as resisting, opposing, and contradicting without proposing alternative options.

It was indeed difficult for the traders to oppose an allegedly progressive agenda enforced in the name of economic growth. This difficulty is not specific to South African cities. However, the post-apartheid context offers a favourable ground for entrepreneurial discourses on the need for change that led to snare the traders in a contradiction: the City's entrepreneurial agenda threatened their business but, at the same time, it was also beneficial to their activity, since it supposedly brought in more tourists. As stated by a trader: 'what I want is locals and tourists'.[34] The lack of contestation could, therefore be interpreted as the result of a consensus between two distinct entrepreneurial rationalities that were both interested in the possible economic outcomes of the 2010 World Cup.

After all, the regeneration of the CBD in Cape Town is consistent with the project of the local 'developmental state', a national prescription indeed: it is aimed at fostering

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local economic development for the purported good of all urban dwellers and the entrepreneurial agenda is said to be compatible with pro-poor policies. However, the capacity of urban regeneration to foster trickle-down effects is hotly debated within academic circles (see, for example, Dubresson 2008; Morange 2011; Parnell et al. 2005; and Rogerson 2003, 2004 [on Cape Town]; Parnell & Robinson 2006 [on Johannesburg]). It is a complex debate that could certainly be held through inclusive and time-consuming participatory processes, where citizens would be entitled to expose their visions for the city, but this debate was bypassed in the consultation process that took place on Greenmarket Square, because regeneration was considered a matter of urgency. The next move was predictable: new elections took place in March 2010, a few months before the World Cup. A new committee was elected (that included members of the old ones) whose members started to talk of marketing, communication and branding activities, in line with the municipal entrepreneurial vision. As stated by a member of the CTP: 'They have a better understanding of our projects, our mission and vision for the square' (quoted by Radovcic 2009: 86).

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## Conclusion

The consultation process that took place on Greenmarket Square did not turn out to be to the traders' complete disadvantage. They had some room for manoeuvre and they achieved a number of things: the municipality tried to downsize the market to 140 stalls but through negotiation, traders secured 200 stalls; they refused to use umbrellas instead of canopies, as required by the municipality in an attempt to make their presence on the square less permanent; they obtained the right to continue to pay their permit fees during the upgrading, paradoxically a condition to strengthen their legitimacy ('if we don't pay, it means that we are not existing');[35] they 'disputed' (to quote one of them) their right to continue trading on Sundays; they obtained a written agreement from the City manager of the Business Area Management Branch stating that they would be permitted to come back to the square after 2010 ('we requested as a committee a letter signed by him').[36]

My purpose here was not to weigh up how much traders have lost or won, or to be prescriptive as whether the poor should or should not use the participative or consultative structures that are 'offered' to them by public authorities. I emphasised the changing nature of power in a neoliberalising environment in order to point at the emergence of new forms of control that combine with older ones. Departing from a focus on power structures framed in terms of governance patterns and institutions (although they are, of course, important and mentioned here), I have examined how this combination works and how spatial control does actually happen, envisioning power in a Foucauldian perspective, as a relational exercise that is historically constructed and that combines neoliberal control with direct political coercion.

I believe that understanding the nature of these new forms of power can help us decipher the difficulty social movements have in resisting the entrepreneurial

turn (or worse, their propensity to support it against their obvious best interests). I argue that it is an attention-grabbing perspective for future political mobilisation and for those who have an interest in the geography of power. Empirical evidence shows that similar forms of control are spreading in much more repressive contexts. For example, in Nairobi, the NCBDA (a local private regeneration agency based in the CBD) has steered the creation of an umbrella structure of street traders' organisations in order to have a legitimate partner in dialogue and to make the traders become co-responsible for the decisions affecting them: their relocation to a peripheral market (Morange 2015). This process combines and coexists with a colonial tradition of violent public repression.

Many questions remain unaddressed, though. Among them, there is a methodological problem that connects to a theoretical difficulty: my analysis is grounded in a concrete local terrain that does not reflect the complexity of the forms of mobilisation that take place around informal trading in Cape Town. For instance, contestation is fierce in the Mitchells Plain's CBD – there, the relationship between the traders and the City is very confrontational. One could argue that it is linked to the fact that the neoliberal rationality is unequally developed in space and time, and that the combination of different forms of power is place-dependant, a question that needs further investigation. But even then, it leaves us with a broader theoretical problem: does it mean that power can only be explored through a systematic contextualisation in time and space? This question has profound theoretical consequences as it brings us back to the very possibility of talking of neoliberal forms of control and of a neoliberal realm, framed in terms of rationality and fluidity, not structures, true to Foucault's approach. How we will take up this theoretical challenge in the future remains, I believe, an open and fascinating question.

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## Notes

1 For a Foucauldian approach to neoliberalism, see Ong 2006; Nadesan 2008; Dardot & Laval 2009.

2 All the people who are quoted in this paper are traders whom I interviewed personally in July 2009. For ethical considerations, due to the small size of the market, their identities are not disclosed. When they belonged to the traders' committee and had a political role on the market, I have specified it in a footnote. The same ethical protocol applies to the interviews with city officials.

3 Hereinafter called 'The City'.

4 In this research I resort to a combination of qualitative methodologies (fieldwork was conducted in March 2008 and July 2009): interviews with traders and key actors in street trading at the city level, grey literature (reports, emails, minutes of meetings), and a press review that took me back into the history of the square (1984–2009, Sabinet database).

5 FIFA requires the city to be made beautiful, *The Capetowner*, 17 January 2008.

6 Even the traders who operate under the 2009 metropolitan Informal Trading Bylaw and pay a monthly fee are referred to as 'informal traders' in the City's policy documents, as opposed to those who are registered under corporate laws.

7 Local Area Economic Development, http://www.capetown.gov.za/en/ehd/Pages/informaltrading.aspx, accessed May 2011.

8 Personal interview with the planning coordinator for the 2010 FIFA World Cup (July 2009).

9 See, for instance, Chapter 7, section 152–1 of the 1996 Constitution: 'municipalities must aim to encourage the involvement of communities and community organisations in the matter of local government', or the White Paper on Local Government (1998, section B-1): 'work with citizens and groups within the community to find sustainable ways to meet their social, economic and material needs and improve the quality of their lives'.

10 Personal interview, July 2009.

11 City of Cape Town (2012) City's informal trader e-permissitting system is growing. Media release no. 910/2012. Integrated Strategic Communication and Branding Department, City of Cape Town. Accessed 17 January 2013, http://www.capetown.gov.za/en/MediaReleases/Pages/Citysinformaltraderepermittingsystemisgrowing.aspx

12 For reasons of anonymity, a pseudonym is used.

13 Email, 15 August 2007.

14 Personal interview with trader, 18 July 2009.

15 Personal interview with South African trader, July 2009.

16 Personal interview with Congolese trader, July 2009.

17 Personal interview, 15 July 2009.

18 For reasons of anonymity, a pseudonym is used.

19 Personal interview, 20 July 2009. Author's translation from French.

20 Personal interview, 20 July 2009.

21 Six was a number fixed and considered acceptable by the municipality: 'we wanted to choose 6'.

22 Personal interview, 17 July 2009.

23 Personal interview with Liza, July 2009.

24 Personal interview, July 2009.

25 Personal interview, July 2009.

26 Personal interview with committee member, July 2009.

27 Personal interview with committee member, July 2009.

28 Personal interview with Alfa, committee member, July 2009.

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29 Personal interview with Alfa, committee member, July 2009.

30 Bring on the braais, *Cape Times*, 14 July 1988.

31 Personal interview with a trader of carved wood crafts, July 2009.

32 CTP website, accessed 17 January 2013, http://www.capetownpartnership.co.za/greenmarket-square-300-years-old/

33 In a sense also the good poor – for a debate on the framing of the figure of the good poor by the World Bank, see Lautier 2002.

34 Personal interview, July 2009.

35 Personal interview with Kenyan trader, July 2009.

36 Personal interview with Alfa, committee member, July 2009.

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# 8 Meetings in Vosloorus (Ekurhuleni): Democratic public spaces or spaces for grievances?

Philippe Gervais-Lambony

## Spaces and places of participatory democracy

Local participatory democracy meetings are supposed to enable citizens to formulate their demands and compile wishlists of priorities on their own terms. What do the citizens of the new South Africa participating in these meetings really want? To what extent is this form of neighbourhood participation merely a democratic façade, a pretext to incite residents to formulate what is expected, that is, a set of predictable requests, neither controversial nor outrageous, but rather tame and placid, thus conforming to the rhetoric of consultation? Many writers have commented on this dubious process (Ballard 2008; Bénit & Gervais-Lambony 2003, 2008; Piper & Deacon 2008; Van Donk et al. 2008) and some suggest contrasting these official meetings with more spontaneous ones that spring up from people's own initiative. This dichotomy between invited and invented spaces of participation (Cornwall 2004; Miraftab 2004) is discussed here, taking into consideration 'spaces' in their double meaning of physical space and social space of interaction, based on the empirical observation of local meetings in Volsloorus, Ekurhuleni. I argue that even formal, 'invited' meetings offer opportunities for residents to mix and mingle, network and exchange ideas, from simply coming together. These opportunities might grow out of these gatherings and exceed what the organisers had in mind, which means that the 'invited' space becomes an invented space of participation, and the boundaries between the two types of spaces become blurred – as also argued by Buire in this volume. South African local democracy constitutes here a useful example of similar processes occurring in many contemporary cities in the world.

My preferred term in this chapter is 'meetings' rather than gatherings, assemblies or encounters (although I do use these synonyms to avoid repetition) because it is what people in these local communities themselves call these events. In French (the language in which this text was originally written) the word 'meeting' first appeared in the 18th-century as *Le Robert* (1993) dictionary tells us: '1786, origin English word *to meet*, "rencontrer"', and it lists two definitions. The first refers to a public meeting held to debate a social or political issue relevant to a broad group of people; the second refers to a large gathering such as a sporting event that takes place before a crowd. My focus is on the first meaning, although I hint at the second. In many cases what starts out as a public gathering to discuss a topic often turns into a show

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of force before an audience. Indeed one question that preoccupies my thoughts is the transition from spectator to participant: how does this shift occur? How do citizens go from being mere observers to becoming more actively involved? And, as agents, to what extent are they voicing their own views or echoing the slogans of their leaders? Indeed, the metaphor of actors moving and speaking on stage (Joseph 1995; see also Katsaura in this volume) seems quite apt, as part of my concern here is the way that people inhabit and appropriate these new spaces.

What I explore, then, is the proliferation of these meetings as events and the actual locations they are held in. What intrigues me is the extent to which the setting and scale of these meetings makes them more or less successful; and what their impact is on participants' identities and sense of belonging to their local communities.

I draw on examples of information and consultation meetings in the context of participatory democracy schemes, leading to Integrated Development Plans (IDPs),[1] as well as more informal meetings involving local residents. These meetings take place at ward level and according to certain rules and set procedures. It is locally elected councillors who plan and run both ward committee[2] meetings twice a month and ward mass open public meetings once a month. Moreover, since 2007, additional planning meetings to prepare the IDP take place in 'Customer Care Centres' (CCC), which correspond roughly to the level of one township, with monthly meetings of elected CCC representatives. Smaller-scale meetings on specific issues also occur in neighbourhoods and wards to tackle pressing local matters.

Where are all these meetings held and in what sort of physical setting? What determines whether citizens meet in an open space or a primary school, a library or a community centre? Who orchestrates these meetings, organises the room layout and the seating? Because all these elements influence how people relate and communicate with each other. Who gets heard, who gets silenced? Parallel to Bénit-Gbaffou and Mkwanazi's chapter in this volume, where they reflect on similar questions in Yeoville, Johannesburg, I investigate more specifically the link between public spaces and the setting of public debates. My intention is, indeed, to bring a spatial dimension to Iris-Marion Young's work (2000) and her focus on just how important our use of language is to the whole notion of public debates, for example, when considering just who has access to the essential tools necessary for intervening in these forums, or whether the participants have a grasp of formal manners, such as turn-taking, listening, not interrupting or appropriate vocabulary and respectful forms of address. We may comfortably agree on viewing democracy as a set of principles, based on social inclusion that allows everyone to voice their opinions and take part in public debates and political decision-making. But clearly the extent to which some of us have access to and make use of the forums differs widely. It is hard not to notice how many individuals become socially excluded from these proceedings, either due to their gender, nationality, age or social status, or because they feel ill at ease with accepted and traditional forms of involvement – manners of speech ('polite, orderly, dispassionate') that reflect assumptions about protocols for conducting a 'reasonable open public debate'.

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I wish to highlight how these conventions socially exclude certain individuals, as much through language as through use of space, namely by marginalising them from the process and/or preventing them from accessing particular venues. For example, some meeting places may simply be inaccessible because they are too far for some people to get to or too costly to travel to, thus excluding them from important decisions. This *external* physical material exclusion appears more visible than what is perhaps a more subtle form of *internal* exclusion: some individuals may grapple not just with how to speak in order to be heard, what language to use, which register and tone to employ, but may equally find it hard to judge where to place themselves in a meeting in order to take the floor, for, as we know, our voices and intentions carry more weight, force and impact, according to where we stand or sit in a specific venue.

In addition to these two forms of social exclusion in local democracy, I highlight a third one: the scale of a particular debate and the way that this can also make it difficult for some citizens to get involved. This can occur when someone is told, for example, that 'your comment is not relevant to the matter at hand' because it is either too personal or anecdotal, or too local and neighbourhood-focused, or because it is too broad, regional, national or political and not quite appropriate in this specific meeting, here, right now. We know scale is a central difficulty for citizen participation (Brenner 2001; Young 2000), and through the local lens adopted here we might offer an answer to a question asked by Ballard (2008: 178): 'How might a bridge be built between the parochial interests of each of the wards in a city and overall urban strategy?' I argue this is technically done during these local public meetings.

I dwell on how various public spaces can either help or hinder the exchange of ideas and flow of public debate. In French, there is some ambiguity connected to the notion of public space that stems from the translation of the title of Habermas' (1962) book *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society*. The most accurate rendering from the German (*Strukturwandel der* Öffentlichkeit, 1962) is indeed *public sphere*, which is how it appears in the English translation, but in French it has been translated as 'public space' (*espace public*). What is therefore risky is to assume that the one can lead to the other, that the provision of a public space might simply engender a public sphere; clearly this is over optimistic. So the task we are saddled with is how to think about concrete public space as a potential sphere of public debate, a risky proposition that can seem rather determinist, as if public space, viewed as state-owned property, accessible to all, were sufficient in itself to foster mass public democratic debate. In practice, the erosion of just this type of open space, contested and shrinking in 21st century cities can be seen to be inextricably linked to dwindling democratic debate. This is precisely what Mitchell (2003) contests in his argument that such a public space, open to all, is a myth and that it never existed, even in the antique Greek *agora*.

Hence, some French social scientists favour the term 'common space' (*espace commun*) over that of 'public space' (Levy & Lussault 2003; Paquot 2009), while others, such as Joseph (1995) prefer to stick with 'public space' precisely because it suggests a link between concrete physical spaces and the settings of public debates.

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As my focus here concerns the actual venues where public debates occur in South Africa, I explore this link in more detail. To what extent are these venues of public debate in actual fact new sites of community cohesion? Do they really fit the description of settings that Young proposes? Settings

> to which anyone has access, a space of openness and exposure … They importantly contribute to democratic inclusion because they bring differently positioned strangers into one another's presence; they make concrete the fact that people of different tastes, interests, needs and life circumstances dwell together in a city or regions. (Young 2000: 213–214)

Drawing on specific meetings that I attended in the township of Vosloorus in Ekurhuleni Metropolitan Municipality between 1999 and 2010, I concentrate on the venues the meetings were held in, in order to interrogate them as social spaces: do they enable or hinder new forms of inclusive local democracy in action?

## Vosloorus, an Ekurhuleni township

Ekurhuleni, a Xitsonga word meaning 'the land of peace', is a recent political and administrative entity founded in 2000. It is a merging of nine established communities in the outskirts of Johannesburg, known as the East Rand due to its location in the eastern part of Witwatersrand, the large mining area outside the city. Ekurhuleni, with a population of 2.6 million inhabitants in 2009, is South Africa's fourth largest city after Johannesburg, Cape Town and Durban. It forms part of Gauteng Province and grew out of massive local government reforms to establish a new democratic infrastructure after the end of apartheid. As 'The Smart, Creative and Developmental City' slogan indicates, this included efforts to redistribute resources to the most destitute and to promote economic growth. The urban and industrial span of this metropolitan local authority is considerable: its local economy makes up more than 8 per cent of the country's GNP and its industrial base is the largest in South Africa and one of its biggest employers, providing 200 000 jobs and a growing service sector of more than 300 000 workers (Roberts 2006). Yet the 40 per cent rate of unemployment reveals how Ekurhuleni still faces many challenges.

Its main governing authority is a municipal council consisting of 175 councillors, of whom 88 councillors are elected from wards and 87 via a list-based proportional representation system. The executive mayor and mayoral committee, made up of 10 councillors chosen by the mayor, rule this metropolitan authority: mayor and committee govern together, running and overseeing council affairs. Local decisions are taken at ward level; wards were demarcated in 2000 and subsequently redrawn after the 2006 local elections. Every ward representative presides over a ward committee made up of elected residents who represent the different elements of civil society. The ANC has run Ekurhuleni authority since 2000, consistently winning local elections with more than 80 per cent of the vote.

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Local democracy as practised in Ekurhuleni is a complex affair, partly due to extreme prevailing segregation: whites (4 per cent of residents) populate a central thoroughfare that roughly covers the former mining area;[3] whereas blacks (75 per cent of residents) live in their vast majority in four sprawling townships at the edge of Ekurhuleni, one of these being Vosloorus, a large estate created during the apartheid era and built in 1964 to house black workers to service the town of Boksburg (Bonner & Nieftagoden 2001; Gervais-Lambony 2003). A typical relic of apartheid urbanism, Vosloorus was planned as part of a large, reorganised, racial and ethnic urban settlement. This explains why it is divided into a Nguni section, a term used to designate isiZulu-, siSwati- and isiXhosa-speaking people, and a Sesotho section that encompasses urban dwellers from nearby Johannesburg. Hostels constructed at the same time serve as communal barracks or dormitories specifically reserved for single migrant workers. Most only housed men, although some housed women; and these were run by the local authority or by private companies who provided accommodation for its workforce.

However, since the planning of townships this urban infrastructure has grown more complex. At the end of the 1980s the population of Vosloorus was around 110 000 inhabitants, with the 1996 census showing 122 000 (clearly an underestimate) and the figure for 2001 indicating 150 000 residents. During the 1980s and early 1990s the township steadily grew with its expanding unofficial suburbs, new housing developments for its growing middle class and the oldest most established districts suffering from overcrowding. Indeed, territorial divisions in the township were exacerbated during the early 1990s with the violent conflict that erupted between township, informal settlements and hostels dwellers (see Chipkin 2007: Chapter 5).

The year 2000, when Ekurhuleni Metropolitan Authority was founded, also saw the subdivision of Vosloorus into five wards: numbers 44, 45, 46, 47 and 64. This is the context I want to look at next – in this particular setting participatory democracy is evolving at the instigation of locally elected representatives and their ward committees.

## Where can people meet?

What facilities are available for holding public meetings? Community halls, of course, are appropriate venues for all kinds of gatherings. Multi-purpose and multi-use halls lend themselves to political as much as cultural events, information sessions and community meetings and they can be hired for ceremonious occasions, such as weddings and funerals. Vosloorus boasts two community halls: the civic centre (Figure 8.1) and the Jabulani Hall. Built during the apartheid era – and unlike any kind of 'palace of democracy', as can be imagined – these were conceived as entertainment parlours or, with their imposing stage and occasional lectern for speech-making, as temples of official wisdom. How far can these relics of a now-defunct political order be refashioned as 'places deliberately planned for constructive socialising' (Jacobs 1961: 58)? Can they ever be converted into new venues for democratic mingling?

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**Figure 8.1** *The old Vosloorus civic center, still used today as a place for meetings*

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Often, meetings take place in schools during weekends or in gazebo-like tents set up for the occasion on scraps of wasteland (Figure 8.2). All the local councillors interviewed in Vosloorus said how significant the actual venue was, and how much thought they gave it. Because wards cover quite a large area, councillors tend to opt for a central locale, to render it easily accessible from every direction. Otherwise, they tend to hold a similar meeting in other neighbourhoods to draw from as wide a net of residents as possible. It is rare for a councillor to ascribe low turnout to a lack of interest or cynicism on the part of residents; more often the reasons given are distance or inconvenient timing. In order to address this, some meetings take place very early on Sunday mornings, to allow people to attend religious services, or else on weekday evenings.

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**Figure 8.2** *A marquee is set up on vacant land in Vosloorus, to host a ward public meeting (April 2012)*

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In Ward 44, for example, the local representative (interview, May 2006) explained this ward's main difficulty like this: 'it is so large'. She herself lived in Old Vosloorus, the most established part, dating from 1964; and the most crowded, where many pensioners and young people lodging with grandparents live. But this ward also comprises numerous 'extensions', or buildings dating from the 1970s; and, to the north, Willowdale and a section of Spruitview are more well-heeled middle- and upperclass districts built in the 1980s. With the exception of Extension 11, this is an area of bonded houses – part-buy/part-rent housing – owned by the local authority, where mortgage payment defaults pose a constant problem. The informal settlement of Vlakplaats (on the other side of Brickfield Road, on the way to Katlehong)[4] must also be mentioned.

The challenge here is both geographical and social, as stated above. Attendance at meetings depends on access, distance and transport, and various social groups of residents react differently to these hurdles, with many reluctant to leave their own neighbourhood to travel to a venue in another one. Moreover, the extreme poverty of many residents makes it impossible for them to afford the cost of public transport and they are unlikely to make the journey if it is too far to walk. Much more likely to hinder their mobility is the anxiety many township dwellers experience at the thought of venturing out of their immediate neighbourhood, for fear of being mugged. Poverty and lack of access are some reasons that prevent many from attending public meetings. The councillor of Ward 44 thus decided to divide her ward into three: South, Central and North and to organise three meetings instead of one. The meetings, which have to be open to all the ward residents, take place in a school in a central location.

I can never stress enough the diversity to be found, both among wards themselves within a single township, and between neighbourhoods within particular wards.

This diversity is simply a consequence of the urbanity of townships in contemporary South Africa[5] and lies at the root of what makes local meetings such a challenge to organise. Local residents attend hoping to get answers to their questions; therefore it is clear how a neighbourhood meeting at either the ward or township level inevitably reveals tensions between communities. This is also why, for local councillors, the more local the meeting the better because it minimises rivalries among different territorial groupings.

In the remaining part of the chapter, I present three examples at the three different levels of ward, neighbourhood and township, in order to reveal these complex differences and different aspects of the role of space in political and social interactions.

## A ward meeting: A case of disruption of the spatial order

On 2 March 2003, a ward mass meeting takes place in Ward 47. Typically, the date, time and venue of monthly meetings are announced via printed leaflets dropped in postboxes. On this occasion, the meeting takes place in Vosloorus Civic Centre. Although located on the outskirts of Vosloorus, the Civic Centre is fairly near the main thoroughfare passing through the township, making it easy to reach, close to the main taxi rank and opposite the shopping complex. A large brick-coloured building surrounded by a small garden fenced in by heavy iron railing, the Civic Centre dates from the Black Local Authority era (in Vosloorus Municipality). It is a sombre spot full of sad memories of apartheid, boycotted for many years. Once you clamber up the steps that lead to a narrow veranda, you enter the building and cross a hallway, with toilets to the right; then a long corridor leads to a huge chamber where a stage greets you at the one end and opposite the stage, some distance away, cinema-like seats for the visitors. So, in between the stage and the auditorium seating, lies a vast cavernous space where volunteers help to carry plastic chairs. Members of the audience tend to scatter among the raised seats and the plastic chairs depending on the type of meeting and the numbers present. But the layout of the room always reflects the difference in status between members of the public and residents on the one hand, and official speakers on the other – elected officers and bureaucrats. The very idea of participation is clearly biased in the context of this physical layout and its arrangement of social space and clear distinctions between speakers and listeners. It is not simply the agenda-setting by local officials that strains residents' attempts to participate; it is also the way the room is laid out that turns the audience into a crowd of passive listeners.

On this day, people (roughly a hundred) sit in the raised seats towards the back of the chamber, tables are set out towards the front and nearby, on cream-coloured chairs, sit the speakers: the ward councillor, two invited local officials from the metropolitan authority and three ward committee members who have been asked to update the meeting about their work. That is the focus on this occasion: to update residents with progress, projects, planning applications. The main language of proceedings is

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Sesotho but, as usual, with a lot of slippage between Sesotho and isiZulu and the odd sentence in English.

The meeting opens with a short prayer, as customary, that people listen to while standing. The councillor leads the prayer, asking God to bless the assembly. He introduces the speakers,[6] then presents the agenda. At this point a woman asks for the matter of 'title deeds' to be added. The councillor responds by saying that this will be addressed during the Q&A part of the meeting. The agenda is the main mechanism the councillor uses in order to channel any interruptions and to keep control of proceedings.

Next to take the floor is the councillor, who speaks for almost an hour, thereby eating into the available question time. As part of his preamble he carries on reminding his audience how this is his second year in post and how well aware he is that many promises have not been kept; Ekurhuleni as a metropolitan authority was created only recently, in 2000, and the first priority was administrative reform, hence the slow pace of its service delivery. From now on, he continues, the pace of new projects would increase, and as Vosloorus approached its 40th anniversary it was time to look back and remember how far the township had come since 1964. He stresses the need to be patient for 'Rome was not built in one day' and to keep budgetary constraints in mind. Ever since 1994, he says, South Africa has undergone a period of rapid economic expansion, and seen new job and investment opportunities flourish with many investors honing in on Vosloorus to open new supermarkets such as Score Supermarket or OK Bazaars. New shops and businesses have opened, as well as new police stations, but the creation of new jobs has been a slow process, and so this gap has had to be filled in other ways. The councillor, then, outlines at length a long list of specific points for that year's programme.

Question time comes next, when the councillor invites members to take the floor. As each person stands to speak, the audience listens attentively. The councillor invites a number of questions before answering these in turn; this procedure allows him to select those questions he favours, thus avoiding others. The protocol involves standing and introducing oneself, then asking a question or commenting. Any topic is fair game, creating a rather chaotic atmosphere: while some questions are short and sweet, especially those from women or young people, others hold forth to make their point, going over facts, mainly older men. Then things start to move fast with speakers butting in and it feels like a live show, with non-stop exchanges between members of the audience and comments such as:

> Score Supermarket hires people who don't come from this neighbourhood, that's not right. It is the same thing at Spar. (Middle-aged woman)
>
> We can offer help to pupils with growing crops, but we need tool supplies and also, as it is on publicly owned land, we need some sort of patrolling so we feel safe; there is no point in sowing if you can't ensure that we will be able to harvest our plants. And there is another issue: some pupils at

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> my school have been abused by adults. When I went to report this to the police I only found one drunken officer who didn't want to know and it was impossible to speak to the sergeant. I made a complaint then heard nothing more. (Primary school male head teacher)
>
> People throw their rubbish anywhere at night in secret; we need small bins so people do not need to go so far to dump it. (Older man)
>
> The police here are a disaster, I have called them at half past one in the morning and they arrived at half past four saying they did not have a car available! It was better under apartheid because there were honest white police officers back then. (Young woman)

Faced with this barrage of questions, the councillor is not surprised. At that precise moment the meeting is in fact functioning according to its rule and is indeed an 'outlet for grievances'. He replies:

> Clearly, it is not right for Score Supermarket to hire people from outside the ward to work here. Civics and Score have negotiated to take part in recruiting staff. And councillors intend to check up and see if local residents get supermarket jobs. Our police teams are not 'new' as such, in fact former apartheid police officers are still in place, the same staff but with new rights. We need to revive the CPF in order to improve matters. I suggest that we plan a demonstration to the police station with a petition backed by the ANC, SANCO and COSATU.[7]

From this point the orderly progress of the meeting is disrupted, and the councillor struggles to keep a grip on people wanting to intervene, interrupt him or rise to speak without introducing themselves, with no respect for the formal procedure, despite the spatial ordering of the hall. The invited space becomes an invented space, the power (symbolised but also reinforced by the spatial organisation of the hall) of the chairperson is contested.

> Yes, but the problem with the ANC is they are corrupt. (Elderly man) *[A large part of the audience starts to clap]*.
>
> Let us talk about [speed] humps: it is very important, we have to build them ourselves. Let us take charge, those truckers are killing our children! (Middle-aged man)
>
> My daughter is pregnant, she went to hospital but she was so badly treated that she decided to have a home birth; they only gave her panado [paracetamol]. Things were better under apartheid. (Older man)
>
> My children have got AIDS! (Middle-aged woman)
>
> We have all got AIDS, all of us! We must speak out, people joke about it! It is up to us to change things. (Middle-aged man)
>
> The real issue is that we don't get involved enough. Under apartheid

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> people attended meetings at least! It is up to us to take the initiative! (Man)
>
> We have had enough, there is no progress, we just go over the same issues at every meeting, water and electricity supply, and then nothing happens. (Young man)

By midday, the councillor manages to wrap up the meeting, while appealing to calm and patience. This was not a particularly fraught meeting, although what was striking was people's lack of inhibition when speaking out, the strength of feeling and, of course, all the references to the apartheid era as 'better'. Clearly, this does not stem from nostalgia: rather from dashed expectations, as residents were promised so many improvements after the hardships of those years. So what is at stake in these meetings is not so much freedom of speech, freedom to be open and critical of these shortcomings, but the total absence of action or follow-up as many of the above comments illustrate, that leads Katsaura (this volume) to analyse these meetings as spaces of repetition, ritual, and even 'political tautology'. Nevertheless, these meetings perform a function. They serve as outlets for grievances, a space to air resentments, where residents come to vent their frustrations. Their purpose is also to foster community cohesion at ward level, as the councillor reminded the audience, and as illustrated further by Bénit-Gbaffou and Mkwanazi (this volume). Clearly, community cohesion is one of the major challenges of these meetings and the weight given to words rather than action is proof that what officials most want to see is an emerging sense of connection and belonging to a neighbourhood ward from the bottom up. But something else is also happening, for a brief moment and in a very constrained space. Some people take control of the meeting in a way that is not 'dispassionate and orderly': there is an opportunity for a change in local power relations, which the organisers consider a disruption of the democratic process. Isn't this, on the contrary, an elusive moment of democratisation and of invention of public space? I argue that public time and space, although ephemeral, 'are decisive, for it is here that the desires and needs of individuals and groups can be *seen*' (Mitchell 2003: 33, his emphasis).

## Neighbourhood meetings: A space to accommodate territorial difference?

The date of the meeting on the leaflet that is distributed door to door by the local officials is Sunday 24 May 2009. It reads: 'Ward meeting, Ward 47 at Mailula Extension 7 public space, Vosloorus, 8.30 a.m.'. This spot lies in a recently built part of Mailula Park set in wasteland. Around 7.30 a.m. council vehicles roll up and staff members start to unload tents or gazebos, a few tables and plastic chairs for the speakers to sit on.

This is an open meeting that any resident can attend but the fact that it is taking place in a particular corner of the neighbourhood indicates that its target audience are people who live nearby. Indeed, Mailula Park is the most densely populated district



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in Ward 47, the one most fiercely contested in the 2006 elections by the ANC branch who tried to unseat the local councillor, indicting him for not paying sufficient heed to the concerns of those living in the south of the ward, in fact in Mailula Park. The feeling on the ground is that most regeneration and new facilities are being concentrated in the north of the ward.

The meeting takes place in a wide open space scattered with children's rusty toys which loom like sculptures in this barren field. People arrive in ones and twos, on foot, in no hurry. A few passers-by loiter and then join the assembled crowd, bolstering the numbers to around 150. After the prayer for which everyone rises, the ward councillor gives a short speech. He tells the gathering how he is looking forward to a good year: 'this is a new era' (this meeting has been held just after Jacob Zuma's victory in the 2009 elections). Then he talks about the hostel renovation project, giving his own assurance that this plan, financed by the Province will create 30 new local jobs. Liaison officers, he says, will draw up a list of those living most on the edge by voting district to ensure that these jobs go to the socially excluded across the wards in the whole area. He also confirms that the metropolitan authority plans to tar all the roads of Vosloorus by the end of 2010.

Then come the questions. The most pressing touches upon an issue, which the local councillor has not broached, but which really is the residents' most urgent demand: the need for a new health clinic. When told that it will be located in the northern part of the ward, there is an outcry: once again, Mailula Park residents feel angry at this spatial discrimination. 'We are a community as Ward 47', the councillor reiterates rather lamely, trying to emphasise local links between the other wards in Vosloorus. He explaines that the reason for situating the clinic to the north of Ward 47 is to make it accessible to people in Wards 45 and 43. At this point, several audience members clamour for a protest march, saying, 'we have been asking for a clinic since 2000'.

In his concluding comments the councillor, rather paradoxically, calls upon the crowd to resurrect the street committees from anti-apartheid days, in order to rally support. However he does promise to convey their strength of feeling. Then the meeting comes to an end and folk trickle away to Sunday activities: church for many, especially the women who form the bulk of the crowd. The councillor stays on to chit-chat with a few stragglers or to follow up certain points made in the meeting, but mainly to hear some personal grievances, which, after all, is another reason for attending, as people know it is a good opportunity to get the councillor's ear – in fact, much easier than arranging a date to meet him in private.

Yet there is a lingering feeling of dismay. While the site has been accessible to a group of residents who largely feel neglected when it comes to making their voices heard, many feel that this meeting, while claiming to place residents' concerns at the heart of the debate, has alienated them further because they were not involved in preparing the agenda. The dissatisfaction they are left with merely highlights tensions between different political agendas: the councillor's wish to foster community identity at

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several levels simultaneously – ward, township and city – while residents see their needs going unmet.

## The 'Vosloorus parliament': Scale of participation vs scale of decision-making

A ward councillor tells me I am going to be fortunate enough to witness a session of Vosloorus' very own 'parliament', on 20 November 2009. That day at the civic centre local councillors from Wards 43, 44, 45, 46, 47 and 64 (all the wards that constitute the customer care area[8] of Vosloorus), along with every member of their ward committees and community development workers (CDW)[9] show up in force. The point of the meeting is to carry out an IDP review, in other words to go over achievements for the period 2006–9 in the context of the IDP.

The auditorium seating is empty: no one sits at the back of the chamber, everyone squashes together on the plastic chairs in the middle of the room, facing the stage, except for a group of mostly white men sitting along the wall. Two white men in their fifties preside from the stage: two bureaucrats from the city authority, the CCC manager and a colleague from the IDP office, the administrative metropolitan structure responsible for designing and evaluating the IDP. 'The old school guiding the new school', the councillor who has invited me to the meeting whispers to me. The CCC manager addresses the gathering, explaining the order of events for the day; he speaks in a formal tone telling the crowd that questions will follow the plenary session once the audience is divided up by ward. Each ward group will be required to fill in a form under the supervision of a CCC member or a delegate from the IDP office: a summing up of ward projects since 2006, according to a list of priorities listed in the IDP of 2006.

Following this introduction in English (the speaker explains that he comes from the Free State, Afrikaans is his mother tongue and apologises for speaking neither isiZulu nor Sesotho) people change the room layout, placing tables and chairs around the chamber with each ward given its own space. It is a strange scene: these 'parliamentary' factions aligning themselves in small cliques mirroring the spatial divisions on the ground in Vosloorus. I sit at the Ward 47 table, joining the local councillor (who is a significant presence, as he is also a member of the Mayoral Committee), five ward committee members (one woman, four men – of whom the eldest will dominate), the community development worker (CDW) and the IDP office member who reiterates the tasks ('read the forms handed out, turn to such a page', etc.). Everyone receives a folder containing the day's agenda (running from 8 a.m. to 4.30 p.m. with coffee/tea breaks and a lunch break), a list of IDP priorities drawn up for the ward in 2006, a summary of achievements according to this list and the city capital project budget for the year June 2009 until June 2010.

The meeting addresses the question: What has/has not been achieved so far? This is a confrontation between residents and officials. The councillor is discreetly siding with the residents represented by ward committee members, thus leaving the

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bureaucrats exposed. The person in charge is the IDP office representative; he is the one taking notes, who keeps an eye on procedures and keeps giving advice. He also seems to be siding with the residents: 'How incredible, hardly nothing has been done!' Then he faces the city bureaucrats: 'But why haven't you done anything?' They are the scapegoats on this day, taking all the criticism and recrimination. During the meeting, these officials from various local authority services wander from one group to another, answering questions. The first representative to come to the table of Ward 47 is from the Sport and Recreation Department. He is asked, 'Why has the multi-purpose hall requested since 2000 not been built?' The official is a young black man, newly appointed, and he admits being totally unaware of this plea. When the IDP officer enquires about long range plans, the young man replies: 'There aren't any'.

The Health Department representative, another black man is then interrogated: 'Why wasn't the health clinic built where we asked it to be?' He responds, 'Well, we decided to use the old buildings from another health centre and expand them; it was much cheaper.' 'But whose decision was that?' asks the CDW. 'The Health Department's.' 'But we were not consulted'.

Then a white man comes to the table of Ward 47. Paul du Plessis is the representative from the electricity board; like the others he gives out his name and telephone numbers, which the IDP officer jots down on the blackboard so others can copy it. In response to a question about street lighting, he replies: 'One street lamp costs R350 000, I could fund two for the ward in 2009/10'. 'And the hostel?' someone wants to know, 'that is a hot spot for crime, why is there no lighting there?' 'That falls under the Housing Department's jurisdiction and Eskom,[10] in fact'. 'So what can we do? The only solution will be *toyi toyi* [protest]!' Tempers get quite frayed at this point and frustration grows much greater than when the black bureaucrats spoke.

Next, an official responsible for parks or Metropark comes forward: 'We can only just about afford to mow the grass in the parks once a month, we don't have enough staff, only 35 employees and we really need 96; during the transition from Boksburg to the CCC, there were staff cuts for Vosloorus because many employees stayed in Boksburg. We have only got 6 mowers and the newest is 19 years old!'

Next, a young, dynamic white man takes the floor. He is from the Roads and Highways Department: 'There is no plan to tar the roads of Ward 47 this year, since the priority is for Wards 43 and 64, where it is more urgent.' This is how far his 7 million rand budget for 2009/10 will stretch. As for the speed humps, he will only manage to fund 50 for the whole year in the entire metropolitan area, even though every ward has requested its own share.

Following this depressing litany, it is time to review the list of priorities and this is when the directive role of the IDP civil servant comes to the fore, based on his capacity to circulate from one spatial scale to another. Indeed how can this multitude of ward issues be prioritised? A quick glance back at the original list drawn up for the 2006 IDP, then confirmed in 2008, leads to the inevitable questions: Do we need to revise the priorities? But should these be modified when so little has been achieved?

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The IDP official explains immediately the advantages of deciding on a similar set of priorities for the whole of Vosloorus's wards and even the whole of Ekurhuleni townships, so the priorities don't contradict one another and thereby reduce their chance of success. However, the only person present with sufficient knowledge of the priorities for the other townships of Ekurhuleni is the IDP official, who has attended many other meetings like this one. Illustrating his knowledge, 'I shall tell you what they told me at Etwatwa, they had a good idea, you could do the same thing', he interjects, 'but of course it is up to you, it is your decision, because you know the area and the people here.' The ward committee members are therefore placed in a very restricted position: they have no choice but to follow the advice of the IDP officer. Ultimately, they reach a consensus, and by the end of the day, the meeting leads to a standard list of wishes, closely resembling other lists drawn up in other sections of the township, minus a few discrepancies, and, more significantly, with a list that mirrors quite handily the city authority's plans. Instead of a closing plenary (which would mean coming back to the township scale), the CCC manager and IDP officer summarise the main points by ward, their task made easier by how similar these turn out to be.

Making the most of the chamber layout according to ward, the municipal bureaucrats clearly feel content with the outcome of the meeting. Clearly, the placing of tables and chairs played a large part in the debate in bringing the various factions to a better understanding of their respective needs. But the sense of achievement stemming from the creative use of space is both illusory and unsurprising, as the entire meeting was orchestrated by a bureaucrat who systematically toyed with ward and city politics, limiting the scope of debate to one or the other to suit his own agenda. What did really happen? Was it a decision-making process or simply a technical exercise to create a coherent consensus between two spatial scales and two levels of governance (ward and metro)?

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## Something big is taking place

The examples from South African participatory democracy in action selected here illustrate how 'the right to speak has often been undermined by spatial restrictions on where one can speak' (Mitchell 2003: 4). It is easy enough to broaden this point to the issue of spatial justice, as the existence of accessible and democratic public space is directly linked to this concept (Soja 2010). It is essential to give thought to the venues where meetings take place (to enable as many people as possible to speak and take part), as well as to the organisation of space, indeed its orchestration (to ensure that the range of people attending and their voices are heard and not excluded). All these elements need to be taken into account when working towards greater participation in local decision-making, as well as rivalries between ward level and township bureaucrats and politicians. From the residents' perspectives, the subtleties and differences between these political levels can prove to be a minefield, making it all the more difficult for them to intervene. But, furthermore, the issue of scale has to be considered: freedom of expression limited to the local scale is not

sufficient, or participatory democracy meetings are doomed to be only outlets for parochial grievances. The 'disjuncture between the ward level scale of participation and the metropolitan level of decision-making' (Ballard 2008: 178) cannot simply be overcome technically, as in the example of the 'Vosloorus parliament'; in other words, the 'right to the city' (Lefebvre 1974) also has to be a right to circulate (at least) between the local and the metropolitan scale.

In my view, the incidents described here also reveal another ingredient, something intangible that occurs, or at least can occur, in these meetings: an element that I would like to see acknowledged when reflecting on local politics in action, beyond the disappointment at the limited outcomes in terms of decision-making and issues-resolution, or the disenchantment pertaining to the absence of visible change and sheer repetition of similar issues, highlighted by Katsaura in this volume. What do I have in mind? In many cases, I have witnessed in these neighbourhood meetings enthusiasm and glee in citizens taking the floor and holding forth; mingling with other residents and exhibiting the excitement of being part of a resurgence of a community spirit; even the occasional interaction between groups of people who would not otherwise rub shoulders and thus gain a better understanding of each other. I also want to highlight the role these meetings play in acting as a sort of vast communal outlet, a large waste disposal for citizen rage, discharged with tremendous force and freedom. Perhaps we should not underestimate the importance of these brief times and spaces of shifts of power; these sudden and short-lived disruptions of a spatial order that is transformed in a lived public space. I hope that I have provided a taste of what lies at stake for all the players who attend these meetings: constraints as well as possibilities, dead ends, false starts. All these ingredients make up the mix of debate and discussion that goes on in these public meetings.

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## Notes

1 The South African legal system requires local authorities to produce IDPs (Integrated Development Plans or Programmes) that span several years. These public documents setting out a host of municipal projects with their allocated budgets must be informed by neighbourhood participation and consultation initiatives.

2 Ward committees usually consist of 10 members elected by ward residents, in order to represent civil society, work closely with the locally elected representative and provide a voice for local residents.

3 Although mining nowadays is but a small part of the local economy, employing only 20 000 workers, from the end of the 19th-century until the 1950s it was the gold mines that led to the settling of the East Rand, the building of cities and the driving force of Johannesburg's local economy.

4 This is a township adjacent to Vosloorus, once a dependency of Germiston municipality and part of the same area known as Khatorus along with the township of Tokhoza, once part of Alberton municipality.

5 'Cities are highly differenciated social spaces expressive of heterogeneity, diversity of activity, excitement and pleasure' (Merrifield & Swyngedouw 1996: 4) and therefore local democracy must be defined for a necessarily heterogeneous public (Young 1990).

6 On this occasion he also introduced me as researcher. I was sitting on a raised seat and clearly visible, but I think my presence had no bearing on the events except, perhaps, to lead participants to speak more English out of politeness.

7 SANCO is the South African National Civic Organisation, a federation of residents' associations that grew out of the struggle against apartheid (see Piper's chapter on SANCO, this volume). COSATU is the Confederation of South African Trade Unions, the union body.

8 The administrative geography of Ekurhuleni spans three service delivery regions, with each of these divided into customer care centres. These CCCs roughly mirror the zones of the former townships, in this instance Vosloorus, hence the metaphor of the Vosloorus parliament.

9 CDWs are employed by provincial governments to facilitate community participation. Appointed at provincial level, their mandate clearly overlaps with the elected ward councillors' mandates – without this being explicitly articulated or regulated – and CDWs are often said to shadow or, in some cases, keep an eye on local councillors.

10 Eskocm is the national electricity supply company.

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# 9 Bringing government closer to the people? The daily experience of subcouncils in Cape Town

Chloé Buire

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Since the end of apartheid, the African National Congress (ANC) has won three national elections and dominated party politics in most of South Africa. Yet, in Cape Town, the Democratic Alliance (DA), the main South African opposition party, has consolidated a small share in the ruling of the country, beating the ANC in two spheres of government in the Western Cape region: first at the local level, winning the metropolitan Council of Cape Town (2006) and then at provincial level, capturing the Western Cape Province (2009).

As is the case for all South African cities, Cape Town is 'a starkly polarised city [where] affluent suburbs and prosperous economic centres offering rich opportunities of all kinds contrast with overcrowded, impoverished dormitory settlements on the periphery' (Turok 2001: 2349). Cape Town's demographic profile makes it additionally interesting, dominated by 'coloureds', not by 'whites' (as under the apartheid municipal system), or by 'Africans' (as in all other metropolitan municipalities today).[1] Twenty years after the end of apartheid, political choices continue to follow racial divisions (Cherry 2004; Southall 2001), with 'black Africans' predominantly supporting the ANC while 'whites' and 'coloureds' generally vote for the DA. In this polarised context, the second largest metropolitan area which is also the main opposition stronghold[2] provides an interesting laboratory for considering the democratisation of local government.[3]

Subcouncils are one unique structural characteristic of Cape Town's administration, the City of Cape Town being the only metropolitan area to adopt such structures as an intermediary layer between the metropolitan council and the local wards (see Figure 9.1). Intended to 'bring the government closer to the people', subcouncils are designed to 'provide democratic and accountable government for local communities'.[4] Although a specific feature of the City of Cape Town, subcouncils have largely been overlooked in research on governance and local democracy in contemporary South Africa. This chapter provides a critical analysis of subcouncils, hypothesised as a political and administrative response to Cape Town's oppositional party political context and its recent political instability. Between constitutional obligations and serious competition between the parties, I consider what kind of 'democratic and accountable government' is produced at the subcouncil level.

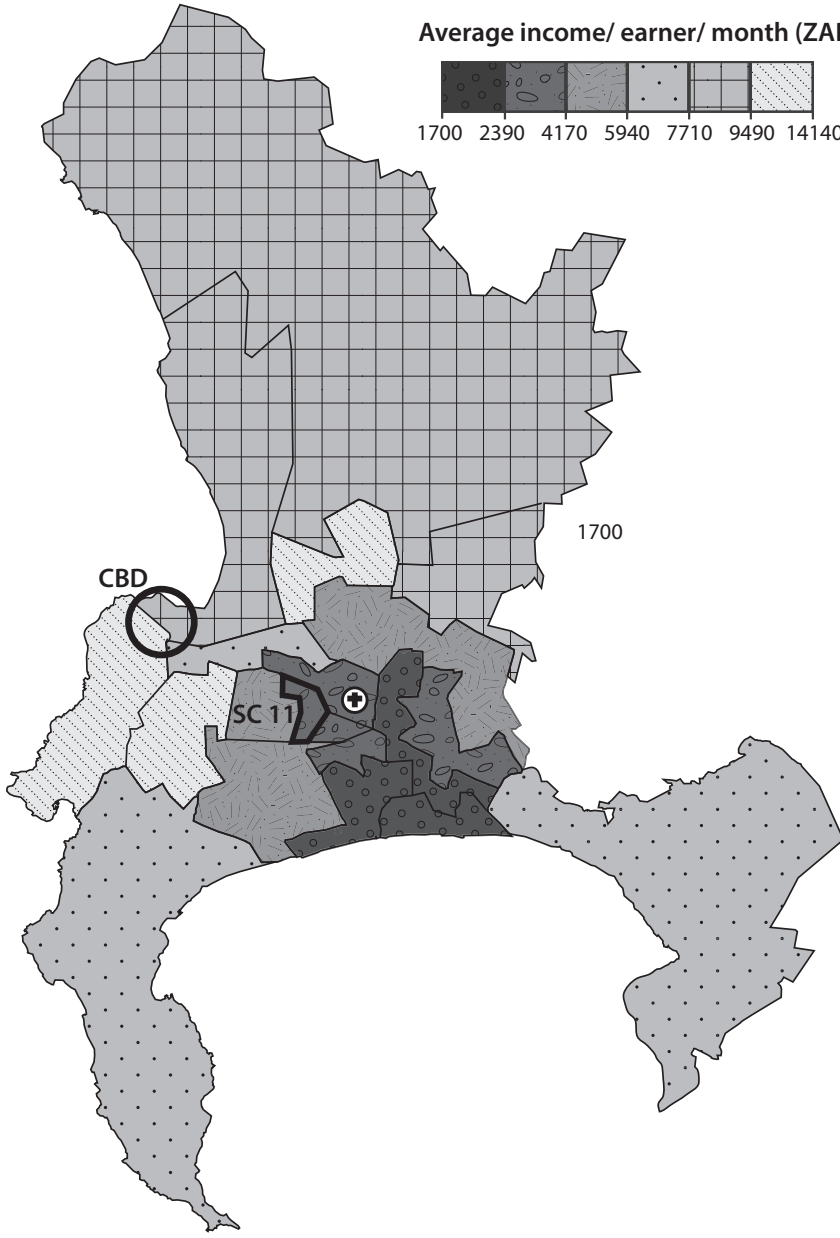


**Figure 9.1** *The City of Cape Town and its 23 subcouncils as per 2011*

*Cartography:* Chloé Buire 2011

Through an ethnographic examination of Subcouncil 11,[5] I track daily encounters between the state and, in this case, low-income citizens. The analysis is inspired by debates on the 'anthropology of the state' developed by researchers in India (Corbridge et al. 2005; Das & Poole 2004; Fuller & Bénéï 2001) whose project is

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'to distance [themselves] from the entrenched image of the state as a rationalised administrative form of political organisation that becomes weakened or less fully articulated along its territorial or social margins' (Das & Poole 2004: 3), in order to highlight how 'ordinary people … are mostly not resisting the state, but using the "system" as best they can' (Fuller & Bénéï 2001: 25). The article thus explores 'the "hows" of government' (Corbridge et al. 2005: 11). On the one hand, following Scott's catchphrase, I reflect on how the state sees its citizens (Scott 1998). On the other hand, I question how 'the state comes into view' of the poorest residents of Cape Town (Corbridge et al. 2005: 7).

Urban governance is often analysed as a top-down approach in which 'civil society has a limited role in influencing decisions at the subcouncil level' (OECD 2008: 285). Yet, despite structural challenges, residents see the subcouncils as an umbrella body from which they can access municipal resources – my argument in the first part of this chapter. The distribution of a small annual budget and temporary jobs through this structure, however, at times fuels local conflicts. 'Being closer to the people' also can mean being more 'porous' to community-based clientelism (see Bénit-Gbaffou's general introduction to this volume), a tension highlighted in the second section which focuses on the often awkward position of ward councillors, personally caught between diverging conceptions of their duties according to their constituencies, their party and the municipality. In the contested political landscape of Cape Town, subcouncils indeed fulfil a crucial role in negotiating alliances between the parties. Lastly, I consider the tactics of city-dwellers in seizing opportunities at the most local scale and suggest through this analysis that subcouncils are 'learning institutions' (Corbridge et al. 2005: 12) through which residents in poor areas develop a sense of citizenship that, at times, challenges, or at least broadens, the institutional delimitation of local communities and of legitimate leadership. At stake are diverging, but not necessarily contradictory, representations of citizenship acted out in the daily scenes of urban governance.

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## Are subcouncils a platform from which to be heard in Cape Town local government?

Subcouncils are led by a manager and a political leader agreed to by both the ward councillors of the area and the same number of proportional representative (PR) councillors deployed by the metropolitan authorities.[6] Subcouncils' goals are defined by the Municipal Structures Act:

> A Subcouncil is an entity that … has the power to make recommendations on any matter affecting the area; can also in terms of law, be given delegated powers or be instructed to perform any duty of the Council.[7]

Intended to act as communication channel between the metropolitan level decision-making bodies (mayoral committee, party caucuses, technical portfolios) and the ward-based daily needs, in many aspects, however, subcouncils are merely a tool for

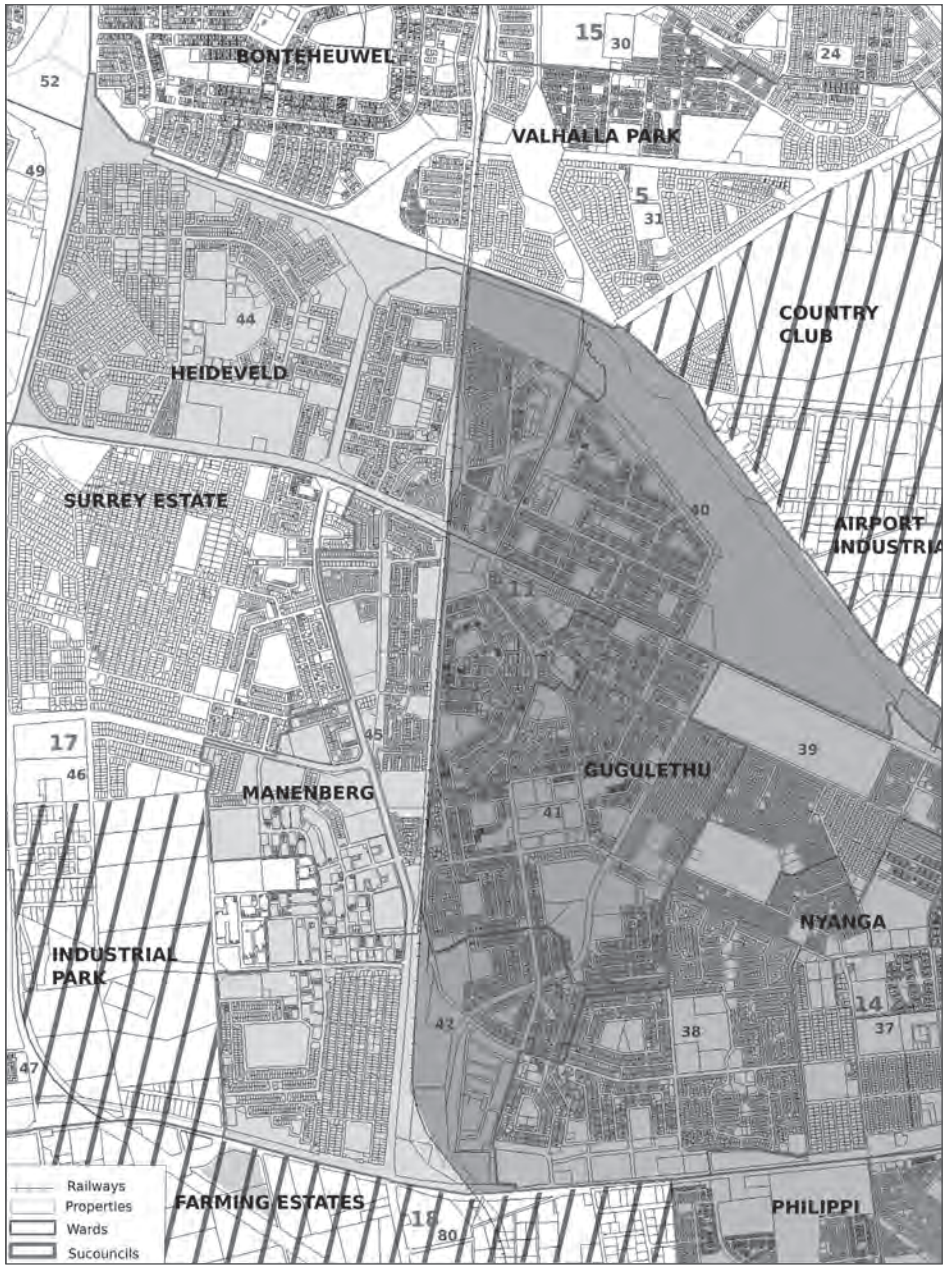


**Figure 9.2** *Wards and neighbourhoods within Subcouncil 11 (2006–11)*

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advertising metropolitan decisions and smoothing the way for their implementation. The Organisation for Economic Co-operation and Development (OECD) offers a clear analysis:

> Given that the agenda setting for the subcouncil is driven centrally by the mayoral committee and the full council, there is limited opportunity to address matters of concern emanating from the local community. In this model of decision-making and budgeting, civil society is relegated to the position of a passive recipient of pre-determined decisions, limited to offering endorsements rather than public engagement around prioritisation and actual decision-making. (OECD 2008: 285)

These tensions and issues are examined here in the context of Subcouncil 11 (see Figure 9.2) that draws together five wards (40, 41, 42, 44, 45) across Gugulethu, a former 'African' township, Heideveld and parts of Manenberg, former 'coloured' townships.[8]

But what does the subcouncil mean to people on the ground, in Ward 44, for instance? Located at the North-Western boundary of Subcouncil 11, only 43 per cent of the working age population (15–64 years old) is employed. The ward brings together two former townships physically separated by a railway line: approximately 60 per cent of its population is 'coloured' residing in Heideveld; the remaining 40 per cent is 'African' living 'on the other side' in Gugulethu.[9]

This geographic divide expresses itself politically in competition between the ANC (dominant in Gugulethu) and the DA (predominant in Heideveld). In 2008, the ward councillor represented the ANC. She lived on the Gugulethu side, near Luyoloville and had no doubt that her election was due, at least in part, to the abstention of many DA supporters in Heideveld.[10] She held some meetings in Heideveld but most of her political activities were conducted in Gugulethu. In contrast, Heideveld was known as gang territory, torn by war-like competition between gangs; it was also home to two of the six PR councillors in the subcouncil, both of whom represented the DA.

In Ward 44 the local councillor hesitates when she has to ask her constituency to fill in forms for statutory processes, such as Integrated Development Plans (IDPs), as she is all too aware of their frustration. For example in Luyoloville (see Figure 9.3), the skirting canal has overflowed every winter. In less than 10 years, the residents have seen serious deterioration of their homes and called for immediate action. But to urban planners, floods are a long-term challenge that might only be addressed after a 5- or 10-year consultation of various stakeholders. When the classic gap between state procedures and local needs raises the anger of residents, local councillors and subcouncils are in the firing line.

Subcouncils are also entitled to ask for regular reports from line departments such as library, cleaning or safety. Thus they play the role of a one-stop civil service centralising the diverse public stakeholders working in the area. This is not an easy task given the multi-layered service delivery system in Cape Town with departments within the City operating according to its own spatial subdivisions and the intricate

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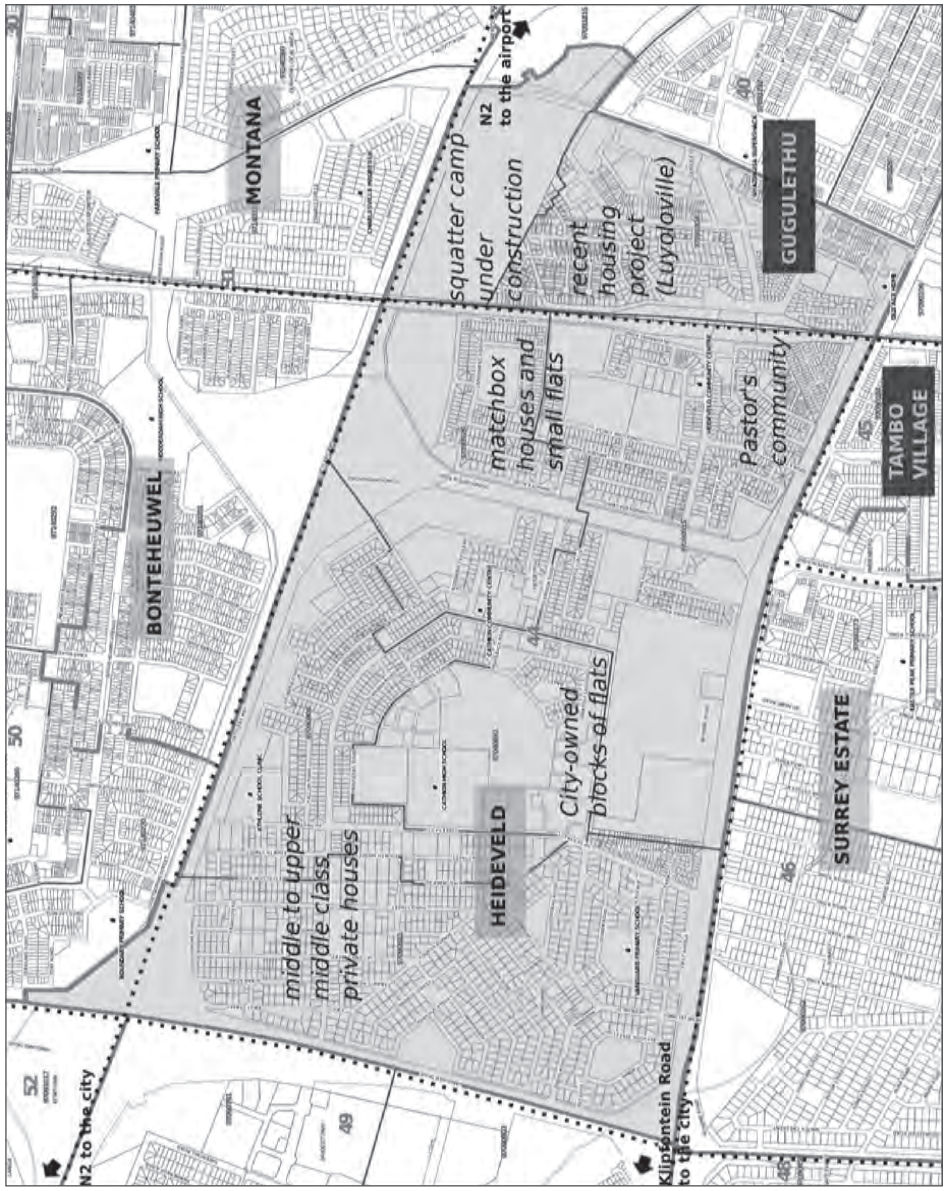


**Figure 9.3** *Neighbourhoods within Ward 44*

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public–private partnerships that regulate different spaces (Dubresson & Jaglin 2008; McDonald 2008). The 'Fire and Rescue Services', for instance, is divided into three districts while the 'Health Department' counts eight 'subdistricts', none of which follow subcouncil boundaries. For sports, Subcouncil 11 is divided into two different sectors, implying two referees, two teams, and two different sets of priorities.

Subcouncils face structural challenges in their mission to bring government closer to the people, both temporally and spatially. Nonetheless, they have become indispensable in the daily running of local projects. One of their most important tasks in the eyes of the community is to supervise the spending of locally administered budgets for each ward. Ward budgets are divided between an operating budget (R200 000) and a capital budget (R300 000).[11] In Subcouncil 11, the operating budget is usually spent on the organisation of events (for instance a Christmas party for the senior citizens, or skills training workshops) and on grants-in-aid for Community Based Organisations: soccer equipment for a local team or uniforms for the Scouts, for instance. The capital budget is used to repair public equipment (road signs, floodlights, benches) or to invest in small upgrading projects, for parks and sidewalks, for instance.

These choices in expenditure are controversial, some residents see it as 'pocket money for the community', used to implement 'quick fixes' but failing to address residents' most serious needs. For instance, brand new speed bumps are paid for out of the ward allocation on roads where numerous potholes suggest poor municipal maintenance at a broader level. It is even more problematic that the ward allocations appear as a shortcut to access public resources, fuelling suspicions of favouritism. This is especially acute in contexts where ward allocations represent the most of the money invested by the City. In 2009, centrally budgeted projects for Ward 44, for instance, represented the equivalent of R340 000,[12] less than the allocated budget for the ward and 10 times less than what neighbouring Ward 42 received for a single project, in this case the upgrading of Nyanga Interchange. Even if ward allocations seem petty they are sometimes the primary public resource available to communities.

At the same time, the subcouncil can become a resource in itself, especially when it advertises short-term contracts on behalf of a contractor working in the area. Legislation prescribes hiring 'community members' and, because employment is so scarce in former townships, even a two-day contract is a prized opportunity, raising great expectation, competition and, at times, even conflict.

In 2009, for instance, Subcouncil 11 hired Mr M to report on the state of the streets in Ward 44 (potholes, lights, road signs, for example). To my knowledge, the contract had not been formally advertised in the community and I wondered what had made Mr M more deserving than others for this assignment. He was definitely not the most needy in the community, being at the time one of the 24 people out of 17 000 adults to have completed a masters' degree.[13] He works regularly for various NGOs and his wife is formally employed as an accountant. What may have qualified him for the job

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was that the community would not challenge his appointment. He is a researcher; fieldwork is part of his professional skills, which gives him the legitimacy to report for the subcouncil without being accused of favouritism or political interference. At first sight, the distribution of resource might seem unfair or the procedure of his appointment unjust. Nonetheless, his appointment resulted not only in a job efficiently done, but it also bypassed contestation by the local community.

Subcouncils are an extra layer of government, often criticised for increasing bureaucracy. It would be naive to think of them as a genuine alternative to centralisation, a core project of South African metropolitan areas attempting to reconcile stark political and socioeconomic division (see Cameron 1999, 2004; Dubresson & Jaglin 2008; Van Donk et al. 2008). Budgets and planning are firmly kept in the hands of the Mayoral Committee, hence inevitably depending on the political agendas of the party ruling the City. Beyond their limited role in distributing public resources, subcouncils are part of a new ethic of local government that, at least on paper, prioritises accountability and local community access to the state.

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## Public service ethics: The impossible definition of communities without politics

Subcouncils primarily implement ready-made decisions and councillors often end up caught between competing interests. Even when the ward councillors recognise the (threatened) interest of their constituency, their options are restricted, constrained, or proscribed by their double role as politicians and as actors in officially mandated and city-regulated positions. As politicians, they must conform with their party's caucuses, where they have to negotiate their own position in the internal hierarchy, expressed in the 'list' so crucial in the selection of PR councillors. As officials, they must follow the code of conduct of the municipality that limits their ability to seriously challenge government policy. The issues debated at monthly meetings of Subcouncil 11 illustrate how councillors and officials conduct this tricky game.

In November 2009, all councillors agreed to denounce a report in which the Department of Roads and Stormwater complained about the installation of marquees in the streets to host funerals, arguing that these structures damaged the road surface and caused potholes. Ms S, a PR councillor was vociferous:

> We recognise the fact that people have different cultures. They install marquees in the street because they have small properties and we don't have the facility. This report smacks of arrogance: 'You might not do this, you might not do that'. I challenge the officials of Roads and Stormwater to come to each funeral and prevent the people to install a marquee![14]

Sides were taken. The councillor stood with the people, even if she did so with a touch of estrangement expressed towards 'the culture of the people'. It was clear to anyone in the audience that the ostensibly wealthy 'coloured' councillor speaking did

not belong to the 'black' Xhosa people she defended. She eventually recommended that the marquees be allowed until an alternative was provided: showing that defending the interests of the people was more important than racial prejudices or political agendas. Representing the DA, Ms S. was expected to promote the interest of the DA-run municipality above those of the inhabitants of a subcouncil composed of two thirds of 'black Africans' who have supported the ANC for decades.

This open conflict against the municipal department of Roads and Stormwater made the subcouncil appear as a coherent whole, where PR councillors, ward councillors and residents were united. But two months earlier, the very same DA councillor who promised to defend the right to raise marquees in the street sang a different tune. She contested the allocation of funds (grants-in-aid) to two different organisations, allegedly run by the same individual. The grants were supposed to be checked by the ward councillor – her opponent – thus criticising their allocation was a direct attack against the ANC councillor in question. The subcouncil eventually agreed on the grants to be withdrawn but the subcouncil manager soon cut off the debate about possible corruption at the ward level. As head of the administrative staff, her mission is to avoid political conflicts during the meeting and to maintain a neutral perspective despite political antagonism. Although the following section considers issues of local political competition more closely, subcouncils are first of all sites for the construction of a local community and of a specific ethics of governance that conditions both the interaction between officials and politicians and the participation of local residents.

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Far from being an open platform enabling public debate, the subcouncil's meetings frame governance as a smooth and transparent process. The metropolitan council comes down to the 'masses' to address their needs and the communities have an opportunity to raise their voice through their local councillors. Subcouncils hence display a potential means to access the state. They offer a site for the deployment of an ethics of civil service to articulate both compliance to the rules and benevolent criticism.

Yet, what happens in practice? Here, for instance, is an example of a motion submitted by the councillor of Ward 44: '*We* would like to request the possibility of getting Christmas trees for Heideveld area, especially 5th Street, from Heideveld Rd to Klipfontein Rd. In December, *the community* would like to use the street, close it for stalls'.[15]

Asking for Christmas trees when electricity and sewage removal is desperately needed illustrates that subcouncils are not a platform to decide on essential needs, nor a tool for palpable empowerment, as highlighted in other 'invited' spaces of participation elsewhere in this volume (Bénit-Gbaffou & Mkwanazi, Katsaura, and Gervais-Lambony). What is worth noting here, however, is the ambiguity of the 'we' employed by the councillor. Who is requesting Christmas trees? It is a vague 'community', defined by its enunciation in the formal request. The councillor includes herself in the 'we', signing the motion and marking her empathy with the 'community.' The motion has to be 'noted' by the subcouncil in order for it to be

discussed at the metropolitan scale; in this instance, 'we' becomes the subcouncil as a whole, suggesting another level of 'community' transcending local specificities. A mundane request, seemingly with little political content, demonstrates the ideal image of 'community' and its positioning in official discourse in the subcouncil. In contrast, the answer of the manager suggests something else: that 'the community' is defined *in opposition to* the state: 'I know the ward councillor's gonna jump: "Why has everything to come from the ward allocations?" But that's what we have received as an answer from our supervisor.'[16] Ward 44 will not get its Christmas trees from the municipality. The manager anticipates the frustration and defuses it by externalising the responsibilities, stressing: 'We' are not responsible; the guilt is 'above us'.

The subcouncil meetings are but the public face of a government that actually works in other times and spaces. They nonetheless contribute to shape the vision that local communities have of themselves, or at least the model they are officially supposed to follow. By formulating petty needs into a formal, administratively receivable request, the councillor tells her constituency: 'Yes, I've heard your request and I'm ready to voice it in the official channels of government'. The community's needs are understood and its entitlement to receive support from government is recognised. Although liberals might denounce a patronising populism towards the poor, one could suggest that the legitimacy to request public resources is already a sign of empowerment, even if a slight one.

Certainly, the formal request to the subcouncil temporarily activates a new sense of community. In the Christmas tree example, the request emanated from Heideveld, where residents often feel they are not represented by their Gugulethu-based, Xhosa-speaking ANC councillor. When the councillor took their wish to the subcouncil, she demonstrated that she works for Heideveld as well as for Gugulethu.[17] In this instance, the notion of 'community' operates at the apolitical level of the multiracial ward instead of the older neighbourhood-based solidarities. The interaction with the subcouncil helps to cross such racial lines. Yet, when the request is rejected, the councillor, the most influential person in the ward, suddenly appears to be powerless before the City's management.

Subcouncils offer a formal stage where 'the community' encounters its representatives and the officials in charge of projects in its area. They provide a first degree of accountability as they hold the ward councillors up to the scrutiny of their constituencies and of their political partners and opponents. Subcouncil meetings are actually one of only a few local opportunities for ward councillors to perform their role as 'the voice of the people'. Despite being elected by a ward, ward councillors *are not* representatives of 'their' *geographic* ward at the metropolitan level. They are deployed in *thematic* portfolios ('planning and environment', 'safety and security', for example). The councillor who heads the Budget Committee is hence more influential in local government than a mere member of the Transport Portfolio, even though they might be both directly elected by their constituency. Beyond the practicalities of governance, subcouncils are key institutions in negotiating political alliances at a scale between the ward and metropolitan areas.

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## Political bargaining: The strategic use of the subcouncils in an ANC vs DA competition

After the 2006 elections, the five ward councillors of Subcouncil 11 were ANC members while a DA-led coalition won the Metropolitan Council (see Table 9.1). In order to counter the influence of the ANC, six PR councillors were deployed, instead of five as regulated and in correspondence to the five wards. In consequence, a coalition member and chairperson of the Independent Democrats (ID) led Subcouncil 11, despite the voters' predominant support for the ANC.

**Table 9.1** *Political composition of Subcouncil 11 in 2006–11*[18]

| Political staff, headed by the chairperson | | | | Administrative staff, headed by the SC manager | |
|---|---|---|---|---|---|
| 5 Ward councillors | | 6 PR councillors | | SC Manager | Former resident of Gugulethu. Worked for the City since the 1990s. |
| W 40 | ANC | ID | Chairperson | | |
| W 41 | ANC | DA | Member of the Mayco* | 1 Personal assistant | Attached to the chairperson and linking with the manager. |
| W 42 | ANC | DA | Resident in Heideveld | | |
| W 44 | ANC | DA | Resident in Heideveld | 2 Secretaries | Material organisation of the SC meetings (agendas, venues, reports …). Links with metropolitan departments. |
| W 45 | DA (since December 2009) | UDM | Member of the Mayco* | | |
| | | ACDP | | | |

* Mayco = Mayoral Committee

The SC occupies a 6-room office in the administrative complex 'Sivuyile' in Gugulethu, where the monthly meetings are held. The premises are opened to the public to access informations about metropolitan services, be assisted in filling in administrative forms, setting up organisations or small businesses and so forth. The officials can also assist the ward councillors in organising events and meetings in their ward.

Crafting an ad hoc chairperson position in Subcouncil 11 for its ID allies is part of a broader political strategy from the DA. It should not come as a surprise, after reading the first part of the present book that subcouncils, as any other space of participation, are likely to be instrumentalised by political parties. The head of the metropolitan department in charge of subcouncils stated clearly that:

> Subcouncil chairperson is a high profile political position. It's equivalent to a Mayoral Committee membership, same salary, same benefits etc. So there's only [12] Mayco seats, but also 23 subcouncil chair positions which become a bargaining.[19]

Subcouncils shape alliances between political parties. If used strategically, they might also offer a concrete grasp on an adversary's constituencies. For instance, internal divisions in the ANC led to by-elections in Ward 45 at the end of 2008. The DA eventually took over the former ANC ward, demonstrating that its presence in the

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subcouncil was not merely manipulated. The DA is also rooted in a fringe of the constituency. Although election results cannot be explained fully at the subcouncil level, these structures have become crucial elements in the ongoing battle between the DA and the ANC. An overview of their implementation during the last 10 years helps understand their instrumental role in Cape Town party politics.

In 2000, to ensure that the newly formed 'Uni-City' would not be won by the ANC, two parties of the opposition formed an alliance and took over the municipality in a coalition. This 'Multi-Party Government' proclaimed a municipal by-law to implement the first 16 subcouncils. A year later the alliance collapsed. Enough councillors joined the ANC to change the political balance. As the ANC took over the municipality, subcouncil boundaries were redrawn, resulting in 20 subcouncils in 2003. But in 2006, local elections redistributed the cards once again. The DA secured a majority of 9 seats over the ANC. After months of political turmoil, and despite an official by-law proclaiming 21 subcouncils in March, a discreet arrangement eventually established peace in November 2006. To retain its contested domination in the Mayoral Committee, the DA conceded an additional 2 subcouncils to the ANC, putting the number to 23 subcouncils. In 2011, the new delimitation created a 24th subcouncil.

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## Pragmatic citizenship: The tactical use of subcouncils by residents

Subcouncils should not only be read as the locus of a strategic rationality defined by the municipality. Residents use and shape them as well. In Heideveld, for instance, Mr B, simply known as 'Pastor,' is the founder of a multi-purpose Christian non-governmental organisation. He is involved the Community Policing Forum (a statutory body organising ongoing dialogue between residents and the police) as well as of the advisory board of the local school. In his neighbourhood, he is respected as the head of the housing committee, which is currently suing the company that constructed the houses in 2000; he is also honoured as the man who negotiated a peace agreement between gangs in the area in 2002. Even if he occasionally campaigns on behalf of the African Christian Democratic Party (ACDP), Pastor is most of all a 'community leader' who has built his legitimacy through his daily engagement in local issues more than through a long-term political agenda.

Using the vocabulary of the French historian Michel de Certeau, I argue that Pastor develops a 'tactical' approach to community engagement. His acts are pragmatic adjustments embedded in popular culture, rather than reflective of some scientifically informed calculation or model. De Certeau explains:

> I call a 'strategy' the calculus of force-relationships which becomes possible when a subject of will and power (a proprietor, an enterprise, a city, a scientific institution) can be isolated from an 'environment'. A strategy assumes a place that can be circumscribed as proper (*propre*) and thus serve as the basis for generating relations with an exterior

> distinct from it (competitors, adversaries, 'clientèles', 'targets' or 'objects' of research). Political, economic, and scientific rationality has been constructed on this strategic model. I call a 'tactic', on the other hand, a calculus which cannot count on a 'proper' (a spatial or institutional localisation), nor thus on a borderline distinguishing the other as a visible totality. The place of a tactic belongs to the other. (de Certeau, 1988: xlvi)

What de Certeau highlights is that the gap between metropolitan planning and community needs is not only a matter of scale or temporality; it rather echoes diverging regimes of engagement and legitimacy. The border between the subcouncil as an institution and its environment is not a hermetic line. Playing with his various responsibilities in Heideveld, Pastor's experience illustrates this porosity and suggests the possibility of a tactical use of the subcouncil once it is identified as a potential resource.

As a 'tactician', Pastor both collaborates with the police and fuels open conflict with the building company partially owned by the municipality. His interaction with the state is defined neither by naive collaboration nor by fierce confrontation. As Ballard, Habib and Valodia (2006: 402) suggest:

> The choice between participation with a view to improving the state and opposition with a view to rupture is, to some extent, academic. Struggles in post-apartheid South Africa … are very often local and immediate; they are pragmatic and quite logical responses to everyday hardships.

Pastor has attended virtually every public meeting held in or about Heideveld for a dozen years. His dedication is not only a means to secure available resources; it also serves to overcome the boredom of unemployment. It echoes the idealised practices of self-organisation and struggle he nostalgically associates with the apartheid era and ambiguously feeds his personal ambition to be appointed as councillor. Through these various engagements, Pastor has gained inside knowledge of the diverse institutions structuring local government and developed networks within them. In 2007, for instance, he was elected as a member of the ward forum, a consultative body assisting the ward councillor. All members of the ward forums must sign a code of conduct. The document states:

> In the execution of their duties forum members must not advance the interest of any political party; and forum members may not use ward forum meetings as a political platform or forum to canvass for political support for re-election as a ward forum member or as a ward councillors in the next local government elections.[20]

This policy acknowledges that party politics is played within governance practice and tries to prevent it. But, is it possible for ward forum members to steer clear of politics when the very person they assist (the ward councillor) represents a specific political party? Implicit in the code of conduct is an unrealistic ideal, the ward



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forum as an apolitical body acting as a neutral advisory board (see Bénit-Gbaffou & Piper 2012). Assessing the inefficiencies of ward committees in Msunduzi (within the ANC-led municipality of Pietermaritzburg), Piper and Deacon (2008) point out that it is precisely the over-politicisation of these meetings that renders them either meaningless (in case of ANC-led committees) or powerless (in other cases).

Every month, Pastor witnesses the subtle battles between the councillors in the subcouncil. In the meantime, public participation is institutionally defined as a non-political engagement for local development in his ward. Should Pastor be forbidden to participate in the ward forum on the basis that he has run for the ACDP in previous elections? It would be nonsense to prevent the participation of a recognised community leader, especially as he is practically the only one representing his deprived community. Yet, room for manoeuvre exists, even within the formal Code of Conduct. Pastor's engagement with the institution can be analysed as a tactical mix between the acceptable behaviour defined in the Code he has signed, on one hand, and his own (religious and political) convictions and struggles for housing, for policing, for his potential career as a councillor, for instance, on the other.

A personal conflict eventually developed between him and the ward councillor. Pastor claimed that she was deliberately excluding him from community meetings. She had failed to forward invitations and once asked him to leave a meeting because of the way he was addressing her. According to Pastor, the councillor justified the exclusion using a paragraph of the Code of Conduct: 'Forum members must refrain from engaging in disruptive behaviour during meetings'. Pastor might have been proud to note that the councillor felt threatened by him. But he was upset: by imposing her own interpretation of 'disruption', she had turned a neutral administrative paper into a weapon of exclusion. In general, Pastor understand that conflict with officials is part of his role as a community leader – it is even possibly part of a strategy to become councillor – but being treated like a rebel while participating so conscientiously in formal meetings somehow seemed like treason. Pastor decided to send a letter to the subcouncil to contest the situation, asking the chairperson to take action against the councillor. With this letter, Pastor deliberately used the subcouncil to sideline the ward councillor. In doing so, he recognised the subcouncil as a third party, as a site of authority and neutrality. He gave the chairperson the power to arbitrate in his local disputes and displayed a certain internalisation of the bureaucratic ordering of participation – if we adopt a Foucauldian perspective (as does Marianne Morange in this volume). Nevertheless, Pastor soon realised that the chairperson was using his letter to back up accusations of clientelism against the ward councillor. For a small party like the ID, any little argument is worth exploiting to contest the domination of the ANC. Pastor discarded these accusations as 'purely political' and eventually gave up on his claim. He was blasé. After all, the bureaucratic order of the subcouncil was just a façade; party politics superseded it and an ordinary citizen could not challenge that game. Nevertheless, he jubilantly recalled his last interaction with the ward councillor. She phoned him while visiting a building site nearby. An angry crowd had enclosed her, vociferously complaining about the job allocation for

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the project. She had pleaded with Pastor to intervene and calm down the people. 'When I arrived there, all the people greeted me, shouting my name. Because I'm the community leader here …' At stake for Pastor was his legitimacy as a leader. The power conferred to the councillor to interpret the Code of Conduct and to use it against him was an affirmation of the superiority of the text-based rules. The further political instrumentalisation of his complaint was another proof of an overwhelming game that diminished his own agency. The phone call reversed the balance. The daily relationships that made him a respected leader were suddenly valued and his unquestionable centrality in the everyday life of the community restored.

These stories illustrate how distinct forms of legitimacy can cohabitate and co-produce governance 'closer to the people'. Through his letter Pastor used the subcouncil as a resource to make his voice heard and he drew on local government as a locus to be recognised as a citizen. Even if the 'treason' he experienced illustrated the uncertain outcome of official practice, Pastor did not concede defeat. To him, what mattered most was still in place as long as daily neighbourhood life legitimated his position within his Heideveld community.

## Citizenship beyond the rhetoric of 'good governance', 'service delivery' or party loyalty

Subcouncils are central in governing Cape Town. In practice, they centralise the various stakeholders operating in one area and offer formal access to municipal resources, be it through the allocation of small-scale budgets or of short-term contracts. Symbolically, they convene a model of 'community' as a non-racial and non-political unit where the institutionally designated representatives voice the concerns of their constituency through transparent and accountable interactions staged during the subcouncil's public meetings. But the various narratives related in the chapter show that the platform meant in theory to bring government closer to the people is endlessly torn between the strategic goals set by political parties and the council on one side, and the tactical uses elaborated by citizens on the other.

Competition within the impoverished neighbourhoods leads to the abandonment of formal consultation. Councillors are caught in conflicting interests between administrative duties and political agendas. The pragmatic use of the subcouncil by a local leader illustrates how the subcouncils contribute however to shaping a sense of community grounded in daily interactions. In contrast, the realities of leadership within communities shape the role of the subcouncils. What at first sight seemed a mere conflict between an elected councillor and an informal leader reveals instead that the one cannot do without the other. More than a rights-and-duties package, the notion of citizenship then appears as a constant exchange between the models proposed by the state and the tactics developed by citizens. Through their porosity to community-based claims, subcouncils might be one place where this articulation can be made.

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## Notes

1 The terms 'white', 'African' and 'coloured' were used by the apartheid regime to categorise and segregate people (see Posel 2001). Quote marks are used to underline their historical construction. In the last census (2011), Cape Town was constituted by 42 per cent 'coloureds', 39 per cent 'black Africans', 16 per cent 'whites' and less than 2 per cent 'Indians' or 'Asians'.

2 The DA does not pose a threat to the ANC at the national polls, where it won 13 per cent of the national vote in the 2009 elections.

3 See Sinwell and Matlala & Bénit-Gbaffou's chapters (this volume) on this issue in ANC dominated Johannesburg.

4 Republic of South Africa (1996) *Constitution of the Republic of South Africa*. Pretoria: Government Gazette. Chapter 7, section 152.

5 I used an ethnographic methodology in the period 2007–9. Based on the interaction with a team of 15 people in office, I wish to thank them here. My critical position should in no way be seen as a judgement of their individual behaviour.

6 The metropolitan council of the City of Cape Town is composed of 210 councillors, headed in the period under consideration by Executive Mayor Dan Plato and a 12-member mayoral committee. Half the councillors are directly elected through the 105 electoral wards. The other 105 councillors are 'proportional representative' (PR) councillors, elected according to each party list based on their electoral results. The wards are then clustered in groups of 3 to 6 so as to constitute 23 subcouncils.

7 http://www.capetown.gov.za/en/councilonline/Pages/Subcouncil.aspx

8 At the end of 2011, the administrative map of the City of Cape Town was revised and most of what was – at the time of the fieldwork – called Subcouncil 11 is now split between Subcouncils 11 and 14.

9 City of Cape Town (2013) *2011 Census – Ward 044.* Compiled by Strategic Development Information and GIS from 2011 census data supplied by Statistics South Africa. Accessed January 2014, http://www.capetown.gov.za/en/stats/

10 The ANC lost the May 2011 elections in Ward 44 and the new councillor is now standing for the DA and resides in Heideveld. I hypothesise that the underlying political processes I describe from the experience of the former ANC councillor of the area prior to 2011 remain accurate under the current administration.

11 About US$18 000 and US$27 000 respectively, based on the exchange rate on 25 January 2014.

12 About US$31 000.

13 City of Cape Town (2006) *Census – Ward 044*. Compiled by Strategic Development Information and GIS from 2001 Census data supplied by Statistics South Africa. Accessed January 2014, http://www.capetown.gov.za/en/stats/

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14 Field notes, Subcouncil 11 meeting 19 November 2009.

15 Field notes, Subcouncil 11, meeting 21 October 2009, author's emphasis.

16 Field notes, Subcouncil 11, meeting 21 October 2009.

17 Of course, she is certainly more skilled in defending a case for Gugulethu than for Heideveld, at least because as a Xhosa-speaker she cannot share all the subtleties of Heideveld's vernacular Afrikaans.

18 The political parties other than the ANC and the DA in the Subcouncil are the Independent Democrats (ID), the United Democratic Movement (UDM) and the African Christian Democratic Party (ACDP).

19 City Official, personal interview 12 November 2008.

20 Republic of South Africa (2000) *Local Government: Municipal Systems Act, Act 32.*

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# 10 Contesting the participatory sphere: Encountering the state in Johannesburg and Cape Town

Alex Wafer and Sophie Oldfield

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In post-apartheid South Africa, the relationship between the institutions of the post-apartheid state and those individuals and communities subject to these institutions is of fundamental import to the nature of, and possibility for, democratic citizenship. It is, therefore, not inconsequential that a great deal of policy, academic and non-profit research and thinking have gone into understanding and critiquing the substance of that relationship (Bénit-Gbaffou's introduction to this volume). The empirical evidence would suggest that this relationship remains fraught (Von Holdt et al. 2011). Within a landscape of local politics characterised by, inter alia, service delivery protest, xenophobic violence and sometimes violent trade union mobilisation, productive engagement with encounters between state and citizen in post-apartheid South Africa have considered both the substance and form of particular sites of encounter (Bénit-Gbaffou; Katsaura; Smith & Rubin in this volume. See also Landau 2012; Zuern 2011).

Cornwall's (2004: 76) distinction between 'popular spaces' and 'invited spaces', referred to as invented and invited spaces by the authors in this volume, has been a productive tool for both describing and attempting to explain the ways in which individuals and communities locked out of, excluded from or frustrated by what might be regarded as interrupted promises of democracy, develop alternative forums of articulation. The growing literature that draws upon this conceptual differentiation – and from which the discussions over the four-year research programme drew very productively – represents a range of more or less convergent attempts at understanding an increasingly evident disconnect in many post-colonial societies between (formal) institutions for and (popular) expectations of democracy. More concretely, the 'invited/invented spaces' literature can be seen as part of a broader literature on the bifurcated nature of the post-colonial state: Chatterjee's (2004) distinction between civil and political society, Scott's (1998) state gaze from above, and the views of Corbridge et al.'s (2005) view of the state from below. In this tradition, Cornwall and Coelho (2007: 2) argue that what they term the 'participatory sphere' has 'a semi-autonomous existence, outside and apart from the institutions of formal politics, bureaucracy and everyday associational life, although they are often threaded through with preoccupations and positions formed in them'. While sometimes presented as opposing spaces, Piper and Navdi (2010) are careful to distance the literature from such binary formations that may not capture the

more variegated and complex ways in which state and civil society intersect and interact. They suggest that the participatory sphere 'lies at the interface of the public sphere and the state, composed of hybrid institutions, some of which are extensions of the state and some of which are claimed from the state … the critical point is that the relationship of these institutions with the state and the general public is partial … they are spaces of contestation, but also of collaboration and co-operation' (Piper & Navdi 2010: 214).

These messy, contested and effervescent spaces of encounter between institutions of state and other social formations were the constant preoccupation of programme participants for four years (longer in some instances), and the subject of the various chapters in this volume. Like many of the chapters in this volume (see especially Buire, Katsaura, Smith & Rubin), we have found the conceptual framework of invited/invented spaces both useful and limited. Based on sustained empirical research in two very different sites – struggles over housing on the urban peripheries of Cape Town, and encounters between municipality and informal traders in inner city Johannesburg – we suggest that 'invited' and 'invented' spaces are frequently blurred in everyday life. In doing so, we argue that the epistemological foundation of the 'invited/invented spaces' literature may reach its limit in what Legg (2007) refers to as the 'messy actuality'. More specifically, we argue, with reference to examples from two post-apartheid cities, that much of the literature on local politics and participation does not adequately account for the complex process of the making of subjectivity (although, see Morange, this volume, for a detailed ethnography of the subjectivity among informal traders in Cape Town). We proceed from an assertion that much of the literature theoretically privileges the state–citizen dialectic, without adequate recognition that both the state and citizenship are emergent empirical objects – the end-point of which is not certain. The theoretical discovery of 'invented spaces' risks becoming, in its weakest form, a short-hand for an expanded definition of civil society (see Chatterjee 2001); in its strongest form, a vilification of the state as parasite. If we assume that the state as hegemonic social formation is an uncertain proposition, then spaces of participation not only bring the state and its subjects together, but these spaces constitute the very possibility for these two social categories to exist. In other words, it is not just the nature and substance of democratic citizenship that are the subject of spaces of participation (both invited and invented), but the possibility of that citizenship in the first instance.

Buire (this volume) talks about 'bringing government closer to the people', and of 'diverging registers of engagement and legitimacy': if read as two competing and emergent tendencies (that is, the state attempting to instantiate itself against popular politics, which variously rejects, subverts and reformulates this instantiation) we feel that this resonates very strongly with the case studies that we present here. Undoubtedly, the popular imaginary of the post-apartheid democratic state casts a long shadow over contemporary articulations of self and subjectivity after apartheid. That is to say, the political aspirations that framed the anti-apartheid movement – of a powerful state both legitimated and mandated to implement democracy, transform

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society, dismantle inequality – continue to animate social and political agency. Despite the economic and political struggles in realising service delivery, job creation and redistribution in post-apartheid South Africa (Marais 2011), these expectations remain deeply ingrained in the ways in which groups and individuals make claims about belonging and citizenship in South Africa.

Theories about the ruined, hybridised or even hollowed-out post-colonial state, which offer an understanding of power and subjectivity in contemporary Africa (within a largely, though not exclusively, Francophone tradition: Bayart 1993; Chabal & Daloz 1999; De Boeck 2011; Mbembe 2001; Simone 2004) seem at best insufficient for understanding the expectations of democracy in post-apartheid South Africa, if not in other African contexts. Ferguson's (1999) reflections on the interrupted expectations of industrial modernity on the Zambian copper-belt, or Taussig's (1997) ruminations on the entanglement of state and everyday life (what he calls the 'magic' of the state) may more appropriately capture the deep resonance of the state-citizen dialectic in contemporary South Africa. In different ways, both Ferguson (1999) and Taussig (1997) try and capture the way in which the state as an idea maintains political and cultural valance, even in contexts where the state appears as absent or elusive. This is why we use the language of state project, rather than speaking of the state. As Secor (2007: 49) suggests: 'there is no "encounter" between a sovereign state and a sovereign subject but only a mutual imagination that takes shape through particular space-time techniques of power'. What Secor means here is that the state does not exist as a material entity, but as an imagination against which individuals and groups take a position, and define their identity. For Secor the state is a 'loosely knit ensemble … a field of interrelation between sites, agents, techniques and capacities' which exists only as an imagination of coherence (Secor 2007: 34). The fundamental paradox of the state is therefore the seeming contradiction between the apparent coherent unity of the state and, 'the contingency, lack of coordination, unevenness, and extra-legal shadows of the lived state' (Secor 2007: 34).

That is not to say that the imagination of the state does not have material effects. As Timothy Mitchell argues, the state

> needs to be analysed as a structural effect. That is to say, it should be examined not as an actual structure, but as the powerful, metaphysical effect of practices that make such structures appear to exist … In fact, the nation state is arguably the paramount structural effect of the modern social world. It includes within itself many particular institutions such as armies, schools, and bureaucracies. Beyond these, the larger presence of the state in several ways takes the form of a framework that appears to stand apart from the social world and provide an external structure. (Mitchell 1991, quoted in Painter 2006: 758)

This is, of course, not quite the same thing as Benedict Anderson's (2006) *Imagined Communities*. Anderson is far more concerned with the effects of this shared

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imagination in forging a collective polity. While this is no doubt an important political project in South Africa (although by no means the only one, as Chipkin's (2007) discussion of competing nationalisms in South Africa's recent history might suggest, or indeed Landau's (2009) discussion on the increasing role of religiosity), it remains a project that oscillates between resonance and dissolution (Marais 2011). For this reason, the state in post-apartheid South Africa needs to be seen as a project: a powerful political aspiration with material effects, no doubt, but always in a state of becoming. The increasing antipathy towards – and partial dissolution of – 'invited' spaces of participation, and the simultaneous emergence of 'invented' spaces which can be both democratic as well as exclusionary and violent (see Glaser, this volume), speaks not only to the precarity of democracy in a post-colonial (post-apartheid) context, but to the possible limits of the state project after apartheid.

Given our discomfort with the epistemological centrality of democratic participation to capture how the state project is projected into and becomes interpolated by individuals and groups in society, we suggest that citizenship (as a form of subjectivity related to the state project) emerges within sites of *encounter* rather than sites or spaces of *participation*. Inspired by a theoretical literature which understands social power as emergent and relational (Deleuze 2006; Foucault 2002), and following recent critiques of the post-colonial state which highlight its imaginary coherence and spectral qualities (Aretxaga 2003; Ferguson & Gupta 2002; Mbembe 2001; Robinson & Parnell 2012), the case studies below reflect upon what we regard as *encounters* in which the institutions of the state project bump up against groups and individuals attempting to make meaningful lives. Discourses of the post-apartheid state and of democratic citizenship are powerful imaginaries, no doubt, and motivate performances of participation, both 'invited' and 'invented'. Yet these performances simultaneously highlight the mutual imagination – and misrecognition – that takes place between the state project and its citizens. In the post-apartheid city, struggles over infrastructure and basic services reflect very different imaginations of citizenship to that of the utility company providing the services, for example. At stake are not just demands for delivery, but articulations of belonging, community, society, and population which contour power. For its part, the state is itself an incomplete project, endeavouring to instantiate its own existence and hegemony. These themes are explored in the remainder of the chapter in the context, first, of township-based housing struggles in Cape Town, and, second, through the experiences of traders in inner city Johannesburg.

## Invoking the state, accessing housing in township Cape Town

> We were brought up to be angels (in my family and in my church), we didn't choose to do this; living here we had to learn to be brave, to fight, to be community workers.[1]

In many poor communities in South African cities, personal experience and shared solidarity – more than any ideology – has shaped the dedication and struggle of

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neighbourhood activists who fight for poor families to claim 'their rights': for public housing; greater support from local institutions of state, as well as the collection of non-state institutions working in the housing sector; and liveable neighbourhoods. This is echoed in the words of the leader of the local civic organisation: 'I was evicted not once, not twice, but thrice'.[2]

This harsh but nevertheless very material reality has clearly shaped her daily life and activist convictions. In the 1980s, under the apartheid regime, she returned home from her job as a textile machinist to find her furniture and her three children sitting next to her house on the street. Twice she simply moved herself back inside and continued her difficult daily life. The third time she went in frustration to the 'rent lady', the neighbourhood housing official – an employee of the municipality – to say: 'I am a single mother, I earn this much, look at my income slip, these are my costs; I cannot pay the rent, you cannot evict me. Treat me with some respect!'

Her personal experience of the hardship and stress of forced eviction – a contentious and hugely powerful subjectivity – is the kernel on which her activism is built, the mode through which she learnt to fight and through which she inspires others in her neighbourhood. Made redundant from factory work in the early 1990s, her full-time vocation is her activism. At any time of the day or night, as executive members of the 'civic' she and her family are available to help her neighbours. Her door is always open to summons the police, harangue the rents office, petition the city council, represent the neighbourhood on area committees, broker peace between gangs, and to mediate in trading relations between 'foreign' and 'local' hawkers, or in fights within families. Much of the activism of the neighbourhood civic across the years has focused on demands for resources and responses from the municipality and the institutions of state more generally. At the household level, this has included physically preventing evictions, putting families back into homes, reconnecting water (taking out 'drips' when families are cut off for failing to pay); at the neighbourhood level, coordinating land occupations for truly desperate homeless families. From boardrooms to backyards, the legal to the illegal, these activities traverse within, between, and beyond the spaces of the state, beyond the 'invited' and 'invented' participatory sphere, entangled in a politics of imaginations of the state and messy actuality of the neighbourhood, in the trajectories of state institutions, non-government organisations, social movements, and in the intimacies of family and neighbourhood life.

Embedded in the 'rights' that frame democracy after apartheid, in family memories of the apartheid past, and in daily realities, activism for housing is contoured in state policy and constitutional rights, as well as mobilisation by citizens. This dialectic is best illustrated in the context of the first neighbourhood-organised land occupation initiated by the civic and contested by the city, the police, as well as the courts. As one activist angrily remembers:

> The city shot at us, rubber bullets, they threw our shacks down with bulldozers. That day we started building shacks, there was nobody in the police station, they were all here – the police, law enforcement, even

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> the South African army. They treated us like criminals. People were shot and ended up in hospital. But when they left, we continued building anyway.[3]

Clearly, rights are not articulated simply as a set of legally encoded entitlements, but emerge as well from community struggle and memory. In the above encounter between the community and the police, there are very different articulations of what citizenship means. It is the city, rather than the police, who are regarded as shooting at the residents, and it is in the form of the city that the state is constituted. At stake in the account are not simply contestations over the details of citizenship, but the very meaning of the concept. Moreover, while activism is organised towards demands from 'the state', activists' subjective relationships are not simply with the state – rather they are implicated into a complex relationship with the neighbourhood in which the image and imagination of the state circulates and becomes a powerful narrative to understand both their current predicament and their expectations of the future. In other words, the post-apartheid state is a project in the making, through the ways in which its supposed subjects call it into being.

Of course, the community engage in the 'invited' spaces of citizenship as well. Interdicted by the municipality for the land invasion, the Civic coordinated the neighbourhood's legal representation, engaging the municipality in a four-year legal battle all the way to the High Court. They confronted the '*me lords*' – the archaic and confusing protocol of the law – with an invitation to the judge to enter their world, and to visit the families in the neighbourhood. The civic won the case; the municipality appealed but again the civic won the appeal. The judgement in the case was important beyond the neighbourhood – it stipulated that in general the municipality be obliged to have an emergency housing policy, and cannot expect families to simply join the years-long queue for housing subsidies from the national Department of Housing if they already occupy a home. For Valhalla Park residents in particular, the judge further decreed that land occupiers have title by virtue of their occupation, and demanded the municipality immediately provide basic services (water and electricity, group toilets), with the longer-term provision of additional formal housing in the neighbourhood.

The struggle didn't end in the courts and the judgement. To force the City to put in water and sanitation for the settlement, and to challenge its response that there was no budget for it, the civic dreamed up an effective strategy. As the leader recalls, 'I woke up one morning with an idea: to use City buildings in the neighbourhood to access all the settlements's water needs – toilets, drinking and cooking water, and washing in particular'. The nearly 100 informal settlement families brought their washing, used the council toilets all day, collected water for cooking, hung their washing to dry on council fences, their largest and oldest underpants especially. Council work stopped, the crèche closed; harried to their limits, the administrators called their bosses in the Civic Centre, the City's offices in the centre of Cape Town. The following day, literally, what was previously unbudgeted for, became possible: water standpipes were installed in the settlement. Material, yet symbolic,

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contentious, yet procedural, this activism powerfully shaped city–civic interactions, circulating in and beyond the neighbourhood. Generating a spectacle, a moment of collective unity, their claim lay deeply embedded in their expectations for democracy as well as their material and ontological claims on and relationship to the state: one that mirrored and interpolated the state's own project as deliverer of services and citizenship post-apartheid. Contentious and immersed in the state's own rhetoric of rights, in daily experience, civic leaders argue: 'Council don't listen to us if we go through the right channels. They don't listen. They make as if they listen if you go through the right channels. They don't take notice of us. But, if we do what we do, then immediately they respond'.[4]

Nominated ward forum members, formally elected representatives of the community on the housing project committee, civic leaders find it fruitful to be part of the state's structures, its invited spaces. Yet, these decisions also generate tensions, particularly because they have been required to sign a code of conduct that they will not in public go against council policy. One wryly comments: 'I find this very hard. I live in the land invasion. I organised the land invasion, now I can't mention the invasion, my home. But I'm a land invader *and* a ward forum member'.[5]

Everyday activism in this township – its continuities, its logics, its context and location – is built around individuals, and their collective energies invested in the civic and in struggles for access to services and infrastructure. The activism is nurtured and sustained through grounded concrete material struggles and community building processes that instantiate and define citizenship. Such engagement interweaves the banalities and demands of the everyday with the possibilities and expectations immersed in the state's project, working within and beyond invented and invited spaces, reshaping circuits of meaning and identification embedded in the neighbourhood, activism and the state's project. While contesting the state, the civic also draws on its project, the discourse of policy and procedure, bound up and remade in activist imaginaries and agency – a complex and contentious terrain that exceeds simplistic notions of state–citizen relations after apartheid. In this context, citizenship is celebrated, though its substance is fought for and negotiated; these entitlements and their meanings, as well as the state encounters that shape them, cannot be taken for granted.

Rather than just extend the conventional notion of invited participation and participatory spaces, moments of encounter help us substantiate and think through the ways in which the state and its citizens do not just share in an act of participation, but actually imagine one another into being. Going outside the courts is not just an invented space of participation, for instance. It is an active construction of what the state is, and what the state should be: a moment in which the state actually becomes *the state*. While interactions between the institutions of state and communities and individuals oscillate between 'invited' spaces of participation such as courts, they are also forged in the 'invented spaces' of protest and so-called illegal land occupations. Beyond this terrain, however, we see more broadly a project of the state invoked into being, called to become part of people's lives. This process emerges more clearly

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perhaps in our second example: the everyday encounters between traders and municipality in central Johannesburg, as illustrated in the following discussion.

## Imagining the state: Traders in the municipal market in Johannesburg

Opened in 2002, the Metro Mall Municipal Market in central Johannesburg was intended as the centrepiece in a strategy to gradually encourage informal street traders to move off the street and into formalised stalls. The policy represents an attempt to balance managerial desires to clean the streets with the project to wrest the so-called informal economy from marginality and survivalism. Certainly, former President Thabo Mbeki's speech about 'Two Economies' existing side-by-side in South Africa is here a useful touchstone for contesting accusations that the policy on informal trade is punitive (Tissington 2009). Urban management in the form of by-law enforcement does form an element of the broader strategy. The concept documents for the Informal Trade Policy suggest that, 'through a developmental, not simply regulatory approach, the City of Johannesburg will work with all necessary stakeholders to ensure that there is *no more unmanaged trading* on the streets of the inner city' (Johannesburg Metro Council 2007: 24 [emphasis added]). But there appear to also be genuinely productive intentions. For example:

> The state has an obligation to become involved. Some traders spend two hours setting up their stalls in the morning and two hours again in the evening taking it down. Traders are not able to leverage collective buying, or to coordinate waste management and security on their own. It is a notoriously fragmented industry, with intense trade emerging around commuter points and little management of the way in which people have access to this trade … so the state has a role to play in this industry, and in making sure that people have an opportunity to improve their lives.[6]

Or again, in a similar vein: 'The informal economy is an economy of poverty. It traps people and they struggle to get beyond it. For this reason the state needs to intervene.'[7] The nature of that state intervention, and the expectation of the state to intervene, is the subject of some not insignificant conflict. In recent policy documents, emphasis has been placed on the construction of traders as entrepreneurs, able to grow their businesses and contribute to the wider urban economy. As the quote above suggests, the municipality had therefore to try and get traders to re-imagine themselves as entrepreneurs rather than as survivalists. The impulse was not to produce a class of business people, but rather to imagine a space for informal traders within the economy of the city that would be productive and could provide a space for people to transcend their current position (Gotz & Simone 2003):

> We knew in the process that many traders might lose their livelihoods, but we needed people to diversify, to move beyond just selling fruits and vegetables. We needed the informal economy to be viable for

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> people … We have to help some traders to grow beyond the survivalist mode, and we also have to help formal business grow and prosper … Of course, some traders will always be survivalist, and maybe they need to be contained elsewhere in the social infrastructure.[8]

The 1995 Informal Trading Policy made the assumption that the best way to intervene into the lives of informal traders was to construct them as entrepreneurs. According to the original conceptualisation of the project, the construction of traders as entrepreneurs was about attempting to intervene in the lives of traders, and to encourage them off the streets and into market places. The ends, in other words, were connected to much more local issues of urban management. As Gotz and Simone suggest:

> If a sufficient number of markets could be built, and if they could be organized in a way which provided street traders incentives to keep stalls within them, the prohibition on un-organised street trading proper could be enforced with more vigour in the knowledge that a satisfactory alternative had been arranged. (Gotz & Simone 2003)

The Informal Trading Policy for the City of Johannesburg outlines a rather different imperative for intervening into the sector:

> [T]he City hereby aims to create an environment within which the informal trading sector and its participants can become commercially viable and dynamic, so much so that as a whole the sector contributes to the City's vision for total growth. (Johannesburg Metro Council 2007: 6)

In this light, the municipality has attempted to establish initiatives such as the 'Open for Business' centres that were intended to operate through the auspices of Metropolitan Trading Company (MTC) as a network of 'world-class African entrepreneurship development centres'. The centres were designed as a one-stop shop for communities and small businesses to get help in starting and growing their business potential:

> So as to make positive contributions and constructive change to the economic sphere, the object is to take informal street traders and give them an understanding of the basics of business practices. From there they will move onto the more formal SMME [small, medium and micro enterprise] development programme … it is hoped that in time the Open for Business Centres will stand as guarantor for loans provided to potential entrepreneurs by the Department of Trade and Industry and local banks.[9]

In addition to the Open for Business centres, the MTC has collaborated with the Department of Economic Development (DED) to establish training programmes for traders and initiatives that provide some possibility of access to formal capital in the form of bank loans:

> We also have quite a few initiatives that go beyond our initial mandate, such as Grow Your Business, which is run in collaboration with Wits

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> University. To be honest, this is mostly coordinated by the Department of Economic Development, but we are on board as a partner in this project. But more than this we assist with business advice and the formation of cooperatives among traders. The Emtonjeni Centre, inside the Metro Mall … provides support for basic health issues and concerns, like HIV screening, and also provides informal-sector advice and business facilities like telephone and fax machine. MTC has also initiated a plan with First National Bank to provide business planning and possibly loan application advice for traders. We are also exploring the possibility of franchising as an avenue for traders who want to graduate beyond informal trade. Franchising is a good opportunity as it provides a single distribution point. More than this we have been looking at the possibility of setting up some schemes where traders could acquire a stake in the distribution company of a franchise. We don't want people to be informal for thirty years.[10]

This policy reiterated a policy commitment regarding informal trade in the inner city made some years earlier:

> For the system to deliver on the final policy objectives there is an implicit assumption that the size of the existing trader community be administered and limited. In other words some barriers to entry into informal trading need to be created if the policy is to work. The only viable barrier available is an administration system which issues licenses and permits to all grades of market traders … All existing traders can be accommodated. New entrants after the closing licensing date however may not be able to be accommodated.[11]

Of course, most traders in the inner city do not operate from within the municipal market, and there is a high turnover of traders within the market, as traders object to what they see as high rentals for stalls that have less foot traffic than the street-corner. The vast majority of traders operating in the inner city remain both outside of formal market places, and effectively unregistered by the authorities. In order to address this reality, and to reassert the strategy of maintaining traders off the street and accessible to the state, the municipality has implemented a regime of enforcement. Informal street traders outside of the formalised market frequently complain of police harassment, confiscation of goods and arrest. Yet the strict enforcement of legislation to keep traders at the very least confined to identifiable stalls, if not off the streets, is a politically and practically difficult activity:

> By-law enforcement in the city is a big problem, and it's partly a product of competing interests in the city. In some areas certainly there is not enough enforcement, and these areas are over-traded. In some instances there is too much enforcement, and traders have no security or stability. We have to make spaces available for traders in the city, but we also need to strike a balance between the needs of the poor in terms of

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> accessing opportunities and the realities of the city in terms of needing investment and capital.[12]

The informal sector on the streets of central Johannesburg remains largely opaque to the institutions of the municipality, and it is precisely the lack of identifiable stakeholders and traditions of organisation and participation among traders that frustrate decision-makers. Traders seldom attend public participative meetings – the invited spaces organised by the city – and there are few recognised representatives amongst traders engaged in practices that characterise the 'invented,' highlighted for instance by Miraftab (2004) and others.

Yet, there is no shortage of organisations claiming to represent traders. Between 2000 and 2010 at least eight different organisations have variously claimed to be the voice of traders in the central business district, including: African Council of Hawkers and Informal Businesses (ACHIB), Faith, Gauteng Hawkers Association (GHA), South African National Traders Alliance (SANTRA), and Johannesburg Well of Development and Training (JOWEDET). In a review of survey data on informal traders in South African cities at the end of the 1990s, Motala (2002) confirmed a general pattern among informal traders in South African cities. A national study

> found that only 11 per cent of street traders in Grahamstown were in an organisation, although a majority of respondents acknowledged it was important to belong to one … a study in Durban (1998) found that 2 per cent of men and 6 per cent of women in the sample were members of trader organisations. Research undertaken by CASE in Johannesburg (1998) confirmed that 15 per cent of traders belonged to associations. (Motala 2002: 16)

Only the Nigerian traders association (which has no name or acronym) inside the Metro Mall has maintained a perpetual membership, based largely on the fact that it represents a specific ethnic constituency. Beyond a few similar networks of association and cooperation, it is not clear that the organisations that claim to represent traders have either a specific constituency, or are effective in achieving the aims of their claimed mandate.

In 2009, SANTRA, for instance, was the most visible organisation claiming to represent traders in central Johannesburg – inside the formal market most traders claimed to have at least heard about the organisation, whereas on Wanderers Street outside the market less than half of traders had heard about the organisation. Yet attitudes among traders were ambivalent:

> SANTRA is owned by individuals, not by the members. SANTRA looks for business, always negotiating deals for the few traders who are the oldest members. But the organisation doesn't consult with members … it is there for the benefit of a few people.[13]

In response, the chairperson of SANTRA claims his organisation exists precisely because of the lack of coordination among traders:



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> It's difficult. There is no proper representation among traders … At Metro Mall there is no proper committee as such, and the market has never been based on engagement and participation.[14]

Certainly, SANTRA appears to survive on the energy of its leadership rather than the groundswell of its membership (although in the court case against the City of Johannesburg's Operation Clean Sweep in 2013, SANTRA was one of the most prominent plaintifs). Moreover, the chairperson in particular is not easily cast in the role of activist, instead claiming something of a renegade identity concerned with making the informal sector a viable and legitimate place of business, for himself as much as for traders it would appear:

> That guy [laughing]! In 1994 he had an organisation called Faith. He told all of us to join with him so that he would prevent us being evicted from the station [where we were trading]. We paid that R10 subscription but he did nothing. He just ran away. Then in the late 1990s he had another organisation. I can't remember what that one was called but it was the same story – he ran away. Then it was ACHIB, now it is SANTRA. He is a good guy, he tries to stand for the rights of people. But there is no consistency with him.[15]

One possible reason for the persistent difficulty in organising traders in central Johannesburg is the very fragile incentive structure that informal trade in the inner city offers to individuals as they navigate their everyday lives: a set of incentives that exceed the terrain of a state-citizenship model that characterises notions and theories of participatory democracy. Traders are caught in a myriad of competing networks of association, such that citizenship is very differently imagined. This dynamic is particularly evident in the formation of JOWEDET, which is less of a traders' organisation and more accurately described as a kind of savings scheme or cooperative, incorporating a small group of predominantly older and long-term traders, most of whom are women. The organisation works less to represent the interests of traders in a context of political agitation, but rather acts as a vehicle for the sharing of risk and resources. Their primary resource is a plot of land that JOWEDET have access to on the outskirts of the city, organised through a connection at the wholesale Johannesburg Fresh Produce Market (JFPM): 'We have just been given access to three plots in Zuidbekom, near Soweto. [The owner] is offering these three plots to JOWEDET to plough. [The municipality] doesn't know about this. We want them to be amazed when we show them what we can do'.[16]

The speaker appears to simultaneously reject and invite the municipality into some form of encounter in the same moment. Clearly, there remains a powerful imagination of citizenship defined in relation to the post-apartheid state – albeit one that differs greatly from and moves far beyond the notion of entrepreneurial citizenship on offer inside the municipal market. Whereas the municipality has attempted to encourage traders to view themselves as small businesses, to pay regular rental for their stalls, to attend business courses, and to generally aspire to move off the street and into more

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appropriate accommodation, traders have understood the state's responsibility to build the market hall and to provide appropriate accommodation as an expectation of post-apartheid democracy.

For its own part, the municipality has struggled to understand the complexity and opacity of the informal sector, beyond a desire to contain and control it. Seen in this way, the market place is more than a project of municipal management, it is a material instantiation of the complex relationships and associations, and their conflicts and complexities, that lie at the heart of the post-apartheid state project in the midst of what are largely opaque sets of practices, at least from the point of view of municipal officials. The market place marks an attempt by the municipality to prise a space open, to gain a foothold and a vantage point into the informal economy – an economy largely made up of networks and dynamics that municipal officials have no hope of adequately understanding.

The concrete presence of the market itself, with its post-apartheid urban motifs and its manifest legitimation of urban economic practices that were outlawed under apartheid, can be seen as an invited space, not of democratic participation perhaps, but an invitation to (a particular imagination of) citizenship. Amidst the disorder of the informal economy of inner city Johannesburg, the solid regularity of the market stands apart.

## Conclusion

Along with others in this volume, we have attempted to demonstrate that the stakes of encounter – between the state project and the individuals and communities that are imagined as its citizens – are not (always) about the substance of civil society or citizenship, but rather its possibility. These encounters define the contours of a range of possible subjectivities: about the valance and currency of various and circulating agents of social power. The imagination of a hegemonic state remains socially and politically powerful, in South Africa if not in all parts of the continent – although Glaser (this volume) demonstrates the contested nature of this imagination. This imagined state is perpetually being invited to intervene into the everyday lives of individuals and communities, in various ways. Depending on how effectively or appropriately the state is made manifest in response to such invitations (that is, as police repression or as provider of infrastructure), other agents of social and political significance may also exist in such spaces.

In bringing these narratives together, struggles to access housing and find work and make a living give texture to a terrain that, while bound up in the discourse of the state project in fundamentally material, political, and symbolic ways, also exceeds this project. At least in the case studies presented here, it would seem prudent not to assume a given and legitimated state–society relationship, nor to presume the contours along which meaning and identification meander. Citizenship is powerfully invoked and the state has presence in various moments, but the forms and models through which social forces interact shapes the emergence and circulation of power.

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Within these complex webs, the state's project is projected, implemented and remade. Township activists and inner city traders see the state at work and the state sees its subjects; their interactions are fluid and dynamic, embedded in more complex and contested relationships and processes that always exceed a state–citizenship model framed around the poles of invited and invented spaces of participation.

Participation in democratic institutions (invited or invented) is not the only or primary mechanism of social meaning; rather, we suggest, individuals, groups, ideas, and projects intersect and bump up against one another, taking hold in the popular imagination, or dissipating and withering. The state and a relationship of belonging to it – of citizenship – is a powerful force within society, no doubt. Nevertheless, in the messy actuality of everyday life in South African cities, we assert that circulations of meaning and identification cannot so easily be fitted into bifurcated state–citizenship models. Seeing subjects or seeing the state is as much about imagining them into existence, about extruding an ultimately abstract object from the messy actuality of competing orbits of meaning and identification, as it is about the materiality of that imagined entity. Stateness, and a subjective relationship to the state as a citizen, are not *a priori* categories, but are contingent to particular histories (Foucault & Macey 2003; Mann 1993).

Although invited and invented spaces of participation are important for understanding the nature of democracy in South Africa, mobilisations continuously produce meanings and identifications that exceed this type of state–citizenship model. In fact, the maintenance of this conceptual model could be seen as functional to the state project after apartheid. The legitimation of a state mandated to intervene in society is an important ingredient in advancing the state after apartheid. In making this argument, we are not reducing as meaningless or insignificant the pursuit by individuals and groups for a greater and more substantive and meaningful relationship with the state project – the pursuit to actualise citizenship. The state as an imagined social project can, and indeed has been, a source of immense social cohesion after apartheid. And the possible denouement of that state project should be a cause of great concern, especially since some of the emergent social forces and spheres of meaning and orientation suggest an atomisation and fragmentation of society (see Bank 2011; Landau & Monson 2008).

## Notes

1 A woman in her late 30s, township resident, personal interview, August 2008.

2 Leader of the local civic organisation, personal interviews 2004 and 2006.

3 Local activist, personal interview, February 2007.

4 Leaders of local civic organisations, personal interview, August 2007.

5 Local activist, personal interview, October 2008.

6 Official 2, Johannesburg Development Agency (JDA), personal interview, 16 May 2009.

7 Official 3, Johannesburg Development Agency (JDA), personal interview, 25 March 2009.

8 Official 1, Johannesburg Development Agency (JDA), personal interview, 16 April 2009.

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9 Johannesburg News (2001) *City Development Plan 2001/2002. A*ccessed January 2013, http://www.johannesburgnews.co.za

10 Official 2, Metropolitan Trading Company (MTC), personal interview 13 February 2009.

11 Johannesburg News (2001) *City Development Plan 2001/2002. A*ccessed January 2013, http://www.johannesburgnews.co.za

12 Official 2, Metropolitan Trading Company (MTC), personal interview 13 February 2009.

13 Trader on Pritchard Street, personal interview, 2009.

14 Chairperson, SANTRA, personal interview, 2009.

15 Trader inside Metro Mall, personal interview, 2009.

16 Trader in Pritchard Street, personal interview, 2009.

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# 11 Beyond invented and invited spaces of participation: The Phiri and Olivia Road court cases and their outcome

Laïla Smith and Margot Rubin

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The courts can be used as an important instrument for brokering engagement between the public and the state, but certain conditions need to be in place in order to bring about the intended changes that litigants seek. In South Africa, socioeconomic rights are firmly embedded in the country's constitution. Yet, since the advent of democracy, there has been a mixed track record of low-income residents in testing the degree to which these rights can be enacted. This chapter captures these differences by highlighting the processes around the Constitutional Court cases of two sectors, housing and water. In doing so, the chapter reveals that the judicial system works more effectively as a tool for the poor in the housing sector because the right to housing is articulated in the law as a negative right. Conversely in the case of water, the judicial system has not been particularly favourable as a site of recourse for the poor because the courts have not wanted to provide greater definition of what constitutes a positive right, as this would interfere in determining state policy. As such, the courts have refrained from engaging in substantive issues, precisely when they have been turned to by applicants who have not been able to seek recourse from perceptions of maladministration by the state. The chapter concludes that the processes around the court cases can have more significant outcomes than the court case rulings and as such, remain an important third space of engagement for the poor.

According to Gauri and Brinks (2012: 4), 'overall, it is clear that constitutional rights are increasingly supporting demands for social and economic goods and services, and that courts are taking on an increasingly important role in deciding the extent to which the seemingly non-negotiable interests embodied in constitutions should be considered and protected in policy making'. Social movements at the local level have picked up the national and international rights discourse which is being used to make a series of claims on the state (Rajagopal 2005).The question of when and why social movements and communities turn to litigation to enact these rights remains open. This question is particularly interesting in the context of South Africa, a middle-income country that is striving to redress its legacy of inequality through efforts to rapidly roll out basic services in the hopes of achieving universal access. The challenge in meeting this development objective has resulted in increasingly technocratic approaches to service delivery. At the same time, the state is bound to delivering these basic services within a sophisticated governance framework that

requires methods of public engagement that the local authorities responsible for delivery seldom have the knowledge or experience to carry out (as pointed to in Bénit-Gbaffou's opening chapter). The result has been an increasingly frustrated public that is getting neither access to essential services nor the opportunity to engage meaningfully with the state (Bénit-Gbaffou & Oldfield 2011). The process of the public turning to the courts to hold the state to account for its enactment of socioeconomic rights has been a fascinating terrain where these governance and service delivery battles have merged into a single front.

Classical legal theory argues that litigation is sought by groups because of fundamental belief in the 'direct linking of litigation, rights, and remedies with social change' (Hunt 1990: 309). Ethnographers, such as Merry and Silbey (1984), argue that citizens turn to the law 'when their situations or their personal, community, or economic problems seemed entirely intractable, unavoidable, and intolerable' (Merry 1990; Merry & Silbey 1984). Political opportunity theorists argue that if channels to decision-making are 'closed' then citizens and residents will find, or invent, other methods to ensure that their voices are heard and that they are able to engage in some way with the decision-making process (Hilson 2002).

To phrase it slightly differently, when the 'invited spaces' of participation – understood as those sites of engagement 'initiated by the local state … to draw local communities into processes of consultation, deliberation and sometimes joint decision-making on key local issues' (Piper & Nadvi 2010: 213) – are somehow blocked, or groups are precluded from these engagements, then they may in turn 'invent' spaces to force, propel or establish engagement with the state. These can be seen as 'bottom up', organic, devised and determined by citizens and citizen groups, with common interests and goals. For Miraftab (2006: 195) these 'invented spaces of participation … are characterized by defiance that resists the status quo' where strategies are mounted to change the existing state of affairs and have been seen as 'insurgent' and dangerous by some authors (Holston 2008). They are spaces in which citizens and residents act 'without the state but simultaneously on it' (Cornwall 2002: 20).

Miraftab (2006: 200) describes how social actors move between these spaces, depending on the current circumstances: 'when formal channels fail, they [social movements/residents] innovate to create alternative channels and spaces for active citizenship to assert their rights and negotiate their wants. They use formal spaces when they are advantageous, and defy them when they prove unjust and limiting'. Similarly litigation used strategically can be a part of wider strategies or a part of an 'overall campaigning package' (Hilson 2002: 248).[1] Miraftab, quoting one her respondents emphasises this point:

> We understand the limitation of the legal system. We can't confine the struggle to the legal system [and have] the courts become the site of our struggle. Using the court is one technique that we use, but it is not the most effective tactic. But we'll use it if there is space to use it in that case

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> and at that level … We are very conscious about how we use the law and when we use the law. (Faizel Brown, interviewed in 2004, quoted in Miraftab 2006: 200)

In this chapter we argue that the court does not fall within the categorisation of invited and invented spaces of participation, as it displays aspects of both. The court is turned to for redress and voice when all other channels have been blocked. Unlike other invited spaces, the courts have a set of rules and protocols that are outside of the participants' purview and in a sense shares some of the characteristics of invited spaces: state-controlled, top-down, with outcomes over which communities and residents have very limited control. Recent court rulings, as will be demonstrated in this chapter, further this line as they ensure interaction and engagement between the state and civil society;[2] they mediate it and enforce its outcomes, which is a new and different role to the court as a traditional site of redress. Thus, what will be shown through the following cases is that the court is a 'third' space: neither completely invited nor comfortably invented but with characteristics of both.

Furthermore, we argue that the consequences of litigation have only been understood in a fairly limited way. Most of the research on the outcomes and consequences of social movements has concentrated on their impact on public policies, to a large extent ignoring other consequences (Della Porta & Diani 1999; Earl 2000; Giugni 1998). The law and society literature has focused primarily on the impacts of litigation on policy, practice or enforcement and jurisprudence (Langford & Kahanowitz 2010; Madlingozi 2007; Mbazira 2008). There are in this regard two directly opposed lines of argument in the literature. The first argues that courts have a significant capacity to reshape and change society, and through the invocation of rights by courts 'meaningful change' can be wrought in social and economic relations (Bilchitz 2002): what Scheingold (1974) has termed the 'myth of rights' and Hunt (1990: 309) describes as an argument that offers a 'direct linking of litigation, rights, and remedies with social change'. Those of the opposing view maintain that the existence of a set of rights and the securing of a legal remedy do not necessarily result in social change (Scheingold 1974). A middle way has argued that the actual litigation may not directly promote change but could propel the wider goals of a movement. Usher (2008), for instance, states that litigation can increase pressure on government bodies and help to highlight and publicise the issues that face many residents. Gloppen (2005) proposes that the actual outcome of the case in terms of whether one wins or loses or even if the judgement is or is not complied with, is less important than the 'systemic impact' of the court case, by which she means the ability of the case to change thinking, discourse, and add to national and international socioeconomic rights (SER) jurisprudence.

This chapter is based on two doctoral studies: one on the role of the courts in urban governance (Rubin 2013); and the other on the institutional transformation of the urban water sector in post-apartheid South Africa (Smith 2003), as well as professional experience as a regulator of Johannesburg Water for the City of Johannesburg, preceding the court case. For the former, the studies utilised key informant interviews

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and the analysis of court documents, media reports and archival material, in order to build the San Jose case study. For the latter, the relationships built with Johannesburg Water, the City of Johannesburg and representatives from civil society mounting public opposition to the introduction of prepaid meters were essential in piecing together the Phiri case study. These studies and experiences explore the issues of engagement, participation and the outcomes and implications of court cases through tracing the Olivia Road court case and the Mazibuko Phiri water case: their impact on policy but also on relationships between stakeholders and modes of urban governance, which the authors argue are important consequences of the court cases.

This chapter first argues that social movements and communities seek litigation for a variety of reasons, including frustration with the existing invited/invented spaces of engagement and the need for new sites of recourse, redress and engagement with the state. The chapter explores the site of the court and how it is able or not to fulfil these roles. It goes further and argues that it is not court decisions and judgements which effect change but, rather, entire court cases (processes included) that are able to shift state/civil society relations and reconstruct both policy and practice. Thus, even if courts do not take decisions on specific events, court cases are still able to provide a catalytic role, which can and does shift existing coalitions and coalescing of power. Moreover, the changes that are effected are not just changes in policy but can change, modify and moderate the very relationships between various urban actors and even within social movements, communities and civil society organisations. In addition, the cases demonstrate how differences in the nature of the socioeconomic rights in question – water, housing and shelter – are addressed. The chapter reveals how the court rulings in the water and housing sector resulted in a very different set of policies and practices. These rulings were thus not insignificant in effecting change – be it positive or negative.

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## The court cases in brief

The following section provides sketches of the two cases, to give a sense of the contexts and trajectories of how they moved through the legal system from court to court and the main decisions at each level. The sketches also offer an account of some of the key issues, the rights-based and justice concerns of the cases and the points of contestation between the various urban actors.

### Olivia Road: Opening channels or being a channel?

In 2004, inner city residents took the City of Johannesburg (CoJ) to court to contest their eviction from the San Jose building in Berea, Johannesburg (Chenwi 2006). The case was taken up by the Centre for Applied Legal Studies (CALS) and Webber Wentzel's pro bono department.[3] The court case worked its way through all three tiers of the judiciary and finally the Constitutional Court ruled on the constitutionality of the CoJ's actions. The Constitutional Court provided a novel remedy to the intractable problem of competing rights and provided an interim judgment, which required the

litigants to engage with each other and come up with a mutually satisfactory solution, which was then made into a court order. By the end of the case, which took over three years, there were significant changes in policy and programmes, including the end of the Bad Buildings Programme and the Inner City Regeneration Scheme – as well as a transformation of inner city residents from illegal occupants to inner city residents with whom the state had to engage and, in certain circumstances, provide alternative accommodation. The Olivia Road court case has been seen as a landmark case in the field of socioeconomic rights in South Africa and to a large extent exemplifies the role that the Constitutional Court has defined for itself within South African jurisprudence and governance (Wilson & Dugard 2011).

*Background to the Olivia Road case*

Information on the history of San Jose is limited but Neil Fraser, an inner city expert and commentator, described the San Jose building as

> a block of sectional title flats on Olivia Street, Berea … One wing is 14 floors high and the other is 10. The building was abandoned by its various sectional title owners quite some years ago – I would imagine in the mid-to-late 1990s when the residential scenario in places like Hillbrow and Berea went through dramatic and often violent change.[4]

When the case started in 2004, San Jose was tenanted by a range of different types of residents, including formal renters leasing from the owners, a few scattered owners and some 'illegal occupiers' who neither owned nor formally leased their flats. The building had no services, and water and electricity had been cut off by the council for non-payment. Nelson Khetani, who moved into the building in 2003 and became chair of the residents' commitee, remembered that when he got there, 'this place … It [was] dark in San Jose, there [were] no lights, there [was] no water' and residents used to, 'draw water from Olivia Street in the little park'.[5]

By 2003, the CoJ had two operational inner city redevelopment programmes, consisting of the Better (previously Bad) Buildings Programme, and the Inner City Task Force, both of which were committed to trying to make the inner city into a more functional property market in order to catalyse and sustain regeneration. According to Charles Beckenstrater, of Moodie and Robertson (a private sector law firm that was involved in the case), the San Jose building came into the cross-hairs of both the Better Buildings Team and the Inner City Task Force. Due to its poor condition, lack of services, and high municipal arrears, it was considered ripe for eviction and redevelopment.[6] The plan was that the tenants would be evicted, and the building would be sold to a private developer for renovation and rental.

*Working up the ladder: High, Supreme and Constitutional Court cases*

The City therefore applied and got an eviction order to remove the San Jose residents from their building. The tenants' committee then approached Webber Wentzel and



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the Centre for Applied Legal Studies (CALS) to help them attain a legal injunction against the eviction order. The injunction was heard in the Johannesburg high court[7] which ruled that the residents should not be evicted, and

> declared that the housing programme of the Applicant fails to comply with the constitutional and statutory obligations of the Applicant. The Applicant has failed to provide suitable relief for people in the inner city of Johannesburg who are in a crisis situation or otherwise in desperate need of accommodation.[8]

The high court judge also ordered the City of Johannesburg to clean the building, supply chemical toilets, water and solid waste removal to the residents. The City of Johannesburg opposed the high court's decision and petitioned the Supreme Court of Appeal (SCA). The SCA offered a contrary ruling and stated that the residents could be evicted but that the City must, in accordance with what was then Chapter 12 of the Housing Code provide alternative accommodation for all of the residents. From the perspective of the San Jose residents there were two problems with the SCA ruling. The first was the ruling ignored the residents' contention that there had not been proper consultation before eviction, and their claims that there was a point of procedural justice, which the ruling did not address. The second issue was that the residents could be relocated almost anywhere within Johannesburg since neither the judgement nor existing jurisprudence stipulated location. The relocation to alternative accommodation could mean that many of the residents who were informal traders, recyclers or employed within the inner city would be effectively cut off from their livelihoods.[9]

At the same time, CALS and Webber Wentzel, the two legal aid firms that were involved, saw that there were larger issues of justice to pursue. They wanted to push the courts to a greater realisation of housing rights envisaged by the Constitution, and to address the issues of procedural justice. As such, the case was taken to the Constitutional Court, where it was accepted as a constitutional matter and the bench agreed to pass judgement. The Constitutional Court was asked to consider both the matter of eviction for the 400 residents and the larger question of whether City of Johannesburg had 'made reasonable provision for those thousands of people who were said to be living in desperate conditions in the inner city'.[10] It was also asked to pass judgement on a procedural issue of eviction and relocation.

### *'Go away and talk': A negotiated settlement*

The Constitutional Court chose not to make a decision immediately and instructed the two parties to engage with each other meaningfully. The parties were set the task of coming to agreement about temporary and longer-term housing solutions for the residents as well as interim measures to make the two buildings safe for human occupation, until a more final agreement. The Court also ordered that the parties report back to it about the decisions by a certain date. The negotiation was hammered out during a series of meetings between the lawyers who were representing the San

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Jose residents, representatives from San Jose, and community facilitators whom the residents had agreed to have in the meetings to help to present their interests. From the City of Johannesburg's side, there were members of the CoJ mayor's office, CoJ's legal department and their lawyers.[11] By all accounts the meetings were generally quite heated and both sides were vociferous in their claims. It was also the duty of both sets of negotiators to report back to their constituencies and to bring any issues, concerns, disagreements or approvals back to the table. The lawyers for the San Jose residents held continuous meetings with the residents in order to consult, gain consensus and ask for direction.[12] The process took quite a long time and according to Constitutional Court documents, the parties requested two extensions to the original deadline, which were granted by the Court. Eventually a negotiated settlement was agreed and brought before the Constitutional Court for ratification.

The negotiated settlement was not able to agree to the details of everything that the Court required[13] and, most importantly there was no decision about permanent accommodation for the San Jose residents.[14] However, a series of interim plans were agreed to and the City undertook to clean and sanitise the building and provide basic water and sanitation within 21 days of the court order. The residents agreed to be relocated to temporary, alternative accommodation within the inner city. Two buildings, MBV and Old Perm, owned by the City were to be upgraded and provided to the residents by the Johannesburg Property Company (JPC) and the CoJ's Housing Unit.[15] Furthermore, it was settled that the City would not charge more than 25 per cent of a household's income for rental in the two new buildings. An important aspect of the negotiated settlements was that the 'resettlement' process was to be consistently negotiated between the CoJ and the residents. All aspects of the residents' new homes, in terms of the layout and design of the units, and their final allocation had to be agreed to by all parties.

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*The Constitutional Court decides*

Once the Constitutional Court made the negotiated settlement into a court order, they then made a set of judgements, which had wider ramifications. The Court ordered that municipalities must engage meaningfully with residents before evictions, if the eviction would mean making the person or household homeless. It further took the view that, although it recognised the city's obligation to eliminate unsafe conditions, it was also obliged to consider what evictions might mean for people who would be made homeless and reiterated an earlier decision around the provision of alternative accommodation. However they also mentioned that the eviction or relocation could not deprive the households in question of their livelihoods. The Constitutional Court then struck certain sections from the National Buildings and Regulations Act, stating that it was unconstitutional to remove residents from buildings after a writ of eviction had been served but before there was a court order.

After the final decision, and significant further discussions and negotiations between the San Jose residents and the CoJ, the residents moved into Old Perm and the MBV

building. There were, however, a number of unresolved issues, around how the building would be run, and what the residents could demand from the City. Further problems related to how long the residents could stay and how much rental they would pay. There have also been reports from the residents that the building was poorly managed and that there were structural and security concerns.[16] At the time of writing many of these issues remained unresolved and CALS was having difficulty in contacting the CoJ and getting them to respond.[17]

The importance of the Olivia Road case goes far beyond its seminal importance to South Africa's jurisprudence. The case shifted the relationships between the inner city residents from illegal occupiers to rights-bearing citizens and forced a situation of real engagement and negotiation. The case also indicated how far the Constitutional Court was prepared to step into the realms of governance and where it considered the line to be. Furthermore, it utilised its powers to ensure that its vision of South African society was realised by constructing a situation of procedural justice and a negotiated future.

## The Mazibuko Phiri case

In July 2006, five residents of Phiri, Soweto, filed a class action suit in the Johannesburg high court. The application, brought against the City of Johannesburg, Johannesburg Water[18] and the Department of Water Affairs, was launched under the auspices of the Coalition against Water Privatisation (CAWP), a collection of community organisations and non-governmental organisations (NGOs) struggling against the negative effects of current water policies on the poor.[19] The case was supported by the Centre for Applied Legal Studies (CALS) at Witwatersrand University and the Freedom of Expression Institute. The grounds for the case against DWA were that the policy of providing 6 kilolitres of free water per month was insufficient to cover household needs. It was claimed that this amount is incommensurate with international norms that stipulate that at least 50 litres per capita (lcd) per day[20] is necessary to ensure basic needs (Gleick 1996). This ruling was a significantly higher demand on the state as it moves the basic provision of water from a household on a monthly basis to a person on a daily basis – a demand that only a few of the country's metropolitan areas could afford to finance, Johannesburg, being one of them.

The legal grounds against the various organs of the state varied. In the case against Johannesburg Water, the matter raised concerns around administrative justice. It was contended that the procedural requirements of the service provider to communicate and ensure fair process, providing a warning and prior restrictions before cutting off water services, was not followed with the introduction of prepaid meters (Mazibuko et al. 2006: 20). The complainants indicated that once the first 6 kilolitres, provided free every month with the prepaid meter had been used, the prepaid meter automatically shut off, without the procedural requirements of notification as established in the National Strategic Framework (DWAF 2003) and the City of Johannesburg's bylaws. The court was asked to order Johannesburg Water to provide a free basic water

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supply of 50 lcd, and the option of a credit-metered supply installed at the cost of the City of Johannesburg, to the residents of Phiri, Soweto. The case against the City of Johannesburg was that its linking of household agreement of the installation of prepaid meters as mandatory in order to be eligible to the city's social safety net was discriminatory against the poor. The City's social package, earmarked for low-income households, consisted of subsidies for refuse removal, sewerage and leniency on credit control provisions, including the removal of interest charged on arrears. For residents in Phiri, this social package was only to be made available upon a household agreeing to having a prepaid water meter installed (Mazibuko et al. 2006: 23).

*The high court decides*

In 2008, the continued installation of prepaid meters in Soweto was halted when the high court ruled in favour of the defendants' claim against Johannesburg Water that the prepaid meters were unconstitutional and unlawful. The allegations about the unconstitutionality, discriminatory nature and illegality of prepaid meters were based on the meter cutting off water when the consumer is unable or unwilling to pay. The standards for water services were that a notice of disconnection has to be issued prior to the termination of the service. This provision was bypassed by the prepaid meter, thus contravening administrative justice standards.

The high court found that Johannesburg Water's application of the rationale of needing to address water wastage in the city as a critical cost-recovery mechanism did not warrant a narrow geographic targeting of the poorest parts of the city, such as Phiri, in Soweto where the average household size was nine people per dwelling. Wealthy suburbs to the north of the city were not penalised for large water usage and/or wastage, illustrating that this restrictive mechanism was unfairly targeted to poor areas. Furthermore, the high court ruled that the city was deficient in its approach to public consultation and participation in relation to the introduction of controversial water management devices and that the city ought to find more meaningful forms of engagement with the affected public.

The high court also ruled in favour of the defendants with respect to the minimum quantity of water the state ought to provide, which was 42 litres per person per day, to bring it in line with the World Health Organisation provision of 50 litres per person per day. Judge Moroa Tso-ka asserted the 'minimum core' concept (that in dealing with socioeconomic rights, government should be measured against a minimum standard of delivery), an approach rejected previously by the Constitutional Court. The high court ruled that the City of Johannesburg had the financial revenues to afford a free basic water quantum of 42 litres per person per day, rather than the 6 kilolitres per household per month.

*The Supreme and Constitutional Courts: A setback for civil society litigants*

The City of Johannesburg lodged an appeal with the Supreme Court of Appeal in May 2008, which ruled that the prepaid meters were illegal only in relation to the

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City's bylaws, which would need to be amended. While the Supreme Court of Appeal was more favourable to the state, the City escalated the case to the Constitutional Court. The latter provided a final ruling in 2009 and commented only on the prepaid meter application, which the Court found to be neither unlawful nor unjust. In relation to the quantum of water to be provided, the Constitutional Court found that the City's Free Basic Water Policy fell within the bounds of 'reasonableness' and, therefore, was not in conflict with national legislation regulating water services, nor section 27 of the Constitution. The Court did not comment on the third claim from the defendants regarding the high court ruling on the deficient methods of public consultation associated with the implementation of prepaid meters.

## Leading up to litigation: Why use the court?

Although the cases are from quite separate sectors, the general outlines are very similar. The cases both indicate the failure of mechanisms of representation, engagement and recourse, extremely limited political options, similar to the tales told in chapters by Matala and Bénit-Gbaffou, Piper, and Sinwell (this volume) and describe a situation of a local authority that was desperate for development and income generation through cost-recovery processes.

### San Jose residents' litigation: Triggered by eviction, encouraged by exclusion

The San Jose residents were prompted to use the courts by the 'trigger' of litigation. Wilson (2011: 137) is careful to emphasise that the turn to litigation was not a real choice for the San Jose residents:

> It is misleading to call the turn to law amongst the inner-city poor a real 'choice', in the sense that a single agent freely and carefully deliberated between competing alternatives. Firstly, the inner-city poor are not represented by, and do not constitute, a single agent … Secondly, the City was obliged by s 26(3) to approach a court to obtain orders to give effect to its eviction programme. In that sense, the terrain of struggle was already chosen for both parties by the Constitution. No matter how effective a grassroots campaign of direct action or political protest would have been, it seems unlikely that the occupiers of 'bad' buildings would have been able to resist their removal without engaging in litigation, unless they could have prevented eviction orders being sought in the first place. Without a voice in the policy-making and administrative processes leading to a decision to seek an eviction order and prosecute an application to evict (which occupiers of 'bad' buildings did not have), this seems unlikely.

However, San Jose residents decided to exploit the opportunity, due to a constellation of factors constituted by exclusions from a range of other spaces, invited and

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invented, and the legal support of the Centre for Applied Legal Studies, which made litigation possible.

The San Jose residents were caught up in the urban regeneration strategies of the city, namely the Bad Buildings Programme[21] (BBP). The BBP had been devised by a coalition between the City of Johannesburg's inner city office and private sector property owners and developers, and largely excluded input from the inner city residents. The BBP had a number of formulations between 1999 and 2002, but it basically encapsulated the property-led and market-based vision of urban renewal, based on a partnership between the local authorities and the inner city property owners and developers. Morange's description (this volume) of a city council taking an entrepreneurial turn, which she applies to the City of Cape Town's street trading policy, would be equally apt in understanding the circumstances in Johannesburg. The plan was for the city to take some type of possession of the buildings through a range of legal mechanisms, then evict the tenants and sell the building (after having written its arrears off) to a 'pre-qualified' property developer who would take possession of the building, rejuvenate and refurbish it and rent out the units to middle-income earners. The agreement between the coalition of property developers and city officials was that the buildings had to be empty when handed to the new owners. The end result was that over three years (2003–6) almost 25 000 people were evicted from their homes in the inner city and a further 67 000 inner city residents were threatened with eviction (COHRE 2005: 19) from the inner city through this programme.

The inner city residents were excluded from the design of the programme and thus could not represent their interests in these forums. They were further excluded from engaging with the state, as there were no mechanisms of representation that were formulated by the state. Brits[22] acknowledges this issue:

> Where we failed, was to have a mechanism for people to make their presentation; for people to come and talk to us. Whereas normally when you pay your bill in the normal course of events, you would get a notice before your water or your service is cut. In this particular case, obviously not. People didn't have access to going in and talk to someone and explaining their own particular circumstances.

Furthermore, when the San Jose residents attempted to engage with the BBP as potential owners of their building, they approached the CoJ and the Gauteng Province and began negotiations around gaining ownership through a state-provided institutional subsidy. The residents were told that in order to qualify they needed to become a Section 21, not for profit, company. San Jose residents then registered Sonke Financial Administrators as a Section 21 company in January 2002, and stated on their documentation that their main object would be 'building management, administration and all related aspects'.[23] The residents became caught up in a catch-22 situation, as the provincial authorities could not give them a subsidy

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unless they owned the building, but the residents needed the subsidy in order to gain ownership of the building. After all of the time and energy that had gone into the negotiation, at some point in 2003 the CoJ officials with whom the residents had been dealing suddenly refused to engage with them:

> They weren't willing to discuss anything further with us because we are illegally in the building, they claimed that we hijacked the building. We were amazed, at how do you liaise with illegals firstly? Why were they corresponding, sending correspondents to us if we were illegal? Why were they allowing us even to sit down and talk to them if we were illegal? What really surprised us is, why were they deeming us illegal now that we brought the company that they advised us to register?[24]

In March 2004 the residents submitted an application to the Johannesburg Property Company as part of the BBP to secure ownership of the building.[25] However in May of the same year the San Jose building was provisionally awarded to Ithemba Properties, a private sector property developer. There was one condition of transfer: 'in the case of occupied buildings – the approach and resolution of occupants' issues'.[26] It was this award that resulted in the attempted eviction and initiated the court case.

Thus the San Jose residents were excluded from the design and implementation of the BBP and left without platforms, either of their own devising or invented by the CoJ to actually engage with decisions that directly affected their lives. The situation was compounded by the fact that the San Jose residents were left without access to political representatives, despite attempts to contact their councillor. Mahlobo remembered:

> If one comes to you with his cries he [the councillor] don't know what to say, he don't know where to start first of all you know. We went to the councillors and they couldn't help. He was against us, instead of helping he was against us, because he was blank.[27]

Nelson Khetani, chair of the San Jose residents association, summarises the reasons why the residents chose to litigate. It was

> the way to go! Because we trusted our Constitution [would] see it the other way around – not the way that the politicians or city officials were seeing it. Went to the councillor and she could [not] help, then CALS came. The politicians, there is nothing they can do, nothing they can help, they just want your vote for them. There was no other way.[28]

The trigger had been the eviction and the incentive was the exclusion that the residents had faced from all other quarters. But there was one further element: the pragmatic issue of access to legal representation. Accessing legal representation is not just about the merits of the case; it is also about furthering the agenda of the legal organisations and their larger projects. According to Dugard,[29]

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> What they're [legal organisation] trying to do is maximise bang for buck, so to speak, so you can't take on every single case, because you just don't have the resources and reach. So you try to look for those cases that are going to have a big impact. This is where the strategic thinking comes in. It's certainly not an exact science. With Olivia Road, it was simply the fact that we were doing research in the inner city, we became aware of this particular situation and it looked very clearly like a big issue that would have a lot of impact.

Hathorn of Webber Wentzel's pro bono department agrees:

> Not forgetting this whole issue of the Bad Buildings Programme … you know it was in the press, it was a live issue. From the inset the potential public importance of this case was clear, that in fact one might be bringing a challenge to the conduct of the city of Johannesburg in terms of its clearing of bad buildings … And that's why I sought the co-operation of people because clearly it was potentially a big issue.[30]

This strong convergence of interests allowed the litigation to go forward. The San Jose residents had been effectively excluded from a range of spaces, both invited and invented, and had had no joy from the political representatives. Thus, when the trigger of the evictions arrived and they were given support by legal organisations that had a similar set of interests, litigation seemed like the best way of protecting their rights to housing and ensuring that they had some type of recourse around the procedural injustice that they had fallen victim to.

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## The authoritarian implementation of the Gcin'Amanzi project: At the core of the Phiri case?

Key to understanding the impacts of the court ruling on the social movement that supported the Phiri case is examining why the legal route was chosen by the residents of Phiri. To do so requires first exploring the relationships and underlying social tensions between the City, the residents of Phiri and the Anti-Privatisation Forum (APF).

### *The City's perspective*

The introduction of prepaid meters in Phiri, Soweto was in the context of a much larger financial turnaround strategy of the City of Johannesburg, which began in 2001 as part of the iGoli 2002 plan (Savage et al. 2003). Central services of the city, such as water, electricity and refuse removal were decentralised into autonomous utilities, agencies and entities, with the anticipation of being able to run them more efficiently. Johannesburg Water (JW) utility's turnaround strategy set up Operation Gcin'Amanzi, (OGA), which was targeted as a massive infrastructural repair and upgrade of the township of Soweto, housing one third of the City's residents, in order to address both water loss problems and non-payment. According to JW

in 2003, 90 per cent of the losses in deemed areas were concentrated in Soweto, totalling an annual loss of approximately US$7 million a month (Smith 2012). Soweto was also targeted with a prepaid meter solution as a means of addressing the low payment level, which at the time was a mere 13 per cent (Water Service Development Plan 2005).[31] The Gcin'Amanzi project was meant to redress the City's past underinvestment in infrastructure in historically disadvantaged areas.

*Policy and implementation processes*

JW's decision to combine a once-off repair of indoor plumbing fixtures to reduce leaks with the installation of prepaid meters was a novel approach in addressing both commercial losses through non-payment as well as physical losses. The utility believed that the introduction of prepaid meters, as opposed to conventional meters, would ensure that households took the issue of water demand management seriously, since they would have to bear the costs of neglecting to repair leaks on their property and wasteful use. Despite the fact that the cost to repair plumbing on private property is usually borne by the homeowner, JW was willing to cover these costs of repair as a once-off effort to complete the infrastructural upgrading in the area. The utility determined that the installation of conventional meters might prevent households from assuming the responsibility to maintain plumbing fixtures over time, thus diminishing future efficiency gains.

Given the social risks around introducing this technology, JW developed pro-poor components for the introduction of prepaid meters. First, households that agreed to have prepaid meters would remain at Level 3 services[32] with in-house connections and waterborne sanitation, or if at a lower level of infrastructure would be upgraded to Level 3. Second, households that received prepaid meters were also offered a subsidised tariff of 20 per cent during the project duration of four years. Third, JW argued that the free water policy could be more easily implemented through prepaid meters by automatically configuring the meters to disburse six kilolitres of water[33] a month. The company was the first in the country to implement free sanitation by offering an additional six kilolitres to households that agreed to have a prepaid meter. Fourth, the policy sought to address the issue of high levels of household debt by introducing an incentive to comply with the rules associated with prepaid meters, that is, not tampering with the technology and/or not reconnecting connections illegally, in return for a gradual debt write off, structured over a three-year period. The policy was endorsed by the city council in February 2004, when it agreed to write off US$1.5 million in arrears owed by the residents of Soweto due to years of non-payment for water and sanitation.

The importance of consumer 'buy-in' for the success of the OGA initiative was not underestimated by the City, nor JW. A significant effort was developed by the utility around consumer education, in order to inform and persuade residents of the benefits of using prepaid meters. A programme focusing on the institutional and social development of the initiative was developed in 2002 to deal with stakeholder

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consultations. A consulting company, Nemai, was contracted to manage public participation for the utility's flagship initiative. The focus of Nemai's work was to obtain political approval for the project through widespread consultation with ward councillors.[34] In other words, the effort to engage local politicians was outsourced to a company, thus illustrating that these social facilitation skills are often rare in a company that is operationally focused. These skills are often not developed amongst the staff within utilities because of the low level of importance that public participation holds both within the City and JW.

'Consultation' was also carried out by the utility's community liaison officers within Soweto prior to the project being rolled out. Through these programmes, community liaison officers conducted door-to-door campaigns that offered training on how to use prepaid meters and handed out pamphlets explaining how prepaid meters work, in order to encourage residents to sign a prepaid meter agreement form. These marketing techniques should not, however, be confused with genuine public participation processes. JW's approach to public consultation was more akin to employing persuasion tactics, particularly when it began (informally) providing community liaison officers with a US$8 commission for every signed agreement completed. This amounted to more money than most people in the pilot area, Phiri, receive in a single day.

The importance of broader civil society engagement around the OGA was not underestimated by the City and was manifest through deliberate instructions from the ANC top city councillors to JW, to avoid any engagements with organised civil society in Soweto in relation to the OGA. The politics behind the OGA and the opposition to it from residents and organisations was part of a much broader social resistance to the City's development trajectory, perhaps most manifest in the iGoli 2002 model and the authoritarian manner in which the City developed and implemented it – that is, by shutting down spaces of engagement.

*The community response*

The main political challenge facing JW in choosing prepaid meters as a technology was that the city had some of the most vocal and well-organised civil society organisations (CSOs) in the country, who were adamantly opposed to the privatisation of essential services. The APF was a social movement that began in the late 1990s in protest against President Mbeki's privatisation drive. Three of the key individuals who helped found the APF were all expelled from the Communist Party, COSATU and the ANC. Their macroeconomic critiques of the economic direction that the ANC and its Alliance partners were taking were not tolerated by the Mbeki regime of the late 1990s and thus the invited spaces for debate within the party were shut down. The APF was thus started by individuals who had a very strong critique of the macroeconomic policies of the state at the time. The APF was also theoretically informed and supported by activist academics with a strong Marxist political economy reading of the state, and a strong critique of the cost-recovery methods of large cities like Johannesburg, understood as 'neoliberal'. These

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activists saw the JW and the City's cost-recovery measures, such as prepaid meters, as inherent to privatisation. The ascent of the APF in the early 2000s coincides with the mushrooming of numerous social movements across the country that were contesting the shutting down of invited spaces of engagement.

At the time of the piloting of prepaid meters in Phiri, The APF and the Soweto Electricity Crisis Committee (SECC)[35] actively campaigned in Soweto against the introduction of prepaid meters and, to a certain degree, contributed to the anxiety among some residents about the impact of prepaid meters. These organisations developed campaigns that persuaded low-income residents, disgruntled with poor quality services, that JW and the City's efforts to recover costs was driven by an affinity for privatisation and market-centred practices. The service delivery problems these residents were experiencing were, thus, a consequence of the city's ideological choice to pursue privatisation as a service delivery option. However, the APFs labelling of the City's installation of prepaid meters as synonymous with privatisation, was a conflation of issues. This misreading failed to raise service users' awareness of the real costs of delivering water and the importance of household responsibilities in managing water wisely, given the extraordinary costs associated with pumping water vast distances (from the Lesotho Highlands) in order to make it available for the residents of the City of Johannesburg. The APFs threat to the ANC was that it conflated a pro-poor agenda of claiming that privatisation and cost recovery were commensurate with high water tariffs. There was significant resistance within Phiri to the elimination of a flat rate, which got picked up by the APF as a campaigning slogan that water should be free. The APFs threat to the ANC's efforts to turn around an insolvent utility in a rapidly growing city was significant as the social movement was at the time gaining popular momentum. The social tensions around the OGA were framed ideologically by the APF, resulting in the social movement missing the point of the broader rehabilitation efforts of the City and dismissing the formulaic efforts made by the City to engage on the project. The City's view was that equity goals could not be achieved if efficiency objectives were not first realised. The rationale was that JW had to become more efficient by reducing water wastage and becoming financially solvent, let alone achieve a surplus, in order to generate the revenues necessary for addressing the city's equity needs, such as expanding coverage and maintaining existing infrastructure.

*Why the choice of a legal route?*

The politics behind the ANC's adoption of the iGoli model and the social resistance mounted to this policy shift has been well documented (Harvey 2005; Rees 2001; Smith & Norris 2008) and cannot be ignored as a critical underlying social tension leading up to the court case. At the time of the Phiri pilot in 2002, the unanimity within the ANC in pursuing the iGoli path to development was solid to the point of leaving little room for dissent. Yet one ANC councillor from Soweto, Trevor Ngwane, refused to silence his dissent and was evicted from the ANC. He went on to join the APF, while running as an independent against the ANC in the 2003 by-election. His

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political aspirations to use popular discontent amongst Soweto's poor to unseat the ANC in upcoming elections exacerbated an already fraught relationship between the APF and the ANC.

The sustained community mobilisation against the introduction of prepaid meters, through invented and invited spaces, was met with open hostility by the City and JW and was seen as interfering in a 'flagship' project. The result was increased militarisation in the remaining construction of the OGA pilot in Phiri. This was manifest through increased security costs to prevent vandalism of the newly installed meters and to protect workers from harassment. For two years, the Phiri residents, affiliated with the APF, tried to engage with the city in invited spaces, but by virtue of their association with the APF, were systematically excluded (yet, as illustrated by Matlala and Bénit-Gbaffou in this volume, in residents' views, links with the APF were generally not equivalent to disaffection towards the ANC). For instance, residents that were APF members were not allowed into ward committee meetings. In terms of engaging with policy, numerous legal opinions were sought by non-profit organisations within the CAWP, but these could not be presented as evidence to influence a policy review in council matters without first being presented in a court case. Between March 2004 and July 2006, letters of demand were sent to JW, and settlement meetings were pursued without any response.[36]

The residents then turned to invented spaces, and were shut down at every turn. Demonstrations and protest marches were organised throughout this period, with the city council responding by: initially refusing the right to march; threatening to arrest residents should they march with a prepaid meter in hand; photographing all marchers so as to create a state file on them; changing the bylaws to put an interdict against protesters, in that they were not allowed within 50 meters of any of the construction work or else they would be arrested. This did not stop the efforts to protest and, as such, numerous residents were arrested for holding placards at project sites or for marching because they were deemed as 'interfering' in the pilot phase of the project. The City then manipulated the legal system to increase the cost of bail for these criminal cases. The city's tactic to crush the APF was deployed by exhausting the human and financial resources of the social movement.

The residents of Phiri, having exhausted both invited and invented spaces, and feeling under siege, then turned to the APF to seek an alternative method of engagement. Residents suggested turning to the legal system to test their socioeconomic rights in courts, since they were unsuccessful in doing so through established participatory channels within the city. This caused great debate within the APF for fear of the resources required to put forward a case, the time it would take and the potential negative impact on morale should they not succeed. Other factions within the APF felt that the radical nature of the locally organised Phiri associations would be compromised by having to engage through the formalised methods of the court system. The residents persisted in their choice to use the courts and 80 residents signed up for a class action law suit against JW, the City and the Department of Water. The APF selected five residents to file the case.

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In essence, the Gcin'Amanzi project aimed to address the manner in which the tariff structure was being cross-subsidised, but the bigger questions of development got subverted through narrow cost-recovery imperatives. The authoritarian manner of project delivery sent a paternalistic signal to civil society that the administration would rather coerce than guide low-income households on how to manage their water supply if they could not afford to be responsible, paying consumers. Having experienced the deployment of forces of state coercion, Phiri residents considered and then adopted both institutional and legal rights-based strategies around how to resolve its water struggles.

The political support given by the ANC to the Gcin'Amanzi project enabled the utility to weather the storm of CSO conflict by simply escalating the costs to the council: JW asked the council to finance the increased annual costs for running the Gcin'Amanzi project. The increased costs largely resulted from augmenting security measures (Smith 2012). The City's strategy of coercion worked until the CSOs took the conflict into the legal realm, challenging the manner in which current legislation was being implemented. Given the acrimonious relations between or the APF and the city council, it is not surprising that legal means were pursued in order to force the council into a reconsideration of the social implications of its policies relating to water demand management.

The civil society conflict that had emerged from JW's commercial approach to the delivery of a basic need threatened to force the utility and the City to pay heed to the legislative requirements that it is bound to, regardless of the importance of turning around the financial situation of the water services. The APF reacted not only to the perceived negative implications of prepaid meters being employed in a predominantly poor area, but also to the city's authoritarianism towards dissent against its 'flagship' project: the social movement claimed that the City contravened legislation regarding how it is required to interface with its residents. In essence, the social movement's outrage is that, while they were struggling against the City to secure second generational rights – socioeconomic rights – their first generational rights – political rights – were being limited by the state.

*Where was the regulator and what were the recourse options?*

Turning to the courts was the culmination of extreme frustration by the residents and an anti-privatisation social movement who had escalated the conflict beyond the city council. This speaks to the limitations of regulation in the city and the water sector in South Africa to help resolve service delivery issues between the state and citizens.

Briefly, in South Africa, local government carries the responsibility for the provision of water services. The oversight function of how this service is carried out is premised on the principle of cooperative governance across all three spheres of government and a vision of municipal regulation being decentralised to 169 water service authorities. These water service authorities have the direct oversight role

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of water service providers, whether this is done through the same municipal water department or an external provider such as a private sector entity, water board or civil society structure. In practice, the current local government system for water services is constrained in its ability to adequately protect citizens from an underperforming municipal provision function, as the authority and provider function are one and the same department.

The council's response mechanisms to non-compliance of water service providers in each instance vary. Where it involves the public, the issues raised get logged and sent to the call centre. This form of problem resolution presumes that the issues raised are of a technical nature and therefore that a call centre can adequately channel them in order to address them. But what happens when the issues raised are related to structural problems in service delivery, such as an anti-poor tariff system or the bypassing of household choice/consent in the installation of a water-saving device? What happens when a person's rights are not respected, the issue is raised and the council chooses not to respond? What recourse mechanism do citizens have in such instances?

In relation to the Phiri case, the City of Johannesburg was the only metropolitan council in South Africa at the time that had the institutional set-up of a regulator consisting of the Contract Management Unit (CMU) dealing with service delivery compliance and the a Shareholder Unit (SHU) dealing with financial integrity and corporate governance. These units should have therefore been 'invited' spaces for the public to raise grievances once it had exhausted its efforts to engage with the 'customer service' division of JW. Unfortunately, the mandate of the CMU was to provide oversight of the city's utilities regarding whether they complied with municipal legislation. The CMU was not a receiving ground for public complaints or for reviewing council policy, and, as such, was not a conduit for the public to escalate service delivery complaints – thus highlighting this particular institutional lacunae.

The national Department of Water Affairs serves as the country's water regulator but is limited in its ability to enforce putative measures on a different sphere of government, given the three spheres are equal before the law. There is a real challenge in terms of regulating local government's provision of water services under a constitution that requires provincial government to intervene where local government is failing and national government to intervene where provincial government is failing. Since provincial governments do not have any water responsibilities under the Constitution, one is asking them to intervene in an area where they have no understanding or capacity, financial or human, other than through their departments of local government. This is a challenge emanating from the very foundations of the governance system that is in place in South Africa and helps explain why there is a void for citizens to escalate service delivery grievances or seek recourse through state institutions, and why they increasingly turn to the court.

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## Consequences of the cases for urban governance: Policy, implementation, practices of engagement

The outcomes of the two court cases highlighted above extend well beyond the court rulings. First, there were differential rulings in relation to the advancement of socioeconomic rights. A positive ruling in housing helped to advance the enactment of socioeconomic rights but did little to strengthen governance within the City of Johannesburg in terms of how low-income residents are able to engage with the city prior to the point of being evicted. The negative ruling in the water case failed to bring greater definition to what is 'reasonable' as a minimum norm. The court, in this instance, saw socioeconomic rights as an opportunity to force the state to expand policy rather than allow the poor to give meaning to the notion of 'reasonableness' (Wilson & Dugard 2011: 24). Second, the cases attempted to change policy and legislation and were only successful in relation to technical adjustments but not in relation to shifting governance relations with key stakeholders in the city. Thus the desired outcomes of meaningful engagement and the provision of alternative accommodation have only been partially enacted in practice. The following section discusses these findings in further detail.

### Policy change before the court case was judged

This was most apparent in the changes to the inner city policy, where even before the Constitutional Court case was resolved, the City of Johannesburg had already begun the process of developing an inner city housing plan, which was intended to feed into the larger Inner City Charter. The Housing Action Plan (draft of 2007), when acknowledging the range of factors that led to the development of the new plan, noted the importance of the Olivia Road case and the high court and Supreme Court of Appeal decisions. It stated that

> Whatever the outcome of the case in the Constitutional Court, it is now clear that the *context dictates* that the problem of bad buildings cannot be fully solved outside of a framework of Inner City housing provision.[37] (emphasis in original)

The final housing document submitted to the Constitutional Court, claimed that 'the passage of the matter through the courts has inextricably tied the issue of how to deal with bad buildings to the issue of how to ensure the development of enough affordable accommodation for those who wish to live in the inner city.[38]

As a result, the Constitutional Court's final judgement stated that

> It is not necessary for this Court to consider the question of 'permanent housing solutions' for the occupiers. The City has agreed that these solutions will be developed in consultation with them. The complaint by the occupiers that negotiations have been marred by unclear and in concrete housing plans is not in my view a sufficient reason for this

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> Court to consider this question at this stage. There is every reason to believe that negotiations will continue in good faith … There is no reason to think that future engagement will not be meaningful and will not lead to a reasonable result … Nor should it be the only determinant of whether the plan is reasonable.

Thus the court case rather than a court decision caused a shift in housing policy in the CoJ.

Similarly in the Mazibuko case, the City of Johannesburg changed its social package policy as a result of the awareness of contentious issues evoked through the court case. The high court judgement that 1) prepaid meters were unconstitutional and unlawful and that 2) the city needed to engage more meaningfully with regard to public participation, caused JW and the City to reflect as it understood that the massive investments to date would be jeopardised if they did not adapt the OGA to address some of the social and technological issues emerging from the court case.

From 2008, after the high court ruling, the City's first response was to bring the Phiri pilot to a standstill until the case was appealed and escalated. It only resumed the project three years later in 2010, a year after the Constitutional Court case. Prior to the Constitutional Court ruling, the City concluded that insufficient research had been done prior to the implementation of the Gcin'Amanzi project in terms of the contingencies that needed to be taken into consideration when putting in prepaid meters in low-income and highly dense areas of the city. The City established a policy for an expanded social package that could increase the free allocation of water to up to 15 kilolitres per month per household for applicants facing extraordinary circumstances, such as large families, living with household members who had HIV and AIDS. Nevertheless, this expanded package was still only available to households that signed up to prepaid meters. The fact that only one fifth of the City's poor that were eligible for the package were on the City's Indigent Register was a product of the City's challenges in communicating with low-income residents, let alone engaging meaningfully with them (Smith 2012). Once the Constitutional Court ruling was announced in 2009, the City claimed victory and in its arrogance failed to address the need to mend the deep mistrust that developed in its social relations with civil society. The high court ruling on the need to address an unsatisfactory approach to public participation was responded to in tokenist manner, such as developing information sessions to tell the public what the city was doing. This was very different from creating the conditions for a dialogue.

JW responded with addressing many of the technical complaints residents had raised during court proceedings regarding their experience with the faulty technology of prepaid meters. For instance, the 40 000 meters that were vandalised during the process of the court case were replaced with new meters.[39] A trickle feed was put into the prepaid meters to ensure that household's access to water was never completely disconnected, just reduced. Smart meters were put in place where the utility could read meters from a distance, thus alleviating the need to engage

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directly with households even on a technical basis. Finally, the utility did a second round[40] of repairing leaks that had arisen on people's property, a responsibility that normally lies with the household rather than the utility. The City focused on these technological repairs in order to recoup the millions of rands lost during the court process in water leaks[41] that had resumed with the halting of the pilot and the halting of disconnecting household water supply between 2008 and 2011. JW did not address the social issues emerging from the court case.[42] This was the terrain of the City and, as indicated above, was treated in a formulaic manner, such as putting out communication plans to better inform its residents on what its policies and programmes were.

Prior to the court case, the country was buzzing with the possibilities of quick fixes to council revenue problems through the introduction of prepaid meters. Numerous urban centres were exchanging lessons with the City of Johannesburg as they were eager to address severe water losses. However, the social and financial costs to the City of Johannesburg associated with the implementation of prepaid meters, has now turned municipal consideration of using this particular water saving device into an exception rather than a norm.[43]

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Beyond direct change in policy and implementation practices, the (Olivia Road) court judgement regarding the need for municipalities to 'engage meaningfully' if evictions are to take place and make residents homeless has been saluted as seminal in SA litigation. The decision was careful to lay out some parameters for meaningful engagement, noting it should not just be just be a compliance-led activity but that the municipalities have a responsibility to try and sincerely engage with residents. The Constitutional Court also made a full record of engagement a requirement of any eviction proceeding, arguing that without it, a court would be hard-pressed to know if an engagement had been meaningful. Importantly, the judgment also addressed the sections of the National Building Regulations Act, which essentially allowed for eviction without a court order: the Court stated that evictions cannot take place, irrespective of the situation, without judicial review and just process.

A further issue was that the City was accused of not implementing the Emergency Housing Programme, as it was encapsulated as Chapter 12 of the Housing Code. This chapter, originating in the seminal Grootboom Case, set out the regulations for the assistance to residents who had been evicted and which required the state to provide temporary alternative accommodation of a basic standard (Chenwi & Tissington 2010; Wilson 2011). The alternative accommodation decision has been met with some resistance by officials who feel that the vagueness of the decision has made their jobs even more difficult. Samantha Naidu from the City of the Johannesburg, Department of Housing remembered:

> You have to provide alternative accommodation: what are the standards for that alternative accommodation, you know? If you look at the Emergency Housing Programme, it could be tents … And if you're saying temporary accommodation, it could just be a big warehouse and

> you just have beds for people, you know … So they [Constitutional Court] didn't give us any direction as to say, okay if you're providing alternative accommodation, this is what we expect you to do.[44]

Furthermore, there is the concern that there simply is not sufficient room in the inner city to 'decant' people as part of the relocation and alternative accommodation process. According to Mpumi Kubheka, of the Provincial Department of Housing, 'we don't really have properties as a Department that we can use immediately when there is an emergency'.[45] Renier Erasmus (director of Madulammoho Housing Association) also pointed to the problems of re-housing people in the inner city:

> The problem is with that, now you have to move these people in, and you are going to have to move them to some place, but where is that some? Because every inch of this city is occupied. There is not an open building somewhere. So you can move them to Building A then you must evict those people in Building A.[46]

However, the overall impact of the alternative accommodation ruling is that it stopped state-led inner city evictions through the Bad Buildings Programme and effectively resulted in many hundreds of people being able to maintain their access to shelter and livelihoods. Furthermore the alternative housing requirement has had some unintended consequences for poor people in the inner city whereby

> we would push in our Housing Department and the Social Services Department, Social Workers and what have you. We push those groups into the buildings. The intention is to find out who is living in those buildings, to determine occupancy. Who are you? Are you from South Africa? Are you South African citizens? Try and get ID numbers, try and get information about the occupants. The reason for this is, when I have to look for alternative accommodation – we have to now consider alternative accommodation – now when you want to look for alternative accommodation, you want to know *who* you must go and find accommodation for. We're not finding accommodation for foreigners.[47]

Thus, some of the other units are now looking for ways of lowering the number of residents who qualify for alternative accommodation, which has consequences for individuals and households who are not considered 'legitimate' beneficiaries.

## Changing forms of engagement: Rising citizenship?

The meaningful engagement ruling in both the interim and final judgments forced the state to engage with its citizens and offered the citizens a site in which they could enforce the agreement that they had come to with the state. Thus there was an important transition for the San Jose residents, where they were transformed by the litigation from illegal occupiers to legitimate citizens that could engage with the state on an equal footing and make court-enforced agreements with the state. The

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ability of the litigants to use the court as a space to further their own purposes echoes Buire's and Gervais-Lambony's chapters on invited spaces of participation and their appropriation by residents, although the capacity for use was here far more sustained than in the case they discuss.

Post the Constitutional Court case, there has, however, been some contention around how the meaningful engagement clause should be interpreted. According to one of the housing officials it should be seen as 'communication':

> Well communication would involve like, please be aware that maybe the place which you are living in is a health hazard, it needs to be brought down, please kindly find alternative accommodation. Because many instances, most of the people are illegally in those buildings.[48]

There have been criticisms about meaningful engagement as being too vague and uncertain, and giving false hope, as there is actually very little to engage about, considering that no alternative accommodation is possible. However, some legal commentators have argued that the meaningful engagement provides a 'potentially powerful tool to civil society organisations' (Ray 2009). Others have seen the vagueness as an opportunity for civil society to define the contents of meaningful engagement in a way that is importantly and profoundly democratic. The vagueness established a 'gap' and facilitated the opportunity for an organisation or institution to take the lead about what meaningful engagement actually meant.

The City of Johannesburg seemed unable to capitalise on the opportunity but CALS and the *amici curiae* did. They stepped into the space that the judgments left and attempted to provide content to both the housing judgment and the call for meaningful engagement. In doing so, they became the arbiters of the narrative and the constructors of a certain set of norms. They were able to do so by entering into the public realm using a variety of tactics. In July 2009 and March 2010 they hosted a series of engagements with community organisations, other legal activists and government institutions around 'meaningful engagement'. The stated intention of these workshops was to facilitate 'discussions that would help delineate the concept [meaningful engagement] and identify ways of making it effective' (CALS 2010). The same group disseminated a booklet on meaningful engagement in English and isiXhosa to social movements and community leaders, as well as scholars, academics, government officials, and NGOs.[49] CALS and their partners have been able to dominate the public sphere and through modes of participation have been able to build consensus around their interpretation of meaningful engagement. Chenwi and Tissington developed a booklet based on this consensus, in which they argued that meaningful engagement:

> happens when communities and government talk and listen to each other, and try to understand each other's perspectives, so that they can achieve a particular goal. It is a 'neutral' space where people and the state can discuss and shape options and solutions to difficult issues … It should also be both individual and collective. It is not enough simply

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> to consult with committees or community-based organisations (CBOs) claiming to represent communities. Nor is it enough to just consult individuals and households. The state must do both.

## Not a smooth path to participatory governance

However, the rulings have also seen a hardening of attitudes as the CoJ has increasingly refused to engage with CALS or the San Jose residents in their new accommodation. Apparently by 2009 the City stopped responding to the residents' requests and complaints, and CALS had to step in once again and started to send lawyers' letters to the CoJ.

> Things are just not working, but we are sending letters of demand in terms of the settlement agreement: you are responsible for doing ABCD, you are not doing that, what do you want us to do about that, do you want us to get ugly or …? It just takes forever to get something out of those guys, to sometimes get a response you have to write a letter copying the director of legal services and you will see some action.[50]

> It just doesn't make any sense and it is that kind of very bureaucratic thinking and almost like 'well, f*** you, you sued us and we have had to do this, and so I don't have to do this for you and I actually I am not supposed to do it, so I am not going to do it'.[51]

The San Jose residents have also faced demobilisation from the court case. The pacification took place in two ways: through granting the residents some of their demands, the City had hoped to ensure that they would not be litigated against again; and through taking over control of the new building the City sought to disrupt the power of the residents' committee, who they saw as the ring-leaders. Monty Narsoo[52] who, along with Lauren Royston facilitated much of the community engagement, described a situation in which the residents committee coordinated a Sunday clean-up of San Jose, an activity that had been in operation before the case and continued through it. However during the court case the residents' committee was able to use the clean-up as a way of maintain power. The residents committee had run the cleaning and security details in the building but

> what happened in this transition was that the authority that the committee had warded, it no longer had because it was understood because they were quite open to the idea of not having to do all that work and the city authority to take responsibility for stuff.[53]

The house rules that had initially governed behaviour and protocol in San Jose were re-written for the MBV where the CoJ initially tried to impose a set of rules on to the residents. Narsoo argues that in the fight about house rules, what was actually at stake was a fight over control of the building. Moving in to the City's buildings meant that, to some extent, the collective bargaining of the San Jose residents has been diluted by taking away control of the buildings from the leaders, who also no

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longer had anything to use as leverage. In addition there were also other people living in the building from a range of contexts, and the SJ residents are now spread across three buildings.

The San Jose tenants were not the only ones to experience demobilisation. The breadth and depth of social mobilisation that the APF succeeded in reaching extended well beyond the City of Johannesburg. The media on the court case helped spread awareness to numerous communities across the country, who then contacted the APF about how to pursue their own local struggles. During the four years that the trial took to conclude, the APF was actively engaging in solidarity with other locally based CBOs and NGOs that were working with disgruntled residents in relation to service delivery. Dale McKinley of the APF confidently claims that the service delivery protests that were spreading across the country between 2007 and 2012 were in some way connected to the APF working with local communities.[54]

At the time of writing (2012, three years after the ruling of the Constitutional Court), the APF and the CAWP have closed their doors. Various explanations offered are that by following a rights-based legal route, the social movement wound up distracting local activists from the struggle for better services. Some say that losing the court case disempowered activists and was a driver for the demise of the APF and the CAWP. Those within the APF who tried to channel the energy of the social movement into electoral politics, failed and in doing so, were distanced from the movement.

The APF and CAWP were a product of their time, where the close relationship between the organisers of the social movement and academic institutions, such as Wits University, helped cement a strong ideological labelling that transformed service delivery frustrations into a crusade against privatisation. This had developed as a response to the macroeconomic approach taken by the Mbeki regime in the late 1990s, that saw privatisation as a means of bringing greater efficiencies to poorly run state institutions. The 'anti-privatisation' concept became a hook upon which many disgruntled citizens could latch their frustrations. This single organising principle was successful in uniting a variety of grievances into one umbrella social movement that was able to create internal spaces to debate these issues, while sustaining continuous efforts at engagement with the state that was, at times, constructive and at other times, not. This social movement was successful in raising public awareness, mounting campaigns and applying public pressure on the City. As an organised, calculating entity, the APF was capable of thinking strategically about how to confront local authorities for greater public accountability for the quality of services provided. During the course of the court case, the APF doubled in size from 15 to 30 affiliates and by 2008 could barely meet the demands on its staff to train, campaign and mobilise well beyond the Gauteng area.[55]

By 2008, however, the APF started to implode for internal reasons that were unrelated to the court case and, by 2010, led to the death knell of the social movement. The key reason for its folding was that, under the Zuma regime, privatisation was no

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longer part of the macroeconomic intent of the state and, as such, the APF no longer served a purpose in combating what had been a very deliberate and well-articulated national stance that was in favour of privatisation. In this sense, the APF was a product of its time and when the national discourse moved away from privatisation as a service delivery option, the APF's lost its main purpose of existence. The Constitutional Court case ruling created huge disappointment and disillusionment to the residents of Phiri and numerous individuals and organisations that had put enormous energy into the case.[56]

To conclude this section, the consequences of the decisions of both court cases were extremely varied and, in some cases, quite unexpected. Thus, although the San Jose residents were provided with alternative accommodation and there were two progressive precedents of alternative accommodation and meaningful engagement, these have not yet been translated into progressive practice at the city scale. Furthermore, although official state-led evictions have stopped – which is an important consequence of such litigation – there is a question mark as to what the consequences of the alternative accommodation clause have meant for residents who cannot make this claim on the state. There is also a sense that the state has become antagonistic to the residents it has re-housed and its attitude has hardened, and there is now a refusal to engage, unless they are commanded to by the court.

## The sum of its parts: Litigation, when, why and what it means for governance

The cases above provide some insights into the role that courts are playing in urban governance. The cases demonstrate how the courts are turned to in moments of frustration when other spaces either invited or invented fail. The courts in specific instances are taking on the characteristics of an invited space when they insist on engagement between state and non-state actors. In these circumstances, unlike other invited spaces, due to the force of the court, the process is highly inclusionary and less likely to devolve into a situation of coercion or coalition-building (see Morange in this volume). The oversight of the courts and the structured protocol of the courts as adversarial spaces has made them less prone to manipulation. The courts can also be appropriated and provide a site for the expression of voice and need, as do many invited spaces analysed in this volume. City dwellers can put some of their issues on the agenda and thus mutually constitute the content of these spaces, but in ways that are highly mediated by protocol and form.

Thus the courts expose characteristics of invented spaces and invited spaces. Due to the unique legal position of courts and their ability to moderate and mediate engagement, however, they are a type of third space of engagement between the state and civil society. In the two court cases mentioned above, the court's deference to the executive in defining what is reasonable, has made it difficult for the poor to predict in advance whether litigating positive rights obligations bears any prospect of success. The inability of the court to give contextual meaning to 'reasonableness'

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could well hinder the poor in choosing the courts as a third space within which to seek recourse and/or engagement with the state.

Our second set of conclusions argues that court cases, not only court judgements are powerful instigators of change in the urban context, most probably because there is the threat of further litigation if changes are not made. In both cases the policy and practitioner environment began to change, even before or without a decision taken by the courts. Furthermore, the impact of the court cases rippled across a range of scales and shifted relationships across a variety of actors in unpredictable ways. The cases in this chapter clearly demonstrate that the court provides an important site of engagement for redress and recourse but the consequences of litigation are unpredictable.

The cases also indicate why and how certain kinds of litigation and rights have garnered more 'success' in the courts than others. Section 26 of the Constitution declares two positive and one negative obligation towards housing, whereas the right to water and sanitation is almost entirely encapsulated as a positive obligation of the state. The Constitutional Court has been far readier to provide decisions on the negative aspects of the state obligation and on forcing procedural justice to take its course, rather than providing content to existing rights. As such, housing and evictions litigation has evolved far faster than many other rights-litigation in South Africa and there has been a definite case-by-case trajectory, which has ensured procedural justice and the rights to shelter and property of the poor. This view may resonate with Glaser's contention (this volume) that there should be a focus on the procedural aspects of democracy as the 'safest' way of ensuring more equitable access for people. However, while a focus on procedural justice is an important first step, the Constitutional Court cannot leave its judgments there and hope for the best.

The end result is two-fold. First, legislation speaks to the obligations of the state in providing essential services (water) that are 'within reason' of what the local sphere can provide. As there is great financial diversity amongst South African municipalities, the national sphere has defined a 'minimum' core and subsidises local government to provide this, when a municipality cannot do so itself through cross-subsidisation in its tariff structure. As only the country's largest urban centres are capable of this 'minimum core', the state has been unwilling to raise the defined amount in the legislation supporting the right to water. Civil society, through the Phiri case, turned to the courts to demand that the state increase the minimum core. The Constitutional Court's unwillingness to raise this minimum core, but rather to stick to a vague definition of the state obligation to provide 'within reason', has left civil society without the ability to use the legislation to confront the state for a higher level of service. Second, there is also evidence that procedural justice will become compliance-led governance, in which bureaucrats just engage in the most perfunctory of manners, without meaningful engagement, which materially affects people's access to the concrete expression of their rights. So whatever the values of the procedural justice approach – and there are many – it has not added to the existing canon of rights, or their content.

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To conclude: the effectiveness of the role that litigation and the courts can play is unpredictable and could be limited by the requirements of the right, such that those rights with strong positive obligations requiring the courts to intervene in substantive areas will receive less favourable and progressive judgements than those with negative obligations for the state. The unwillingness of the court to give contextual meaning to 'reasonableness' could well hinder the poor in choosing the courts as a third space within which to seek recourse and/or engagement with the state.

## Notes

1 The use of litigation in the Treatment Action Campaign (TAC) – a South African social movement mobilising around HIV and AIDS issues – case was part of a larger political strategy in which the TAC linked the court case 'to a great deal of mobilisation in the streets, politically in the parliament, with the churches, trade unions, etc. and that makes the legal work quite different … It gives the legal work a significant impact that isn't possible otherwise' (Geoff Budlender, Director of the Constitutional Litigation Unit at the Legal Resources Centre, quoted in COHRE 2003: 96). The TAC recognised the catalytic value of a court case and used it to inspire and motivate other forms of mobilisation, which in turn were used to support the court case.

2 In this chapter we use the term 'civil society' to refer to non-state actors, such as non-governmental organisations (NGOs), community-based organisations (CBOs) and social movements – rather than using the term as Chatterjee (2004) does to refer to rights-bearing citizens who inhabit and access the legal and formal processes of the state and its institutions. Chatterjee's dichotomy, and the existing recourse to litigation by groups he calls the 'political society', are explored elsewhere in our work (Rubin 2013) and this chapter focuses rather on the invited/invented space duality and its limits.

3 M Hathorn, a partner and head of the pro bono practice at Webber Wentzel, personal communication, 4 May, 2010.

4 Fraser N (2008) Neil Fraser visits San Jose. *City Chat*, 1 September. Accessed 27 March 2015, on http://joburg.org.za/index.php?option=com_content&task=view&id=2909&Itemid=58

5 N Khetani, Chairperson of San Jose Residents' Committee, personal communication, 8 June 2010.

6 C Beckenstrater, partners Moodie and Robertson, personal communication, 10 May 2010.

7 The Johannesburg high court became the South Gauteng high court.

8 Johannesburg high court, 2007: *City of Johannesburg v Rand Properties (Pty) Ltd and Others* 2007 (1) SA 78 (W) judgement.

9 K Tissington, previously a researcher at CALS and currently senior research and advocacy officer at the Socio-Economic Rights Institute (SERI), personal communication, 4 May 2010.

10 Constitutional Court of South Africa 2008: *Occupiers of 51 Olivia Road, Berea Township, and 197 Main Street Johannesburg, v City of Johannesburg et al., 2008 Case CCT 24/07 ZACC 1 judgement.*

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11 N Khetani, Head of San Jose Residents Committee, personal communication, 8 June 2010; K Tissington, previously a researcher at CALS and currently senior research and advocacy officer at SERI, personal communication, 4 May 2010; G Gotz, formerly policy and strategy specialist in the Central Strategy Unit of the Office of the Executive Mayor, City of Johannesburg, personal communication, 15 March 2010, 29 March 2010 and 4 May 2010.

12 L Royston, Independent Consultant, Development Works, personal communication, 29 April 2010.

13 Constitutional Court of South Africa 2008: *Occupiers of 51 Olivia Road, Berea Township, and 197 Main Street Johannesburg, v City of Johannesburg et al., 2008 Case CCT 24/07 ZACC 1 judgement.*

14 L Royston, Independent Consultant, Development Works, personal communication, 29 April 2010.

15 L Magoro, Regional Director for Housing, Region F City of Johannesburg, Personal Communication, 10 June 2010.

16 I Mahlobo, Secretary of San Jose Residents Committee, personal communication, 27 August and 1 October 2010.

17 M Munyembate, Head of Litigation, CALS, personal communication, 14 May and 27 August 2010.

18 Johannesburg Water was founded in 2001 as the amalgamation of several different municipal water departments within the Johannesburg metropolitan area into a single public utility, of which the City of Johannesburg was the sole shareholder.

19 See chapter by Matlala and Bénit-Gbaffou in this book, for an exploration of their mobilisation processes.

20 The United Nations recognised this standard in General Comment 15, November 2002, footnote 14.

21 The Bad Buildings Programme became the Better Buildings Programme in 2001 in order to put a more positive 'spin' on the programme.

22 K Brits, then Director of the Legal and Compliance Department, City of Johannesburg, personal communication, 17 May 2010.

23 Memorandum and Articles of Association, Sonke Financial Administrators, 23 January 2002, CALS archives.

24 I Mahlobo, Secretary of San Jose Residents Committee, personal communication, 27 August and 1 October 2010.

25 Letter addressed to Johannesburg Property Company from Wilfred Mphahlele, Sonke Financial Administrators, accompanying an application for ownership, 18 March 2004, CALS archives.

26 Email from Nicole Hodnett, Assistant Programme Manager, Better Buildings Programme, JPC, to all provisionally appointed developers, 12 May 2004, CALS archive

27 I Mahlobo, Secretary of San Jose Residents Committee, personal communication, 27 August and 1 October 2010.

28 N Khetani, head of San Jose Residents' Committee, personal communication, 8 June 2010.

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29 J Dugard, previously a senior researcher at the Centre for Applied Legal Studies (CALS), currently a senior a researcher at SERI and a member of their Board of Directors, personal communication, 1st September 2010.

30 M Hathorn, a partner and head of the pro bono Practice at Webber Wentzel, personal communication, 4 May 2010.

31 Residents living in the deemed areas of Soweto had previously been charged a flat rate of R149 a month for an unlimited amount of water. See Johannesburg Water (2005), Water Services Development Plan.

32 The City of Johannesburg established three levels of service (LOS) delivery as part of its overall strategy of addressing its water and sanitation backlogs in a manner financially sustainable for the city as well as affordable for households. Level 1 is basic with access to a communal standpipe within 200 meters and a Ventilated Pit Latrine for sanitation. Level 2 provides a yard tap with a pour-flush toilet. Level 3 is full waterborne sanitation and an in-house water connection.

33 The Free Basic Water Policy, promulgated in 2001, gave effect to the Constitutional right to water. The intent was redistributive by ensuring that households could not be deprived of a basic need, such as water, for socioeconomic reasons.

34 Nemai Consulting (2003) *Public Participation report, Operation Gcin' Amanzi*. Unpublished report prepared for the City of Johannesburg.

35 For an analysis of how the APF, SECC and CAWP are articulated, see Matlala & Bénit-Gbaffou's chapter in this volume.

36 Dugard J, McKinley D & Setshedi V (2006) Media summary, Johannesburg, 12 July. Accessed at: http://www.law.wits.ac.za/cals/newsitems/phiri.pdf

37 City of Johannesburg (2007) *Inner City Housing Action Plan Draft for Consultation and Comment*, November 2007, Johannesburg.

38 City of Johannesburg (2007) *Inner City Housing Action Plan, Phase One, Executive Summary of Draft One*, accessed 8th August 2012, http://www.leap.org.za/File_uploads/File/Inner_City_Housing_Action_Plan_Phase_1.pdf

39 N Manus, Environment and Infrastructure Services, City of Johannesburg, Personal Communication, 4 December 2012.

40 The first round of repairing leaks on household properties had taken place at the commencement of the Phiri pilot in 2003.

41 The average annual loss to JW from the court case process (vandalism against prepaid meters, leaks resuming, halting of metering) was R300 million (Personal communication with Nino Manus, Environment and Infrastructure Services, 4 December 2012).

42 N Manus, Environment and Infrastructure Services, City of Johannesburg, Personal Communication, 4 December 2012.

43 Galvin M (2012) *Update from Johannesburg: It's all about 'how' the RTW is implemented*. Blog, accessed on 16 February 2012, http://canadians.org/blog?p=13635

44 S Naidu was the director of management and support in the Department of Housing, City of Johannesburg, personal communication, 13 May 2010.

45 M Kubheka, Project Manager, Gauteng Provincial Department of Local Government and Housing, personal communication, 16 September 2010.

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46 R Erasmus, Director, Madulammoho Housing Association, personal communication, 15 September 2010.

47 Anonymous, Senior Official, City of Johannesburg, Inner City Task Force, personal communication 10 June 2010.

48 Anonymous, Housing official, City of Johannesburg, personal communication, 10 June 2010.

49 K Tissington, previously a researcher at CALS currently senior research and advocacy officer at SERI/Ex-CALS, personal communication, 4 May 2010.

50 O Mngomezulu, formely a research intern at CALS, currently an attorney at SERI, personal communication, 9 June 2010.

51 K Tissington, previously a researcher at CALS currently senior research and advocacy officer at SERI/Ex-CALS, personal communication, 4 May 2010.

52 M Narsoo, Independent Consultant, personal communication, 15 March 2010.

53 L Royston, Independent Consultant, Development Works, personal communication, 29 April 2010.

54 M Galvin (2012) *Update from Johannesburg: It's all about 'how' the RTW is implemented*. Blog, accessed on 16 February 2012, http://canadians.org/blog?p=13635

55 D McKinley, former member of APF Executive, personal communication, 27 November 2012.

56 D McKinley, former member of APF Executive, personal communication, 27 November 2012.

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# Postscript: Viewing South Africa's urban governance from an 'Indian' perspective

Glyn Williams

In this postscript, I look back across the 11 substantive chapters of the book to reflect on some of their key arguments, and their resonance and implications beyond South Africa. Writing as a British citizen, currently located in the mid-March chill of Yorkshire, my claims to offer an 'Indian' perspective are necessarily tenuous, but if concerns about authorial identity can be placed on one side, India provides an interesting vantage point from which to review the work presented here.

As growing regional (and global) powers within a post-2008 world, the experiences of both India and South Africa in delivering democratic urban governance are clearly of interest beyond their own borders. Both have the 1990s as a key decade of political and economic transition. For South Africa, the transition to multiracial democracy and the dismantling of apartheid were, of course, globally celebrated events. The subsequent rearrangement of municipalities had its echo in India's 74th Constitutional Amendment (1992), and both established directly elected municipal councils as third tiers within their federal polities. Manmohan Singh's July 1991 budget and the introduction of the New Economic Policy was a far quieter 'elite revolt' (Corbridge & Harriss 2000) that, nevertheless, ushered in a dramatic transition to a neoliberal development pathway for India. In South Africa the move from the African National Congress's (ANC's) Reconstruction and Development Programme (RDP) agenda to Growth, Employment and Redistribution (GEAR) signalled a similar shift. Thus, although their starting points were very different, both entered the 2000s with common elements to their urban political agendas.

As a result, both are trying today to enact forms of democratic urban governance at a time at which their cities are seen as key contributors to their developmental ambitions. For India, urban development has played a minor role until relatively recently, but from the 1990s, there has been an increased emphasis on its cities as motors for economic growth, and a resultant engagement in international consultant-led 'city visioning' processes that will have familiar echoes for observers of South Africa (Mahadevia & Narayanan 2008; Roy 2011; compare with Parnell & Robinson 2006). The conflicting pressures of rapid urban expansion, neoliberal inter-urban competition, and meeting the chronic undersupply of housing and basic services to a large 'informal' sector provide some common elements to the arenas in which urban governance is unfolding. After almost two decades of these experiences

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of 'reformed' urban governance, this is an appropriate point in time for reflection on institutional development and maturation, and the changing spaces that they offer for political engagement, representation and empowerment.

Beyond these initial similarities, however, lie any number of fundamental differences, and so my role as a (doubly) outside commentator is not to undertake a structured comparison, but rather to offer reflections on the aspects of South Africa's experience that stand out to an observer sensitised to an alternative regional context. Empirical contrasts and similarities are important here, but so also are theoretical debates, because these can – as the introduction to this collection notes – be regionally-inflected. Throughout, having urban India as a point of departure is important in rendering provincial (Robinson 2006) Western experiences that are often implicit or explicit within ideas of democracy and 'good governance', and also as a prompt to think in non-teleological ways. Reflecting on possible futures through India's and South Africa's multiple experiences of urban governance is far more important than evaluating South Africa against an idealised development trajectory, whether drawn from classical Marxism or the prescriptions of the World Bank.

To guide me through this process, I will take up three themes in turn. The first is that of political transition, and the nature of the state/party/society relationships which follow from this. Here, ANC hegemony and the working through of the inheritance of a liberation struggle have interesting analogues in the CPI(M) (Communist Party of India, Marxist) in West Bengal and Kerala, the parts of India with which I am most familiar. The second is that of spaces of participation, in which I reflect on what this collection tells us about the 'invited' spaces that are being offered within participatory urban governance at this point in South Africa's history, and the uses to which they are being put. The third is that of movements, activism and political alternatives. Here, South Africa offers contrasts with India in terms of the forms of social activism and protest, and the potentially supportive role of the courts and the Constitution in connecting this mobilisation to struggles for rights. This collection has important things to say about all three, but its methodological approach – in producing ethnographic insights into how political power is experienced and understood in contemporary South Africa, particularly with respect to community participation within its townships – is also of importance in and of itself. There are equivalent elements of scholarship in South Asia, where engagement with Partha Chatterjee's conceptualisation of political society has been one important source of theoretical debate (Chatterjee 2004; see also Corbridge et al. 2005; Gudavarthy 2012), but ethnographic studies of local urban politics remain relatively rare (although see Desai & Sanyal 2012; Harriss 2011; Shatkin 2014; Tawa Lama-Rewal & Zérah 2011). More generally within urban studies, local politics has often been treated as a poor cousin to more ostensibly 'global' topics, such as the circulation of neoliberal policy discourses, or global circuits of investment in cities. As a result, this collection provides a valuable starting point from which to understand of governance-as-practiced in democratising countries in the global South.

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## Political transitions, political society and party hegemony

I begin, somewhat confusingly, in the middle of the book. Writing about the dangers of the 'dark side' of participation, and the need for a reasoned defence of democracy, Daryl Glaser puts forward an argument about the need to focus foremost on the procedural aspects of democracy so that political systems deliver equal chances for people to participate in ideological and policy choices. Taking seriously the observations that the outcomes of policy choices are unknowable to experts, and that at the same time the spontaneous actions of 'the people' can include arbitrary violence, exclusion and repression, he argues that the democratic arena should be crafted according to 'low liberal' principles. These centre on protecting individual rights, being procedurally open, and giving enfranchised peoples direct access to choice of policies or legislators. Whilst we might support socialist policies or principles, adherence to this 'democratic minimum' means that these ideas must always be tested and fought for within a political arena that retains ideological contests and substantive policy choices. Glaser deploys this argument as a theoretical critique of both celebratory accounts of insurgency that romanticise 'the people' and/or blame indefensible expressions of their political agency on external forces, and of Leninist understandings of the role of a leftist party that fail to offer any meaningful choices to people. Within India and South Africa, where variants of Marxism and radical democracy remain very much alive within political movements as well as academic debates, these are important arguments to make, and link to wider aims of the CORUS project by raising important questions about how and in what ways community participation *should* be 'repoliticised'. In keeping with this project, however, Glaser's work is not only a well-argued piece of political philosophy, but also one which engages with particular nature of the political transition that South Africa has undergone, and this is where his chapter connects to that of several other contributors.

Within the chapters by Laurence Piper, Luke Sinwell, and Boitumelo Matlala and Claire Bénit-Gbaffou, the limited space for meaningful political choice within South Africa's democracy is emphasised. Laurence Piper traces this to the particular form of 'liberation nationalism' followed by the ANC, which has seen a centralised and Leninist party establish itself across South Africa's townships, and through this structure enact communitarian and anti-pluralist values that treat violence as a legitimate part of political action. The presence of the South African Nation Civic Organisation (SANCO) as a conduit for mass participation within the party extends rather than ameliorates this dominance, Piper argues, with SANCO acting as a 'cushion' between the ANC and popular disquiet, reinforcing 'the representational monopoly and political loyalty of local leaders'. Thus the presence of a dominant and authoritarian political party can act to short-circuit South Africa's democratic institutions, despite their impressive 'low liberal' credentials, with the result that weak performance in urban governance does not lead to anti-incumbency voting.

The contributions from Luke Sinwell, and Boitumelo Matlala and Claire Bénit-Gbaffou help us to understand the ways in which the apparent contradiction

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of 'governance failure and yet enduring party popularity' identified by Piper is resolved at a personal level by political activists. Marking out one's personal 'struggle credentials' in contrast to the career politicians that have only been active within the ANC post 1994, and directing criticism against local ANC members rather than the national party leadership, offer the space to be critical while continuing to support the 'real' values of the party. Matlala and Bénit-Gbaffou argue that phrasing criticism in this way is particularly important because of the dominance of the ANC at the grassroots level in places such as Phiri, Soweto. This closes down the ability of grassroots community leaders to enact multiple and contrasting social identities that might otherwise be possible within urban space: their actions are visible to the local party and their justifications of these have to be appropriately phrased as a result. Luke Sinwell's chapter shows through the biography of a community leader in Protea South the limited space for political manoeuvre that exists. Engagement with increasingly vocal and anti-ANC movements, such as the Landless People's Movement may be the 'natural' home of those inspired by the liberation struggle, but this carries severe personal risks, and the opportunity to connect to a spatially extensive radical politics are limited.

This research captures an important moment within South Africa's political transition: it describes a particular time at which the anti-apartheid credentials of both the ANC and of grassroots activists still matter; the ANC doesn't yet face any serious electoral rivals at the national level; but the range of protest movements around service delivery are both becoming more explicitly anti-ANC and are beginning to 'jump scale'. The parallels with the CPI(M) in India are interesting here. Although Patrick Heller has written about the contrasting political trajectories of left parties in Kerala and South Africa (Heller 2001), the ANC's move towards the total dominance of political space does have strong echoes in the CPI(M)'s long rule (1977–2011) in West Bengal. The glorification of (often violent) direct action in the name of class struggle, the tight surveillance of everyday life and the deliberate party-politicisation of any and all social conflicts described in the literature on rural West Bengal (Bhattacharyya 2009; Harrison 2012; Williams 2001) all sound familiar when read alongside these studies of township politics in South Africa, even though the CPI(M) in West Bengal never experienced the levels of electoral dominance observed within this collection. A powerful mix of coercion, loyalty, patronage and the appeal of a 'transcendent' ideal of a pro-poor party (no matter how visibly flawed its local practitioners were) was important in keeping the left in power in West Bengal long after its delivery of land reform and agrarian growth had run out of steam by the end of the 1980s. For Chatterjee (2009), the moral authority of the party to speak for 'the poor' was central to the CPI(M)'s survival: state-enforced land acquisition displacing farmers for industrial development projects at Singur and Nandigram permanently and publicly disrupted this moral authority in the latter part of the first decade of the 2000s, and led to the CPI(M)'s electoral rout in April 2011. One possible lesson to be learned for South Africa from this experience is that the 'popular incompetence' described by Piper is unlikely to be permanent. Although

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the mass activism of the United Democratic Front (UDF) period is far less distant historically than its closest analogues in India (struggles for independence in the 1940s, or against the authoritarianism of Indira Gandhi's Emergency in the 1970s), 'struggle credentials' and appeals to the 'true values' of the ANC will, ultimately, be time-limited political commodities.

This collection also says important things about the nature of citizenship and democracy that is emerging within contemporary South Africa. In accordance with approach taken by the CORUS team, we should not expect this to be a transition towards an endpoint of idealised Western forms, such as a stable two-party system, or a consensual division of roles between the executive, legislature and judiciary. The combination of racially-concentrated mass urban poverty, a history of struggle, a (currently) dominant party, and an ambitiously progressive constitution will continue to shape the particularities of South Africa's democracy. As Glaser notes, desire for a 'deep but narrow' citizenship – that true South Africans deserve the delivery of a broad set of rights – may mean that the links between anti-apartheid struggle and the xenophobic violence of 2008 are more structural than ephemeral, however dispiriting this may be for those on the left. Equally, however, there are spaces for citizenship to be re-imagined, through encounters with the everyday state (Wafer & Oldfield, this volume) or through the pursuit of rights through the courts (Smith & Rubin, this volume), and in the third theme I return to the possibilities of community participation to impact on urban governance.

## Spaces of participation

Certainly then, this collection does not fall into a common trap of research on community participation: rather than writing the political context off as 'friction' or disturbance, it recognises it fully and offers critical insights into its nature. What, then of its analysis of the spaces that are being offered for participatory urban governance at this point in South Africa's history?

A first thread identified across the chapters is the contentious definition of the invited spaces in which 'the community' can be represented. As Philippe Gervais-Lambony and Chloé Buire's contributions show, the location of ward public meetings is an interesting case in point. Ward boundaries often deliberately cross-cut or fuse pre-existing neighbourhoods, and so the very location of events can be used to subtly exclude 'outsiders'. Philippe Gervais-Lambony and Marianne Morange's contributions also highlight the degree to which the place of the public can be spatially contained to the local scale, where invited participatory spaces are integrated with city-wide planning processes. For Gervais-Lambony, a combination of agenda setting, the micro-dynamics of workshops within which the constituents express their aspirations for their own neighbourhoods, and the insertion of planners' professional expertise are used to ensure that the outcomes of the 'Vosloorus Parliament' merely re-confirm existing priorities within Ekurhuleni's Integrated Development Plan. Within Morange's study of street traders' representation within Cape Town, the

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invited spaces for their participation are located at the level of individual market. In contrast to other social movements in the City (around service delivery or housing) this encourages a doubly-limited agenda for the traders: there is only contestation with the details of neoliberal regulation, rather than any wider debate about the 'nature and legitimacy of conflicting uses of public space', and their engagement is framed to make coordination with the struggles of other traders/markets difficult or even self-defeating. There are clear parallels here with debates on the value of 'invited spaces' of participation within India, where institutional design (insistence on being quorate, reservations for women and scheduled communities) is often promoted within legislation as creating spaces that will in themselves embody and promote ideas of equal citizenship. In practice, these invited spaces live alongside, and can obscure or depoliticise the role of surprisingly resilient and highly exclusionary 'unofficial' spaces of power (including caste councils and political parties) within and above the communities in which they are staged. As such, they are unlikely to disrupt the latter until the forms of 'durable inequality' (Tilly 2007) on which they are based face meaningful and sustained political challenge (see Ananth Pur 2007; Chhotray 2008; Heller 2009; Williams & Thampi 2013; Williams et al. 2011).

The second thread which emerges is the importance of the performances enacted within these spaces. For Gervais-Lambony, venting emotions, learning about the operation of local government, and the opportunity to rub shoulders with others that participants would not normally come into contact with are all part of an experience of citizenship created within 'invited spaces', and critically what participants learn through this process is not necessarily pre-determined or controlled by the organisers. This echoes an argument about the wider importance of 'performing' governance in a participatory mode in India (Corbridge et al. 2005), but beyond being 'schools for democracy', these forums clearly do real work in contesting and reaffirming community level leadership. This comes through clearly in Obvious Katsaura's and Chloé Buire's accounts: participatory spaces are being used by leaders to discredit their political opponents, to publicly confirm their own authority, or as conduits or 'rights of passage' towards graduation into mainstream politics. The mismatched geographies of invited spaces and pre-existing communities can, as Buire notes, provide opportunities for grassroots leaders to demonstrate the limitations of the power of elected representatives, and, more generally, performances in participatory spaces are directed at a 'broader stage' (Katsaura), where these spaces offer important resources for authority/reputation building, regardless of the limitations of their official roles.

As Bénit-Gbaffou and Mkwanazi's chapter illustrates, performances within participatory spaces also have effects beyond this conscious and instrumental use of the public stage by political actors. Taking the example of xenophobic sentiments expressed in a range of community-level meetings (ward public meetings, the Community Policing Forum and the Yeoville Stakeholders Forum), they stress the importance of these meetings in the reproduction of political norms and testing the limits of what is politically 'acceptable' through public discourse. Importantly,

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this is a two-way test: leaders are trying out what issues will gain popular support, and vocal participants are seeing what attitudes, and potentially behaviours, will be tolerated by those 'in authority'. Leadership has to be strong and committed if it is to contain xenophobic speech and publicly defend the 'low liberal' standards of democratic participation outlined by Glaser. What emerges here is not only the difficulty of executing this task, but also the willingness of public figures to perform its very opposite. From representational bias in favour of native South Africans within street traders' spaces for association (Morange, this volume) to the openly derogatory statements made by ward councillors (Bénit-Gbaffou & Mkwanazi, this volume), everyday spaces of urban governance in South Africa appear to be amplifying xenophobic tendencies within society.

Two observations from India are perhaps of relevance here. The first is that from my own experience of West Bengal's rural equivalent of the ward public meeting, the *gram sangshad*, a range of what are quite difficult conditions need to be met in order to perform public participation in a 'correct' and inclusive manner. These would include, among others, a confident and established leadership that accepts the importance of performing inclusivity to the building of their own legitimacy (rather than playing on intra-community difference); the lack of a real and direct political threat from opposing factions (such that this performance will not be interrupted); and the demographic underpinning of a far more stable rural constituency than the fluid and international conditions within Yeoville or central Cape Town (such that leadership is being practiced over a relatively 'fixed' and known population). Even under these supporting conditions, building consensus within such performances is often dependent upon the removal of contentious and 'real' choice from people: requests for support will be gathered, and contrasting opinions heard, but difficult decisions – the allocation of resources or the determination of policy – are unlikely to be collectively debated and agreed publicly. Precisely because of the difficulties of publicly performing 'good leadership', highlighted by Bénit-Gbaffou and Mkwanazi (this volume), this leadership often goes hand-in-hand with placing these decisions 'backstage'. Importantly, this is not to say that the public meeting is simply a sham: it reproduces a particular set of values, it publicly tests the legitimacy of the leadership, and it is this in turn that builds or diminishes their moral authority to make 'backstage' deals on the part of their constituents. The wider point here, as recognised by the contributors to this book, is not to see whether invited spaces are 'working' in the sense of enacting unrealistic norms of ideal participation, but rather to see the work they are doing in the reproduction of power and authority (see also Lund 2006).

The third thread relates to the relationship between democratic decentralisation and political exclusion. The scapegoating of 'foreigners' within South Africa has any number of local analogues within India's heterogeneous polity which makes the targeting of caste, ethnic or religious minorities an attractive 'quick fix' for politicians wishing to shore up local support. These strategies, and their links to politically motivated and carefully calibrated violence, have long been documented within

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ethnographies of urban governance in India (Blom-Hansen 2001, 2005; Brass 1997). Even within 'best case' scenarios such as Kerala, with its open political competition and relative tolerance between different religious communities, decentralisation can rescale and restructure, rather than transcend, political exclusion (Williams & Thampi 2013). Recent scholarship has, however, been important in highlighting a relatively new feature of India's urban governance: the assertive mobilisation of 'middle class' communities and values to recapture the city from the urban poor. If the Indian city of the 1970s and 1980s was location of Partha Chatterjee's 'political society' – the place in which the urban poor were able to broker gains for their communities through bargaining and a set of paralegal arrangements – by the turn of the millennium processes of 'class cleansing' were well under way within India's metropolitan centres (Baviskar 2003; Chatterjee 2004; Dupont 2011; Mahadevia & Narayanan 2008; Roy 2011; Whitehead & More 2007). The actions of *bhagidari* meetings are an interesting manifestation of this trend (Srivastava 2009; Truelove & Mawdsley 2011): as 'invited spaces' for public participation, these draw together middle-class dominated resident welfare associations and the local police with the common purpose of treating slums and their residents as security concerns. This 'hardening' of attitudes towards the urban poor perhaps stands in contrast to South Africa's need (through actions such as the redrawing of ward and municipal boundaries) to at least pay lip service to breaking down social divisions within the post-apartheid city.

## Movements, activism and alternatives

The final theme I address here is a result of the interaction between the previous two: the ways in which invited spaces of participation might articulate with South Africa's political transition to impact upon the nature of urban governance. If both South Africa and India entered the new millennium with commitments to urban agendas which embodied both neoliberal and participatory ideals, it is perhaps within South Africa that these have given greater room for the former to be challenged by the latter. Clearly, there is much that we need to question within everyday practices of urban governance. As Marianne Morange notes, the 'inclusion' of informal traders in Cape Town has been conducted under terms of the city's own making. Aspirations that traders will become 'entrepreneurial citizens' are combined with stringent restrictions on their conduct within Green Square Market, such that this does not detract from the Cape Town Partnership's own beautification drive. In less prestigious areas of the city, however, the control of informal traders elsewhere is more relaxed, and there is at least official recognition that informal trade is an important element of Cape Town's economy and employment. Here, and within Alex Wafer and Sophie Oldfield's chapter, we can see a state that is somewhat hesitant and respectful in its treatment of informality: its engagement with informal trading is both regulatory and yet aims to be developmental, and is circumscribed by the recognition of its uneven capacity to implement its own restrictions. It is through actions such as the creation of the Metro Mall that planning aspirations of generating 'pro-active

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absorption of the poor' are realised (City of Johannesburg 2010), but as Wafer and Oldfield note, these are uncertain encounters where the City is intervening in 'an economy largely made up of networks and dynamics that the municipal officials have no hope of adequately understanding'. This hesitancy stands in contrast to the differentiated encounters of the state with informality in urban India, where a blind eye is turned to the planning transgressions of the rich, but those of the urban poor are actively persecuted (Roy 2011).

But it is in the second form of encounter addressed by Wafer and Oldfield, that of low-income residents invoking the state in their struggles for housing and service supply, that the significance of South Africa's tradition of social protest shows itself. In conflicts over the access to water in Delhi reported by Truelove and Mawdsley (2011), it is the middle-class policing of water usage in informal settlements that emerges as the most significant act of participatory governance. Surveillance through volunteer water wardens is being used to demand that the state rectifies illegal tapping of water mains within informal settlements, whilst forms of theft practiced by the rich, including the innumerable illegal bore-wells that are lowering the city's water table, are not challenged. Meanwhile for the residents of Vahalla Park, Cape Town, not only had a civic challenged the City in the courts to gain access to water and sanitation, but had forced the City to implement this ruling through deploying a novel form of protest: generating a public spectacle by using water in public buildings for their personal use. The fact that the material and ontological claims of the protagonists are 'mirrored … [in] the state's own project as deliverer of services and citizenship post-apartheid' (Wafer & Oldfield) is certainly important here, but so is the powerful combination of direct action with the use of the court.

It is with this combination in mind that I come finally to Laïla Smith and Margot Rubin's insightful chapter on the role of litigation in transforming state–society relationships. Struggles over the right to evict people from 'bad buildings' in Olivia Road, Johannesburg, and over the implementation of water metering in Phiri, Soweto, were both transformed from community-based protests to court battles, via the support of the Centre for Applied Legal Studies and the Anti-Privatisation Forum. The successes here are partial, with the court's action on the infringement of negative rights around the procedure of eviction being far stronger than its willingness or ability tangibly to implement ideas of positive rights, such as a right to adequate water, thereby showing some possible limitations of litigation-based protest. However, both examples show the ability of civil society to engage in a processes whereby the Constitution is made meaningful to grassroots activists, and used by institutions supporting them to ensure that their protests over delivery are able to 'jump scale'. The contrasts with the role of the judiciary in India are stark. Although public interest litigation has been used by civil society groups in India to enforce environmental protection, the judgements that the 'Green Bench' have handed down have been somewhat sweeping, poorly defined and made with little understanding of their impacts on the urban poor (Véron 2006). Worse still, Ghertner (2011) has argued that middle-class resident welfare associations have been successful in using

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public interest litigation to expand ideas of the 'nuisance' caused by slums within the law. This has progressed to such an extent that 'rule by aesthetics' is now the order of the day: informal settlements can be at risk of being bulldozed regardless of their degree of regularisation within Delhi's planning process if they do not fit with the 'modern' look the city wishes to present globally.

South Africa's celebrated civic activism thus offers some scope for cautious optimism. Caution is necessary because, as Matlala and Bénit-Gbaffou's, Sinwell's and Piper's chapters make clear, localised protests currently have little immediate hope of forming a coherent leftist political project (from within or beyond the ANC) strong enough to achieve a fuller realisation of the 'deep' citizenship envisioned within the Freedom Charter for South Africa's native citizens, let alone extending this to immigrants. But the space currently exists for active citizens to both shame municipal agencies into action, in ways reminiscent of Chatterjee's 'political society' and yet fast disappearing within India's metros, and also to use an enlightened Constitution to reframe failures of state delivery as violations of rights (Huchzermeyer 2004). While neither offers a quick solution to South Africa's ongoing urban inequalities, both remain spaces of participation worth defending.

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