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CIVIL SOCIETY, THE DOMESTIC REALM, HISTORY
AND DEMOCRACY IN SOUTH AFRICA

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Civil Society, the Domestic Realm, History
and Democracy in South Africa

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Introductory overview

Ideas about "civil society" have figured intermittently in recent left-wing debates about the future of South African society and politics. Usually understood as some variant of "the associational life of a society," distinct from and often opposed to "the state," in these debates civil society has been discussed as a bulwark against illegitimate state power, as a location for democratic politics and as a basis for democratic strategizing.¹ This paper evaluates assumptions underlying those discussions against the history of "civil society" as an idea, and against the historical development of South African civil society.

In social theory (primarily European and North American), the term "civil society" has shifted meanings over time, responding to shifts in social and political structures caused by the spread of capitalist markets and industrial production. Early modern ideas of civil society included the state within civil society. Nineteenth and twentieth century thinkers reshaped those ideas to understand civil society as separate from the state or in opposition to it.² This newer conception emerged as industrial political economies disrupted what I will refer to as "the domestic realm" (an abstraction parallel to "the state" and

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"civil society"): domestic and personalistic social ties articulated in kinship idioms, to which civil society including the state had previously been opposed.³

South Africa has also experienced disruption of its domestic realms (indigenous and imported) over the past century, but its patterns of disruption of kin-idiom relations differ from European patterns. To the extent that South African structural transformations have resembled those in Europe, the changes have not gone as far. Recent European concepts of civil society assume the destruction of any autonomous domestic realm. Therefore they may be inadequate to describe South African society, and may disguise key issues about democracy and social transformation. Moreover, South Africa's location in the geography and history of capitalist development mean that prior European social transformations to some extent preclude South Africa from developing along exactly the same path. Over-reliance on European analogies may lead to unintended democratic consequences on the one hand, and may obscure democratic possibilities derived from the different historical placement of South African democratic struggles on the other.⁴

Apart from the question of the continued strength of the kin-idiom domestic realm vis-a-vis the public realm of states and markets, more conventionally conceived state-civil society relations in South Africa are historically distinctive. The most usual analogies, to Leninist states in eastern Europe, and to state-society relations elsewhere in Africa, are substantially misleading. In both Eastern Europe and Africa, civil society is seen as having been weak or non-existent. South Africa, to the contrary, has had a robust civil society with deep historical roots. Unfortunately, South Africa's civil society is also

one which has been deeply shaped in undemocratic ways by systematic, deliberate racial and class oppression. Although organized by the state, much of the political impetus for that oppression has emanated from civil society. That democrats have recently created spaces and means for successful struggle within civil society should not blind us to this longer history. Civil society has been a terrain of anti-democratic as well as democratic struggle in South Africa.⁵

South Africa's history of colonial state-formation, segregationism, and apartheid state-practices has shaped civil society undemocratically. Also, all of the major frameworks for interpreting South African history imply that apartheid and its antecedents were responses to political pressures emanating from civil society. The debates can be re-read as being about which segment of civil society to emphasize as most important (e.g. racialized religious ideology, capitalism and its agents, racist white workers and farmers), and over the significance of African agency in class- and community-formation and in politics necessarily pursued outside of the state.

Left-democratic theorists have focused on popular resistance based in civil society as a possible model for post-apartheid democratic politics,⁶ or on civil society as an antidote to one-party-statist tendencies within liberation movements.⁷ When considering civil society, they have paid less attention to white-owned and controlled property and corporations, and to other forms of white associational life.⁸ Yet the idea of civil society would easily frame an analysis of white South Africans as members of chambers of commerce and industry, trade unions, farmers unions, churches, the Broederbond, and other

voluntary associations, as property owners and market participants, and as beneficiaries of apartheid privileges.

More broadly, I think that the historical politics of colonization, segregation and apartheid can be rethought fruitfully in terms of white-dominated and organized sectors of civil society controlling the state and using it to force Africans and other black people into civil society on subordinate terms, and later to restrict their incorporation into civil society.⁹ The historical centrality in white discourses of the idea that Africans required to be "civilized" by whites illustrates the need for such analysis. I also believe that making such an analysis exposes issues for democratic strategizing about civil society now.

To avoid undemocratic and anti-democratic pitfalls, and to best use the idea of civil society in strategizing for democratic development, it may help to have a specific, historically-grounded conception of South African civil society as a terrain of struggle. Using such a conception we should consider the genealogical ties of late twentieth-century discourses of civil society to ideas about civilization and modernization which legitimated and sustained colonialism, segregation and apartheid. We should recognize that in capitalist societies, language defending civil society has sometimes given cover to the undemocratic and anti-democratic potentialities in capitalism, and identify such uses in South African politics. Most crucially, we should develop understanding about the ways in which, far from being opposed, forces in the state and civil society have frequently co-operated to attack the autonomy of the domestic realm in colonized communities. This history has led to uneven forms and degrees

of incorporation of African, Coloured and Indian individuals and communities (and to a lesser extent, of white working-class individuals and communities) into either state or civil society.¹⁰

To the extent that an uneven pattern of incorporation persists, democratic strategies which focus on mobilization within civil society may fail to include many persons, and may even create new barriers to their democratic participation. Categories of persons for whom less than full incorporation might lead to continued exclusion include (but should not be prematurely limited to) rural dwellers on both state-organized "traditional" tenure lands and privately-owned farms; residents of self-built urban areas with limited infrastructure and insecure residency and tenure rights ("squatter communities"); migrant workers and hostel-dwellers; women; children; the unemployed; and unorganized workers. (Obviously many of these categories overlap.)¹¹

At this point we should turn to historical analysis. A double analysis is offered. The first part sketches the development and shifts of meaning of the concept of "civil society" in European contexts. The second part retraces modern South African history through the lens of "civil society" and its relationship to an autonomous "domestic realm."

History and the idea of civil society

Four modern senses of "civil society" have relevance to this discussion. The oldest defines civil society as the realm of secular state authority and power, in distinction from ecclesiastical authority and power, a distinction which took on heightened significance from early modern European religious conflicts. A slightly later-emerging usage treats civil society as a realm of civility, urbanity, and urbanness, constituted by political relations of law and market relations of (law-supported) contract, in opposition to rural, personalistic, kin-oriented society. Here civil society, as the realm of political economy, appears as the realm of progress and "civilization," over against patriarchal households, barbarism, and rustic cultural isolation. With the writings of G.W. Hegel, the idea of civil society as a realm of public relationships distinct from the state first emerged clearly, pre-eminently as the realm of voluntary market relationships and commerce. Antonio Gramsci re-emphasized politics, seeing civil society as a realm of popular association or organization outside of the state in a narrow sense, in which consent (and less frequently, opposition) to class rule was organized. Groups susceptible to political mobilization include political parties civic groups, religious bodies and trade unions among other groups. The last of these senses has been most prominent in South African democracy debates, but the other senses retain relevance both to efforts to build popular democracy, and efforts to restrain it.

The earlier senses of civil society included the state and markets, both implicitly and explicitly. Christian religious wars of the put the question of state religions and the political status of non-

orthodox believers into the heart of politics.¹² The modern association of ideas about civil society with questions of freedom of conscience and association (civil liberties) and with partial or full citizenship (civil rights) dates from this period.¹³ In this context, the idea of "civility" is closely associated with the state. In South Africa today, debates over the rule of law, the constitutional limitation of state power, and how to define the terrain on which conflicts among rights and liberties will be resolved (e.g. the right to hold and control the use of private property vs. rights to socially provided goods & services, or vs. the right to organize trade unions), should be seen as part of the problem of reconstructing civil society.

The second sense of civil society linked state, law and markets, and opposed them to kin- and community-idiom rural social relations, not only in theory but in practice. This sense of civil society was most prevalent in the period in western Europe of the legal destruction of feudal, tributary and communal relationships. In this period, the destruction of communal and customary rights to land and other means of subsistence, and the expansion of civil legislation which superceded common or customary law, depended not on the opposition of state and markets, but their collaboration. It lent the idea of civil society a class dimension: civil society appeared coterminous with bourgeois society.¹⁴ In many respects processes analogous to these are not yet complete in South Africa. The question of whether they ought to be "completed" is already implicitly shaping democracy debates (especially in the areas of land rights and rural law and governance), which perhaps would benefit from explicitly framing what's at stake in these terms.

The early modern opposition of civil society to domestic society rather than to the state, and its relationship to the social transformations of capitalist construction were also reflected in the emergence of the term "political economy." "Economy" derives from the Greek words "oikos," household, and "nomos," law or custom. Economy originally referred to the proper ordering of the household, seen as private, domestic and kin-oriented, not political, and in fact as defining the boundary of the political. In societies where most production went on in kin-organized households, and a good deal of commerce involved artisan enterprises tied to such households, such a concept of economy was fairly serviceable. But by the 18th century in England, enough of what we would today call "economic" activity went on independently of households and kinship, or in market relations between households, that it required a new designation. The chosen oxymoron "political economy" shows that public commercial and productive activity was conceived of in close relationship to the state, which created the institutional forms of its corporate existence and enforced its contracts. There is a close parallel between the constructions "political economy" and "civil society."¹⁵

Hegel's Philosophy of Right marked a key transition in ideas of civil society. Hegel used terms translated into English as "civil society" for that part of the public life taking place outside of the state. Yet he also retained a tri-partite division, recognizing the domestic realm (now reduced to "the family") as distinct from civil society and from the state. For Hegel, family, civil society and state comprised three ethical moments in dialectical and hierarchical relationship to each other. Civil society was superior to the family

(indirectly marking the unfolding victory of market over kinship ties), and the state was superior to both, where the superior moments both transcended and incorporated the inferior ones. Hegel saw the state as a moral culmination which brought family and civil society to full fruition, expressing universal interests rather than particular ones, thereby embodying the ethical unity of society.¹⁶

Subsequent developments of the idea of civil society depart from Hegel, sharing his separation of civil society from the state, but rejecting his portrayal of the state as superior and universal. Liberal ideas of civil society retained Hegel's focus on market relations as characterizing civil society, but combined them with older ideas about rights and liberties, particularly as they restrain state intervention in markets beyond guaranteeing the institutional conditions of market relations. Where Hegel saw the state as perfecting civil society, liberalism sees the state as necessary but threatening to civil society, the realm of freedom to pursue happiness.¹⁷

Marxist ideas, on the other hand, especially as developed by Antonio Gramsci, have retained Hegel's focus on the state as the end of politics, and his critique of civil society's property-based particularism as ethically deficient. But Marxist ideas have treated the state as partial rather than universal, embodying narrow class interests. Thinkers influenced by Gramsci have conceived of civil society as a realm of contestation in which political forces expressing class and other social interests [manoeuvre] to preserve or gain state power, and to legitimate or contest the legitimacy of existing social relations.¹⁸

History of Civil Society in SA

I will now turn to an overview of South African civil society in the last two centuries. Much recent historiography has focused on political economy, labor and political mobilization. The narrative here will seem familiar, since the markets, associational life and the supporting political/juridical state institutions which constitute civil society, and the re-organization of rural production away from kin- and household-based relationships, underpinning colonial state-formation and civil-society formation, are prominent in existing accounts. At the same time, a focus on civil society puts the pieces together with different emphases, which I hope may make aspects of the strategic terrain of politics more visible than they have been. This historical approach is oriented to the undemocratic features of South African civil society as it developed historically. Who was included and excluded? What have strategies of hegemony been, and what might they be?

In terms of relationships between the domestic realm, civil society, and the state, the history of southern Africa over the last two centuries can be divided into four broad phases, with the present period being the beginning of the fifth. In the early nineteenth century, most southern African societies were politically dominated by relatively weak states, but were primarily organized through relationships rooted in the domestic realm. Civil society, in the sense of non-domestic, non-state state relationships, was weakly instituted and occupied a limited social space.¹⁹ (The small colonial society at the Cape had a somewhat more extensive civil realm, but expanding it caused wide social conflict even among the settler population.)²⁰

The second phase corresponded to the process of colonization, which can be seen in part as one of colonial state-formation and civil-society formation. In this period, colonialists sought to subordinate African states politically and to incorporate Africans into colonial civil societies on subordinate terms beneficial to colonists. These efforts met with only partial success, as Africans were able to raise substantial resistance from a social base in indigenous domestic-realm institutions, both by carving out realms of relative autonomy from colonial society, and by forcing compromises and taking substantial initiatives in defining the terms on which they did enter.²¹ In this phase, colonial efforts to conquer, "civilize" and domesticate Africans entailed widespread co-operation between the forces of the colonial states and those of colonial civil societies to break the power and relationships of African domestic realms.²² A small number of Africans were forced or chose to enter into deeper engagements with colonial civil society than the vast majority did; their experiences and actions created a template which shaped the terms of subsequent wider African civil incorporation.²³

The third phase was that of the consolidation of colonial state power and strengthening of colonial civil society based on mining-driven economic development, and of the hegemony of segregationist ideas. In this phase the last independent African polities were conquered and several of the colonial polities in the region were unified into a single more powerful state. The combined pressures of state and market forces working to expropriate the land base of African societies, to disrupt the African domestic realm and to force Africans into colonial civil gained widening effectiveness; but to the chagrin of colonialists,

Africans entering colonial society still sought to do so on their own terms, with considerable success.²⁴ As the potential for incorporated Africans to demand full civil rights and liberties and full political rights became apparent, the central aim of the colonialist project regarding the relationship between colonial civil society and the African domestic realm shifted away from disruption.

A new strategy emerged of seeking to shore up a reconstituted and subordinate African domestic realm, on the margins of civil society, in Native reserves; to restrict African capacity to create autonomous domestic relations outside the reserves; and to incorporate Africans on white-owned farms more thoroughly under the domestic power of white land-owners. The strategy turned on tying farm labor to the land, institutionalizing oscillating labor migration from the reserves more systematically, and restricting permanent urban settlement and family-formation, thus limiting and controlling African participation in civil society.²⁵ But this strategy ran counter to the long-term dynamics of the underlying political economy, as contradictions between the interests of different sections of white civil society and the overall requirements of capitalist expansion prevented Africans from retaining sufficient resources to sustain an autonomous reconstituted African domestic realm. African urbanization and the elaboration of urban-rural ties among Africans continued, and Africans expanded the size and variety of their market involvements and associational life, including the growth of associations devoted to political advocacy.²⁶

The fourth phase corresponds to the era of "grand apartheid," beginning in the 1950s, seen as a response to the failure of post-1948 attempts to restore segregationism following its partial breakdown under

Second World War economic mobilization. In this phase tensions between state and civil society became much more pronounced than in previous periods, in two ways. On the one hand, African civil society continued to expand and to mobilize politically on a more extensive mass basis, throwing up a fundamental challenge to hegemonic strategies based on a predominantly white civil society. On the other hand, the expansion of manufacturing, commercial and financial capital, relative to mining and agricultural capital, led to conflicts from within those sectors with the hegemonic strategy of segregationism, based on mining and agricultural interests. The new strategy, instead of simply restricting the growth of African civil society and attendant political claims and ambitions, sought to displace them through an ersatz de-colonization into pseudo-states based on the old reserves, and through physical displacement of both industrial production and African residence, to areas close to reserves, and into them, respectively. The need to displace rather than simply prevent African urbanization was intensified by mechanization of agriculture leading to massive evictions of rural Africans from white-owned land, which, combined with internal population growth and intensified application of pass laws, concentrated African population in the reserves, ending their proximity to agricultural self-sufficiency.²⁷

The history of segregationist and apartheid strategies raises an important aspect of the question of hegemony. After an extended period of conflict leading to the British conquest of the Boer republics and formation of the Union, the Hertzogian and Malanite National Parties were able to organize a successful historical bloc on basis of white sectors of civil society, while African and other black sectors of civil

society remained weak. The hegemony of that historical bloc, which operated in the interests of the development of capitalism generally, and of Afrikaner capitalists and white workers in the inner politics of the bloc, had two dimensions.²⁸ There was a strong hegemony involving active consent to the political order, and a weak hegemony involving the capacity to exclude certain challenges from public life, under which people acquiesced and went on with their lives. The strong hegemony encompassed the vast bulk of the white population; the weak hegemony affected those excluded from the political order. The latter declined in effectiveness after the Second World War. As it crumbled, state capacity to exclude challenges collapsed, which undermined the strong sectional hegemony among whites.

Thus apartheid strategy, and the longer-term hegemony of segregationist-nationalist ideologies rooted in white sectors of civil society, entered a crisis in the 1970s, which intensified in the 1980s.²⁹ Again the crisis was two-sided. On the one hand, African civil society continued to expand, as did the organizing capacities of the African population. Both the strategy itself, and the needs of industry required expanded literacy and technical skills. At the same time the strategy was intensely oppressive to black communities, expanding grievances along with organizing capacities. In the 1970s and 1980s black communities rapidly developed a multi-dimensional politicized associational life, including trade unions, residence-based "civic" organizations, student and youth movements, and religious organizations, which challenged the inequities of the social order. At the same time, the shape of white civil society changed dramatically. Rural, farming and farm-dependent communities shrank as a proportion of

the white population (although retaining disproportionate electoral influence), and while many of the newly urbanized worked for the state or state-owned enterprises, an increasing proportion worked for private non-mining corporations, even as Afrikaans-speaking whites began making inroads into business ownership and high-level corporate management. Thus a substantial section of the ruling National Party's electoral base was tied to sections of capital which had an interest in resolving the political crisis and international isolation, although they also benefitted from racial discrimination which was bound to erode in accommodating to African civil society. Efforts to reform apartheid by creating more space for an African civil society composed of legally demarcated "urban insiders," and by extending the focus of hegemonic efforts to Indian and Coloured communities split the NP.³⁰

Those reform efforts only intensified the crisis of apartheid strategy, leading to a dual policy of repression against protest rooted in black civil society, and dismantling of apartheid practices. In my view, the political resolution of the crisis derived from a convergence of forces from both sections of civil society which were in conflict or tension with the state. Specifically, the inability of the state to completely ban COSATU in 1988 was based on the centrality of the unions to the developing industrial relations system. Corporate interests insisted that state efforts to restrict the unions' political activities not take the form of preventing them from acting at all. COSATU used the resulting space to take a leading role in organizing the Mass Democratic Movement, and the state's capitulation to the demands of hunger-striking detainees early in 1989 broke the back of the repressive option. While the organized and mobilized forces of black sections of

civil society drove the whole process, the fact that their political space to act depended in part on the unions being perceived as necessary to key corporate interests is crucial for thinking about the politics of civil society and democracy in the emerging new phase.³¹

In this next phase, the central process will be integrating previously extruded sections of civil society into the social order as a whole, and in relation to the state, but the question remains, which sections and on what basis? In my view, the answer to that question will shape the character of democratization. As I will argue further below, I believe that the insider/outsider reform strategy promoted on a basis of formal political-bureaucratic demarcation and enforcement by the NP of the late 1970s and early 1980s represented substantial interests in civil society, and that its political failure was based mainly on the unacceptable visibility of the enforcement mechanisms, which formed part of the larger hegemonic crisis of apartheid.

Now that the old illegitimate political order has been removed, a real possibility exists that an alliance of social forces which became divided by the legitimacy problems will re-emerge to promote the reconstitution of insider/outsider reform strategies. This version would be organized through state-supported market mechanisms, rather than directly by the state. Such a strategy would be legitimated by the electoral form of democracy, but limit the social substance of it. The outcome of struggles over such efforts will depend on the outcome of constitutional struggles over scope and shape of state power. The allocation of rights between different sectors of civil society, particularly as between state support of popular rights to organize and press demands, and state support of private and corporate exemptions

from restriction on the use of property and the organization of "private sector" production, will define the terrain of politics.

Limits of "civil society" debates in South Africa

This historical context exposes certain limits of uses of the idea of "civil society" in recent left-wing political discourse in South Africa. The idea has formed part of intellectual criticism of Stalinism and its legacies on the South African left, influencing debates over the possibility and conditions of democratic socialism or participatory social democracy, and over the nature and requirements of democracy. The first round of these debates took place during the crises of East European socialism and of apartheid, at the height of the influence of trade-union led Mass Democratic Movement. The terrain of debate has now shifted. Multi-party negotiations for an interim constitution, the conditions of a government of national unity, and attendant political compromises in the interests of a stable transition and of national reconciliation seem in many ways to define fairly limited social democratic projects as the horizon of left-wing aspiration for the near term. In this context the question of civil society and democracy needs to be revisited.

Some of the earlier debates about "civil society" defined the central problem of the left and the central obstacle to democracy in South Africa as the spectre of a totalizing party-state, given the history of such states in central and eastern Europe, and the history of African nationalist one-party states elsewhere in Africa.³² These are crucial issues, but they form an insufficient frame for considering the relevance of "civil society" for democracy in South Africa. Both the

east European model and the African model are in different ways misleading. In each of those models, civil society has been seen as weak or non-existent. In eastern Europe, old forms of civil society were repressed by communist states. The relative effectiveness of that repression, and the thoroughgoing ambitions of communist states for control of society, has led to definitions of "civil society" along lines of "everything outside the state." While some South African thinkers adopt such a view, others have raised questions about it.³³ Those questions need to be pursued further.

In Africa, the situation appears differently. Civil society is seen as weak because in effect it has not come fully into existence. Large parts of African populations, particularly peasants, are seen as only tenuously tied into national states and markets, posing severe problems of legitimacy which one-party or military states have frequently sought to resolve by coercion. The African situation differs from the east European one in that society is strong relative to the state. However, society lacks in "civility," i.e. integration with national, urban-centered political and economic institutions (especially states and formal markets).³⁴ In such a situation, "civil society" cannot be understood as everything outside the state. There are social relationships which are not only outside of the state, but of civil society as well. Such a conception accords better with historical usage of the term in 17th and 18th century Europe than does the east European conception. It is also necessary for thinking about civil society in South Africa.³⁵

South Africa differs from both eastern Europe and many other parts of Africa, because of its existing, powerful civil society. However, as

we have seen, South African civil society has been grossly and undemocratically malformed by colonization, segregation and apartheid. This malformation nonetheless differs from the totalizing repression by European communist states. In this circumstance, the democratic left in South Africa faces a double problem. On the one hand, it faces struggles against undemocratic models of totalizing socialist states. But on the other hand, it must resist efforts to lock in existing racialized, class differentiated and undemocratic forms of civil society by constituting a new state too weak to reshape the civil society produced by South Africa's history.³⁶ Many of the conceptions of civil society visible in published debates cannot sustain an adequate response to the second challenge. Consistent attention must be paid to a lesson which South Africa's own history teaches: A strong civil society may be a prerequisite for democracy, but there is nothing inherently democratic about civil society.

Likewise the model of post-colonial nationalist governments elsewhere in Africa contains several warnings for South African democrats. Some of them are clearly understood. The history of one-party rule, suppression of trade-union autonomy, denial of rights of political association and expression and related problems of corruption and oppression have been widely discussed. These are serious risks which should not be minimized and deserve all the attention which they have received.

The less recognized lesson from Africa for South Africa is that most African nationalist states have been weak states, and that the repressive practices of many African states has derived from their weakness rather than their strength. It is now widely recognized that

in most African countries, large parts of the population are not fully engaged with the state or incorporated into the polity, and that for many of those who are so engaged, the forms of engagement involve partial, particularist relationships often discussed under rubrics like patrimonialism, clientalism and corruption.³⁷ In this situation, whether described as strong societies with weak states, uncaptured peasantries, or states lacking legitimacy, many persons do not see themselves as responsible to the polity or the state. Conversely the state is not responsible or accountable to most of its ostensible citizens. The populace consequently is vulnerable to the depredations and coercions of those controlling state structures and forces of violence, who use them for narrowly sectional or private ends, or to private power given free rein by corrupt or ineffective states. In their narrowness, disconnection and illegitimacy such states strikingly resemble the colonial states whose forms, laws and often practices they inherited.³⁸

South Africa faces variants of these problems, particularly in the former bantustans, although its more extensive industrialization, internal market development and integration into world markets make them somewhat different. But the South African variants of these problems are still substantially problems of building, extending or expanding civil society. In particular, development of popular democracy will require building the associational strength of popular sectors of civil society, not only of mobilizing civil society for democracy. Such a process is not unproblematic nor inherently democratic. The process of building a democratic civil society in South Africa must also be a process of reconstructing the powerful but undemocratic one already in

existence. As the writings of activists in various social and political reconstruction efforts show, together with recent news reports, that process is extremely difficult. Efforts to build and reconstruct civil society on democratic lines are beset on one side by problems of reaching people on the basis of limited resources, and on the other side by pressures from the center to compromise at the grass-roots for the sake of "stability," "investor confidence," and so on.³⁹

Marginalization of the Domestic Realm

In my view, many of the central problems of organizing to sustain substantial and accountable democracy lie among groups and categories who have been marginalized from civil society and the state by the historical processes weakening and reshaping the social relations of the domestic realm. Political analysis of those problems follows below. Here I want to address certain aspects of the historical marginalization of African domestic realms in slightly more detail.

One dimension of the marginalization of African domestic realms reflects the historical subordination of the indigenous political-judicial authorities which organized pre-colonial societies. The subordination of indigenous authorities was a dual process of domestication and bureaucratization. Following military conquest, the character of African political subordination was gradually transformed from a tributary relationship, in which African leaders organized community payment of money or labor to colonial states, into a bureaucratic one, in which chiefs and headmen became state functionaries, while the state sought to co-opt the inherited legitimacy of their positions. This reconstruction of indigenous offices, which

reduced their popular accountability while increasing their accountability to the state, was tied ideologically to efforts at the reconstruction of patriarchal power within households. An emergent crisis of authority for both chiefs and homestead heads was ascribed not to colonial intervention in the material basis of domestic life, but rather to the decline of traditional values and the ostensible moral decay of women and youth out of control. This rhetorical and ideological strategy, by linking chiefs' and fathers' claims to authority based on tradition, represented a domestication of the legitimacy of chiefs, many of whose pre-colonial legitimating functions had been usurped by the state, or turned to state benefit over that of rural communities. In the segregation era, chiefs found themselves torn between the pressures of state incorporation (and the self-serving opportunities it sometimes opened) and other pressures rooted in rural households and communities on the defensive.⁴⁰

A second dimension of marginalization can be seen if the effects of incorporation into civil society and state on African households and kin-groups. African tenants on white-owned farms often found themselves in domestic isolation from chiefs. While peasant strategies based on rental and share-cropping remained possible, some tenants preferred such isolation. But as conditions of tenancy changed, through state intervention and technological and market development, tenant communities became increasingly vulnerable.⁴¹ In the reserves, crowding, state intervention through "betterment" and related schemes, and the emergence of highly institutionalized migrant labor changed the significance of land access to rural survival strategies. Chiefs' control of land access both heightened the importance of rural

clientalism, and intensified the tensions within such relationships. Landlessness began to affect significant numbers of people (especially women), and competition for land led to the emergence of quasi-landlordism on the part of chiefs in some areas, who could make exactions which began to resemble rents.⁴²

Apartheid strategy intensified these marginalization processes. Traditional leader roles became increasingly separated from their roots in the domestic realm, and increasingly attached to bantustan state structures, as many chiefs and their allies pursued accumulation through positions in bureaucracies and parastatal development companies. Apartheid efforts to build the bantustans as alternative states and civil societies created new forms of land-use, tenure, property-holding, and rent-seeking. Sections of the population began to derive their incomes from civil service and teacher jobs. Although they were the focus of intense debate and struggle within both the central state and the bantustan states, policies involving deliberate class-formation and differentiation strategies through administered differentiation of land access were widely discussed and increasingly practiced from the 1950s on (if not earlier). Such policies, and the crowding, land competition and land-use practices which gave rise to them were intensified by evictions and forced removals from white-owned land and "black spots" in the 1960s and 1970s.⁴³

The forced removals and "influx control" policies of the apartheid era created patterns of wide geographical separation of residence from employment. They restricted the freedom women and children to live in towns, and created what amount to a massive assault on African family structures. Although apartheid is often compared with justice to the

worst forms of totalitarian oppression in its effects on people, in fact its assault on the domestic realm represented a highly unusual form of oppression. Apartheid inverted more typical authoritarian practices, which usually have aimed at repressing political activity by encapsulating people in private relationships, and linking state stability and authority to familial stability and authority. Although within the bantustans apartheid ideology tried to sustain a similar linkage, apartheid's intervention in many people's capacity to sustain any sort of predictable family life represented a unique form of oppression, and a source of illegitimacy impossible to overcome.⁴⁴ It also created a large population of marginalized and vulnerable people.

Margins of South African Civil Society⁴⁵

A good place to begin looking for people on the margins of civil society, who are at risk of exclusion from any civil society-based democratic politics, is in places labelled "informal." Communities living in self-built informal housing are a crucial example. Such communities, often forming huge settlements, have urban population densities, but lack the infrastructure of cities. Some of them form parts of existing metropolitan areas; others were isolated from them by apartheid in what has been labelled "displaced urbanization." Many such communities are informal in the sense that they lack municipal status or well-defined incorporation into a larger municipality. Their "informal" character may be marked by many features obstructing civil order and the provision of civic services, for example, lack of control of construction in the name of safety and public health, lack of organized streets with a numbering system, and so on.

Lack of regular access to basic amenities in turn supports the development of clientalist politics based on the control of resources like building sites or water taps, and on the threat of loss of access. While such politics, based on personalistic ties, are not as specifically tied to kinship ideas as hereditary chiefship, it is notable that kin-idioms, particularly related to fatherhood, have characterized prominent examples of clientalist politics in "informal" settlements.⁴⁶

Such communities face profound difficulty in constructing and maintaining institutions which can hold local leaders or representatives accountable. The alternative of turning to formally constituted authorities was largely impossible under apartheid. In theory, such approaches should become possible under the new dispensation, but they bring new difficulties. "Informal" communities may also have difficulty holding formal political bodies accountable to them, by definition. An approach to an external body, whether it be a municipality, a bureaucracy tied to a regional or national government department, or a national NGO or negotiating forum, must in itself be an act of representation, raising the question again of which persons have standing to represent the community.⁴⁷

The other obvious and important place where the idea of informality comes in is that of "informal sector" employment and entrepreneurship. The informal sector in essence encompasses market relations occurring outside the ambit of government regulation, enacted by persons not using government defined and enforced organizational forms to carry out commerce. From certain points of view, the informal sector appears to be civil society in its purest form, involving

voluntary association and commerce with a minimum of state regulation.⁴⁸ Yet this low state presence has ambiguous consequences.

The "civility" of unregulated civil society can easily come unglued when market competition appears to participants to threaten their livelihoods, or when some participants pursue monopolistic strategies to their ruthless conclusions, as South Africa's "taxi wars" illustrate. While states in Africa, faced with large and growing populations of people lacking formal employment, increasingly look to the "informal sector" to provide people with income to subsist, such strategies potentially remove large areas of economic activity from taxation, despite their reliance on state-produced structures. They may also undermine the legitimacy of the political and social order, which appears unable to guarantee conditions of basic security. Moreover, lack of regulation exposes people to a variety of abuses, including exploitative wages, denial of rights to organize unions, purchase of shoddy or dangerous products, fraud, protection rackets and the like.

These risks exemplify a broader pattern of extra-economic and economic private coercions, often linked to the personalistic control of space and spatial access to limited resources discussed above, which obsessive hostility to state power obscures. The informal sector is not only relatively free from state intervention, but marginal to aspects of state power and civil order which help to improve the security and quality of life. While the civility of civil society depends in part on its ability to restrain illegitimate state power, it also depends on its capacity to mobilize state power against illegitimate, unjust and undemocratic private power.

Other forms of marginality to civil society are produced by the structures of governance in the former bantustans, created by a contorted amalgamation of elements of the old domestic realm with unaccountable bureaucratic structures dependent on funding from the central state. "Traditional leaders" and new civil servants (some related by kinship to the older elites) exercise personalistic control of access to resources. Those who gain access are at the mercy of power which they cannot hold accountable, but they also gain something to lose, which some seek to defend if it appears threatened. Others, cut out, are desperate for survival and often lack resources to sustain organized struggle. Shortages of land and other collective resources for distribution through community and state mechanisms are exacerbated by partial, class-biased appropriation in favor of individuals or state and parastatal enterprises controlled by a few. In these circumstances many rural families, composed disproportionately of women, children and the elderly, depend on remittances from relatives in urban areas, pension incomes controlled by bureaucrats and the like.

The politics of civil society in the former bantustans has been shaped by the unevenness of access to resources. Generally speaking, those able to mobilize have included chiefs and others tied to structures of "traditional leadership," (including bantustan political movements, which sometimes had youth wings), conservative businessmen, often closely allied with conservative chiefs and bantustan officials, youth and students (who have been the most likely to be linked to national opposition organizations), and civil servants. Other organizations (including churches, stokvels, and burial societies, but also outposts of many NGO efforts) tend to be localized and often not

politically oriented. This leaves very many people largely unorganized, especially in a political sense.⁴⁹

For much of the 1980s patterns of conflict emerged which pitted youth and students against chiefs, officials and vigilantes. Some chiefs and many civil servants were sympathetic to national anti-apartheid movements. Many more proved open to pressure to come over and support the movements, and from the late 1980s the ANC increasingly pursued a strategy of using local pressure against banastustan heads to influence their actions in national level negotiations. Yet this strategy has ambiguous consequences for the very local ANC supporters mobilized to bring the pressure, since the national organization must seek to accommodate at the national level those with whom they have had conflicts over local issues. Its meaning for those not effectively organized or mobilized is even less clear, though probably worse.

Another key category of persons marginal to civil society is migrant workers and hostel dwellers, who come increasingly into competition and conflict with residents of surrounding communities, often members of "informal settlements". Although violence involving hostel dwellers in recent years has often been interpreted in terms of ethnic mobilization, it is notable that at least one line of response has aimed at dismantling the hostels. At least some hostel dwellers view such proposals as a threat to a way of life and economic strategy which allows them to maintain contact which they desire with rural areas (although others have moved families into hostels). If the system of migrant labor and its institutions developed out of partial disruption of the rural African domestic realm, it is not clear that best democratic way forward is simply to complete the job. Rather, as

negotiations have to some extent recognized, the situation exemplifies an area where democracy can be advanced by organizing marginal people so they could represent themselves and negotiate in their own interests.⁵⁰ Yet it also exemplifies an area in which the interests of different popular sectors of civil society conflict.

Many of the categories listed above (most of which have a spatial base) tend to overlap with other categories of marginality defined by distance from central institutions, such as unemployed workers, unorganized workers, or school-leaving youth.

It is not an accident that much of the violence of recent years was both mobilized among these marginalized groups, and targetted them. We should recognize that violent conservative movements are based in civil society, both in market and property relationships which people fear losing or from which they seek to gain coercively or politically, and in the associational life of vigilante gangs, parties, cultural organizations and so on. In many cases the people mobilized feel excluded from organized "progressive" groups, alarmed by them, and worried that they threaten resources, social ties and lifeways important to them. Often these ties are rooted in the truncated domestic realm, or in mythic images of what it ostensibly once was. Conversely, efforts at civic, youth and student organizing have sometimes been turned violently to locally opportunistic and undemocratic ends, lending ideological cover to criminal activities; or have exercised coercive political power in a manner not accountable to communities.

Finally it should be observed that gender gives structure to marginalization in South Africa in two ways. One is that many of the marginal categories described above are composed disproportionately of

women and of others who depend on women in various ways. The other is that within all groups, whether well or poorly integrated with civil society and the state, women and concerns or interests of heightened importance to them tend to be pushed to the margins.⁵¹ Both of these forms of marginalization derive substantially from the violent dismemberment and reconstruction of domestic realms. The historical invisibility of that process contributes to a current problem identified in a recent discussion of criteria for a reconstruction programme:

[I]ndividuals operate in society from the base of the family. The reconstruction programme focuses on the three key locations of power: state, economy and civil society. But unless we recognize the family as being a key site of power we will not be able to successfully address gender issues.⁵²

What these groups have in common is that they are made up of people who depend on civil society and the state for survival, but who have difficulty making the institutions of either accountable to them. In that situation, their best hope usually is to turn to clientage strategies, which increases the importance of personalistic politics. The results can often be deeply exploitive. Yet attempts to formalize informal relationships and to regulate the strategies which marginalized people pursue can cut them off from meager existing resources without offering any substitute. Thorough, expansive democracy above all needs to enable the marginalized to make known what they fear losing, that may be hidden to the eyes of those better-integrated to civil society, or misintepeted by them. This suggests that democratic strategy should aim to build organizations and capacity to hold the powerful accountable first, before taking down what exists.⁵³

Conclusion

South African analyses of the democratic politics of civil society which have focused on the idea itself have to large extent focused on the desirability of restraining illegitimate state power, against the background of Eastern European and African cautionary tales. More recently, writings on the practical politics of transition in areas which might fall under the rubric of civil society have raised more complex issues. This paper has tried to suggest a framework for analyzing the democratic politics of South African civil society against the history of that civil society, which has been characterized first by an alliance of state and civil society against an African domestic realm, and secondly by an alliance of the state with some sectors of civil society, defined in both racial and class terms, against other sectors.

The politics of transition have been characterized by newly legalized popular parties establishing their relations in political society with parties representing social interests longer represented in the state, by focus on compromise and need to reassure big business, and by attendant efforts to lower and in some cases discipline popular expectations. A degree of tension between local organizations, on the one hand, and national parties and structures which seek to represent them has emerged.⁵⁴ This pattern suggests that during the next period of government of national unity, in which the constitutional terrain for subsequent politics will be defined, the key issue for democracy may not be that of restraint of state power. Rather it may be whether conditions amenable to popular democracy will be established, in which the state is open and responsive to popular sectors of civil society.

There seems to be a live possibility that popular democracy will be limited to formal representation, with the state remaining largely closed to popular influence, while being open and responsive to corporate and to a lesser extent to professional and perhaps corporate unionist sectors.⁵⁵

In these circumstances, the democratic politics of civil society will not be so much a politics of civil society against illegitimate state power. Instead, I would argue, they are emerging as a politics of struggle over the shape of civil society and of its linkages to the state. In particular, those struggles will be over capacities to mobilize various sectors of civil society and mechanisms to make the state responsive to them.⁵⁶

The outcome of these struggles turns on the fate of communities and sections of the population who for historical reasons remain marginal to both civil society and state. If popular sectors of civil society which are relatively well-organized and mobilized turn their attention to securing short-term interests and benefits during this period, without increasing the organization and mobilization of marginalized communities, the resultant bargaining is likely to produce a pattern inimical to broad popular democracy on two levels. On one level, it is likely to reproduce the marginality of the already marginal, and re-intensify the insider-outsider problem.⁵⁷ On another level, it is likely to produce configurations of civil society and of state-civil society linkages which limit the capacity of popular organizations and movements to bring pressure to bear to advance or defend their interests. In such a situation, popular organizations and movements, including those relatively well-organized at present, would

have difficulty holding the state accountable to them. Historically enfranchised sectors of civil society, especially those tied to big business, which will be strongly supported by international corporations, financial bodies, and "western" governments, would tend to predominate, with formal democracy and free markets forming the basis of a new hegemony.

The difficulties of the current situation are apparent. Even before the elections, local organizers in movements seeking to expand the engagement of civil society were raising fears that national umbrella organizations would become isolated from the grass-roots and focused on the needs at the center of the now-ruling party. Before and since the elections, some forms of pressure to de-mobilize civil society (e.g. in efforts to gain no-strike pledges and threats to harshly discipline civil servants who strike) have begun to emerge from the new authorities. On the other hand, parliament is now controlled by a party in which persons who have dedicated their lives to democratic transformation have great influence. Presumably mere election to office will not change that fact. Yet governments and governing parties must mediate political pressures and disputes, so popular organizations and movements must retain the ability to bring such pressures, and remind parties which genuinely represent them who the parties' main constituents are.

Desire for a stable transition is wise. Yet in the medium run, it would seem that the interests of popular democracy will not be best served by demobilizing civil society, but rather by extending organization as much as is feasible to those on the margins. This will be extremely difficult task, as organizations lose personnel to the

government, and perhaps due to reluctance to challenge old comrades in new positions. Moreover, organizations will have to confront questions about partisanship in different forms, and about strategizing to get the most out of allies in the state without losing autonomy from the state. In my view, the key issue in protecting the possibility of broad democratic development is ensuring that the new government guarantees favorable conditions for organizing popular movements, protected by the new constitution and by law.

Abbreviations: ROAPE = Review of African Political Economy
SAR = Southern Africa Report (Toronto)
WIP = Work in Progress

¹The phrase is from Mark Swilling, "The Case for Associational Socialism," WIP 76 (Jul/Aug 1991), 20-23. See also Monty Narsoo, "Civil Society - a contested terrain," WIP 76 (Jul/Aug 91), 24-27; "Building Civil Society - Moses Mayekiso Interviewed," SAR (July 1990), 21-23; Mala Singh, "Deconstructing 'Civil Society'," SAR (Dec 1990), 26-28; Patrick Fitzgerald, "Democracy and Civil Society in South Africa: A Response to Daryl Glaser," ROAPE 49 (1991), 94-110; Daryl Glaser, "Post-Apartheid Democracy: A Rejoinder to Patrick Fitzgerald," ROAPE 52 (Nov 1991), 66-72; Alan Fine, "Civil Society Theory and the Politics of Transition in South Africa," ROAPE 55 (1992), 71-83.

²Hannah Arendt, The Human Condition, (Chicago: U. Chicago P., 1958), 22-78; Jean L. Cohen and Andrew Arato, Civil Society and Political Theory, (Cambridge, MA: MIT Press, 1992), 83-174; Adam Seligman, The Idea of Civil Society, (New York: Free Press, 1992), 15-58.

³This argument is fleshed out more fully below. My thinking about the idea of "the domestic realm" began with Jack Goody, Production and Reproduction: A Comparative Study of the Domestic Domain (Cambridge: Cambridge U.P., 1976). See also Claude Meillassoux, "The Social Organisation of the Peasantry: The Economic Basis of Kinship," in Relations of Production. Marxist Approaches to Economic Anthropology (London: Frank Cass, 1978), 159-170; Eric Wolf, Europe and the People Without History (Berkeley and Los Angeles: U. California P., 1982), 73-125. Jurgen Habermas in Legitimation Crisis (Boston: Beacon Press, 1973) draws attention to kinship relations in "primitive social formations" but argues that the emergence of class domination based in bureaucratic political authority "allows the transference of the production and distribution of social wealth from familial forms of organization to ownership of the means of production." (18-19). In my view this misreads the persistent salience of kin-idiom domestic relations in non-capitalist and mercantile capitalist societies.

Recent literature on slavery brings the tensions between kinship, politics and markets into focus in a different and useful way. See Igor Kopytoff and Suzanne Meirs, "Introduction" in Slavery in Africa (Madison: U. Wisconsin P., 1977), 3-81; Orlando Patterson, Slavery and Social Death, (Cambridge: Harvard U.P., 1982). For a useful discussion of slavery and liberal capitalism, James Oakes, Slavery and Freedom. An Interpretation of the Old South, (New York: Alfred A. Knopf, 1990); compare with Eugene Genovese's arguments about ideological hegemony, law and domestic ideology in Roll, Jordan, Roll: The World the Slaves Made (New York: Vintage, 1976), esp. 1-112.

⁴Dwayne Woods, "Civil Society in Europe and Africa: Limiting State Power through a Public Sphere," African Studies Review 35, 2 (Sept 1992), 77-100, argues for the need to understand civil society's role in African politics as historically distinctive. However his analysis focuses on the special characteristics of African urban associational

life on the one hand, and the distinctive nature of colonial and post-colonial states on the other hand. In contrast, the argument here emphasizes the question of the fate of South African rural and rusticated "displaced urban" communities.

⁵It is worth remembering that Gramsci developed his views of civil society as the locus of struggle for ideological hegemony in a fascist prison, to explain the strength of fascist capitalism, not of popular movements, although hoping to strategize for the success of the latter.

⁶SAR, Mayekiso interview; Swilling, "Associational Socialism,"; Fine, "Civil Society Theory."

⁷Fitzgerald, "Democracy and Civil Society"; Glaser, "Post-Apartheid Democracy; Singh, "Deconstructing 'Civil Society'".

⁸Narsoo, "Civil Society," is a thoughtful exception to this generalization. Of course, a great deal of analysis of white politics and its social integuments has been made in other contexts and in other terms. Recent critiques of the Interim Constitution reflect keen awareness of the potential for preserving unjust divisions of power and wealth (see e.g. WJP 95, (Mar/Apr 1994) which is devoted to the Interim Constitution). The point here is to argue that those forces are best understood as part of civil society, if the political possibilities and problems of civil society are to be properly understood, and certain risks attendant on seeing civil society as a purely popular realm are to be avoided.

⁹See Belinda Bozzoli, The Political Nature of a Ruling Class. Capital and Ideology in South Africa, 1890-1933 (Boston: Routledge & Kegan Paul, 1981), 138, on the second part of this argument. Of course, there are many historical analyses describing these processes without explicitly using "civil society" as an analytic category. My debts to them in the historical sketch below will be apparent.

¹⁰For reasons of space this preliminary argument slights the history of Coloured and Indian South Africans. That history would be crucial to full development of the perspective advanced here, since those communities were shaped by and shaped the racialized division, racialized hierarchization according to ostensible degree of civilization, and uneven incorporation of communities into civil society which this account emphasizes.

¹¹P.W. Botha's partial reform efforts in the early and mid-1980s drew attention to this possibility by attempting to shift the legislated boundaries of inclusion and exclusion. See e.g. Hermann Gilliomee & Lawrence Schlemmer, eds. Up Against the Fences. Poverty, passes and privilege in South Africa (New York: St. Martin's, 1985) and Stanley B. Greenberg, Legitimizing the Illegitimate. State, Markets and Resistance in South Africa (Berkeley & Los Angeles: U. California Press, 1987), and debates over the meaning of court decisions and policies relaxing and then abolishing the pass laws under reformed apartheid. Strategies for building a democratic civil society require renewed attention to the material-geographical legacy of those now abolished laws and to the workings of more "normal" land-use, eviction and zoning laws in reproducing communities in positions marginal to civil society, full

citizenship and the state. In the United States, persistent de facto "informal" racial segregation continues to underpin discriminatory practices against black Americans which deny them effective full citizenship. See Adolph Reed, Jr. "Class Notes - Looking Back at 'Brown'," The Progressive (Madison, Wisconsin), 58,6 (June 1994): 20-1.

¹²James Tully, "Introduction," in Samuel Pufendorf, On the Duty of Man and Citizen According to Natural Law, ed. J. Tully (New York: Cambridge U.P., 1991), xviii-xxiv, xxix-xxvii.

¹³Questions of who can be a citizen and thus be eligible for political civil rights of course date back within the canon of European political thought to Greek domestic exclusion of slaves, children and women, along with ethnic exclusion of non-Greek "barbarians," from political life.

¹⁴See the appendix for analysis of variants of this linkage in the writings of John Locke, J.J. Rousseau and Adam Ferguson.

¹⁵Arendt, Human Condition, 28-33. Narsco provides a historical account which attributes the separation of market from state and the association of market with civil society to the 18th century, possibly due to a misdating of Hegel; "Civil Society" p. 25. However it is better to treat the emergence of a concept of political economy separately from Hegel's move of making distinctions within it.

As late as the 1930's industrial workers in cotton textile manufacturing in the southern United States referred to productive labor for wages, for private employers, but outside of the household, as "public work," an ideological trace of the shift of the primary locus of production since the 18th century. See Jacqueline Dowd Hall et. al., Like a Family.

¹⁶See the discussion in Cohen and Arato, Civil Society and Political Theory, 91-116.

¹⁷Ibid., 345.

¹⁸Marx's analysis in The 18th Brumaire of Louis Bonaparte (New York: International Publishers, 1962), particularly his discussion of the role of the peasantry (122-6) is of special interest for this paper. Marx identifies a tension between rural society and civil society, and obstacles to democratic self-organizing on the part of peasants, which leave them vulnerable to both the depredations of capitalists organized in civil society, and the political manipulations of dictators. At the same time this tension makes Marx at best ambivalent and at worst hostile to peasants (e.g. in his famous comparison of the mass of peasants to a sack of potatoes). This anti-rural bias has contributed to some of the worst "ends justifying means" Marxist modernization theory and practice, and is part of the reason why peasants have been among the main victims of state violence and repression in Leninist states.

Gramsci has a more complex and somewhat more sympathetic view of rural life and politics. See Selections from the Prison Notebooks, "The Intellectuals," 6, 12-5; "Notes on Italian History," 74-5; "State and Civil Society," 210-1, 241-2, 272-4; "Americanism and Fordism" on the peculiarities of Naples. Nonetheless he follows Marx in stressing the

necessity of an organized working class providing leadership to peasants if they are to be a progressive force.

¹⁹A discussion by Eric Wolf is apposite here:

...the societies classified as chiefdoms appear to be of two rather different kinds; those based on the kin-ordered mode, in which the chief and his followers are still embedded in kinship arrangements and bound by them, and those in which the form and idiom of kinship may be maintained even as a dominant group transforms divisions of rank into divisions of class - in fact, using kinship mechanisms to strengthen its position. In this second kind of chiefdom, the chiefly lineage is in fact an incipient class of surplus takers in the tributary mode.

People Without History, 97. On the centrality of domestic production in pre-colonial African societies in southern Africa, see Jeff Guy, "Gender oppression in Southern Africa's precapitalist societies," in Women and Gender in Southern Africa to 1945, ed. Cherryl Walker (Cape Town: David Philip, 1990), 33-47. Compare to J.B. Peires, The House of Phalo. A History of the Xhosa People in the Days of their Independence. (Berkeley & Los Angeles: U. California P., 1981), ch. 3, esp. 31-42; Philip Bonner, "Classes, the mode of production and the state in pre-colonial Swaziland in Economy and Society in Pre-Industrial South Africa, ed. Shula Marks & Anthony Atmore, (London: Longman, 1980), 80-101; William Beinart, The Political Economy of Pondoland, 1860-1930, (Johannesburg: Ravan, 1983), 9-22; Monica Wilson, "The Sotho, Venda and Tsonga," ch. IV in Oxford History of South Africa, v. 1 (New York: Oxford U.P., 1969), esp. 155-6. For purposes of this paper, I am less interested in the line demarcating societies in which production and distribution of product are "purely" kin-ordered from those involving tributary take-offs and redistribution by political classes (from kin-ordered households and communities), than in the line between societies in which kin-ordered production is redistributed by kin-ordered, political or market mechanisms, and societies in which states and markets re-organize production itself away from kin-ordered relationships.

²⁰See Richard Elphick and Hermann Giliomee, eds., The Shaping of South African Society, 1652-1840, 2nd ed. (Middletown: Wesleyan U.P., 1988). Re-organization of labor from servile domestic forms of clientalism and slavery to state-supervised market and contractual ones was a key form of such conflict. See Susan Newton-King, "The labour market of the Cape Colony, 1807-1828," in Economy and Society, ed. Marks & Atmore, 171-207. My thinking not only about the Cape but about wider issues regarding slavery, law, hegemony and the domestic realm have been influenced by many discussions with John Mason.

²¹Colin Bundy, The Rise and Fall of the South African Peasantry (Berkeley & Los Angeles: U. California P., 1979); Henry Slater, "The changing pattern of economic relationships in rural Natal, 1838-1914," and Roger Wagner, "Zoutpansberg: The dynamics of a hunting frontier, 1848-1867," both in Economy & Society, ed. Marks & Atmore, 148-170, 313-49; Peter Delius, The Land Belongs to Us. The Pedi Polity, the Boers and the British in the Nineteenth Century Transvaal, (Johannesburg:

Ravan, 1983), 136-47; Keletso Atkins, The Moon is Dead! Give Us Our Money. The Cultural Origins of An African Work Ethic, Natal, South Africa, 1843-1900 (Portsmouth, NH: Heinemann, 1993); Tim Keegan, "White Settlement and Black Subjugation on the South African Highveld: The Tlokoa Heartland in the North Eastern Orange Free State, ca. 1850-1914," in Putting a Plough to the Ground. Accumulation and Dispossession in Rural South Africa, 1850-1930, ed. William Beinart, Peter Delius & Stanley Trapido (Johannesburg: Ravan, 1986), 227.

²²The relationship between ideologies of civilizing and domesticating has been made clearest in the emerging history of women in southern Africa, e.g. Jacklyn Cock, "Domestic service and education or domesticity: The incorporation of Xhosa women into colonial society," in Women & Gender, ed. Walker, 76-96. But the imposition of the civil or public vs. domestic distinction, and the intertwined character of the projects of civilizing and domesticating Africans, in colonialist ideologies, affected men as well as women. See Karen Tranberg Hansen, "Introduction," and Jean and John L. Comaroff, "Home-Made Hegemony: Modernity, Domesticity and Colonialism in South Africa," both in African Encounters with Domesticity, ed. Karen Tranberg Hansen (New Brunswick: Rutgers U.P., 1992), 1-33, 37-74; Sheila Meintjes, "Family and gender in the Christian community at Edendale, Natal, in colonial times," Women & Gender, ed. Walker, 125-45.

²³Christian converts made relatively more voluntary versions of such engagements. Norman Etherington, Preachers, Peasants and Politics in Southeast Africa, 1835-1880. African Christian Communities in Natal, Pondoland and Zululand, (London: Royal Historical Society, 1978); Bundy, The Rise and Fall; see also J.B. Peires, The Dead Will Arise. Nongqawuse and the Great Xhosa Cattle-Killing Movement of 1856-7 (Johannesburg: Ravan, 1989), esp. 158-181.

Other Africans were coercively incorporated into the domestic communities of invading settlers, and subjected to intensive pressures for cultural transformation and subjection. Delius, Land Belongs to Us, 136-47; Peter Delius and Stanley Trapido, "Inboekselings and Oorlams: The Creation and Transformation of a Servile Class," in Town and Countryside in the Transvaal (Johannesburg: Ravan, 1983), ed. Belinda Bozzoli; Tim Keegan, Rural Transformations in Industrializing South Africa, (Johannesburg: Ravan, 1986), 5-6; Keegan, "White Settlement and Black Subjugation," 227; Atkins, Moon is Dead, 15-22.

²⁴Bundy, Peasantry; Monica Wilson, "Co-operation and Conflict: The Eastern Cape Frontier," in OHSA, v.1, ed. M. Wilson & L. Thompson, 260-71; Stanley Trapido, "The Friends of the Natives': merchants, peasants and the ideological structure of liberalism at the Cape, 1854-1910," in Economy & Society, ed. Marks & Atmore, 247-274; Slater, "Changing Patterns"; Paul Maylam, A History of the African People of South Africa (Cape Town: David Philip, 1986), 70-165; Keegan, Rural Transformations, 20-165; William Beinart & Colin Bundy, Hidden Struggles in Rural South Africa, (Berkeley & Los Angeles: U. California P., 1987)

²⁵Greenberg, Race and State; Lacey, Working for Boroko; Keegan, Rural Transformations, 96-207; John W. Cell, The Highest Stage of White Supremacy: The Origins of Segregation in South Africa and the American

South (New York: Cambridge U.P., 1982); Maylam, History of the African People, 136-195; Saul Dubow, "Race, civilisation and culture: The elaboration of segregationist discourse in the inter-war years," in The Politics of Race, Class & Nationalism in Twentieth Century South Africa, ed. Shula Marks & Stanley Trapido (New York: Longman, 1987), 71-94; Doug Hindson, Pass Controls and the Urban African Proletariat, (Johannesburg: Ravan, 1987), 1-52.

²⁶Greenberg, Race & State; Lacey, Boroko; Beinart & Bundy, Hidden Struggles; William Beinart, Peter Delius & Stanley Trapido, eds. Putting a Plough to the Ground: Accumulation and Dispossession in Rural South Africa 1850-1930; Shula Marks and Richard Rathbone, eds., Industrialisation and Social Change in South Africa (New York: Longman, 1982); André Odendaal, Black Protest Politics in South Africa to 1912 (Totowa, N.J.: Barnes & Noble, 1984; Peter Walshe, The Rise of African Nationalism in South Africa (Cape Town: Ad Donker, 1987 [reprint 1970 ed.]); Helen Bradford, A Taste of Freedom. The ICU in Rural South Africa, 1924-1930 (New Haven: Yale U.P., 1987; Maylam, History of the African People, 136-195; Tom Lodge, Black politics in South Africa since 1945 (New York: Longman, 1983), 1-32.

²⁷Greenberg, Race and State; Laurine Platzky & Cherryl Walker, The Surplus People. Force Removal in South Africa, (Johannesburg: Ravan, 1985); Elaine Unterhalter, Forced Removal (London: International Defense & Aid Fund, 1987); Hindson, Pass Controls; Tom Lodge, Black Politics in South Africa since 1945, (New York: Longman, 1983); T.R.H. Davenport, South Africa, A Modern History, 361-81, 541-78;

²⁸See Dunbar Moodie, The Rise of Afrikanerdom. Power, Apartheid and the Afrikaner Civil Religion, (Berkeley & Los Angeles: U. California P., 1975); Dan O'Meara, Volkskapitalisme: Class, Capital and Ideology in the Development of Afrikaner Nationalism, (New York: Cambridge U.P., 1983).

²⁹John S. Saul, The Crisis in South Africa, revised ed. (New York: Monthly Review Press, 1986); Martin Murray, South Africa. Time of Agony, Time of Destiny (London: Verso, 1987).

³⁰Craig Charney, "Class Conflict and the National Party Split," Journal of Southern African Studies, 10,1 (1984).

³¹See South African Review 5.

³²See (e.g.) Glaser, "Post-Apartheid Democracy."

³³Swilling, "Associational Socialism," Narsoo, "Civil Society".

³⁴ That this formulation comes uncomfortably close to saying that Africa is "uncivilized" is exactly the point of the previous section. The concept of "civilization" used to justify colonialist attempts to reconstruct African societies and culture is directly related to the idea of civility underlying the idea of "civil society" and emerged contemporaneously. In a literal sense, to "civilize" was to create "civil society," which required the subordination of kin-based ties rooted in the domestic realm to new public spaces, institutions and

powers. The highly undemocratic methods and consequences of colonialism in the name of "civilization" illustrate that use of the such concepts entails no inherently democratic results.

Older analyses of peasant communities as partly but incompletely integrated into wider social and cultural formations are relevant here. See Bundy, Peasantry, 4-13; Lloyd Fallers, "Are African Cultivators to be Called Peasants?" Current Anthropology 2 (1961), 108-10; John S. Saul and Roger Woods, "African Peasantries," in Peasants and Peasant Societies, ed. Teodor Shanin (Baltimore: Penguin, 1971), 103-14.

³⁵Jack Goody, Technology, Tradition and the State in Africa (New York: Cambridge U.P., 1971); Goran Hyden, Beyond Ujamaa in Tanzania: Underdevelopment and an Uncaptured Peasantry, (Berkeley & Los Angeles: U. California P., 1980); Joel S. Migdal, Strong Societies and Weak States, (Princeton: Princeton U.P., 1988); Bruce Berman and John Lonsdale, Unhappy Valley. Conflict in Kenya & Africa (Athens: Ohio U.P., 1992).

³⁶See Singh, "Deconstructing 'civil society'," for a somewhat different expression of related concerns in the first round of debates.

³⁷Hyden, Beyond Ujamaa; Donald Rothchild and Naomi Chazan, eds., The Precarious Balance: State & Society in Africa (Boulder: Westview, 1988); Michael G. Schatzberg, The Dialectics of Oppression in Zaïre (Bloomington: U. Indiana P., 1988).

³⁸The preceding arguments do not claim that "civil society" is a Eurocentric concept, useless for thinking about democracy in South Africa because of either essential or historical differences between European and African societies or culture. But different histories require that when concepts developed in a particular historical context to understand its development are applied elsewhere, the comparability and difference between the situations be investigated.

³⁹The need to reconstruct civil society has been widely understood by South African democrats for a long time, particularly by practical activists working in the union and civic movements, and in areas such as community health and law, whose writings show the most palpable and concrete understanding of the obstacles to building fully inclusive, accountable democracy from bases in civil society, and raise those questions most meaningfully. Their success in overcoming those obstacles is quite astonishing to a U.S. American used to the effective collaboration of government, business and media in turning civil society into a realm of popular de-mobilization and political disengagement (although the U.S. case provides South Africans a warning of such possibilities). Any understanding I have of these matters comes from them, and I don't pretend to have special insights about them.

However, possibly analysis of South African civil society's particular history explicitly in those terms can delineate the sources and development of some of the obstacles, which to some extent have been obscured by the impact of Europe's particular history on theories of civil society, and perhaps this may prove of some use in strategizing to overcome them.

⁴⁰Shula Marks, The Ambiguities of Dependence in South Africa: Class, Nationalism and the State in Twentieth-Century Natal (Baltimore: Johns

Hopkins U.P., 1986; Marks, "Patriotism, Patriarchy and Purity: Natal and the Politics of Zulu Ethnic Consciousness," in The Creation of Tribalism in Southern Africa, ed. Leroy Vail, (Berkeley & Los Angeles: U. California P., 1989), 215-240; Bradford, Taste of Freedom, 95-100; Walshe, Rise of African Nationalism; Chris Lowe, "The Tragedy of Malunge, or, the Fall of the House of Chiefs: Abantu-Batho, the Swazi Royalty, and Nationalist Politics in Southern Africa, 1894-1927," paper presented at the U.S. African Studies Association meeting, Boston, December 1993.

⁴¹Jonathan Crush, The Struggle for Swazi Labour, 1890-1920 (Kingston & Montreal: McGill-Queen's U.P., 1987), 131-200; Greenberg, Race and State, 70-106; Essy M. Letsoalo, Land Reform in South Africa, (Johannesburg: Skotaville, 1987), 29-41; Unterhalter, Forced Removal, 94-101.

⁴²Platzky & Walker, The Surplus People, 95-127; Barbara Rogers, Divide & Rule. South Africa's Bantustans, (London: International Defense & Aid Fund, 1976), 31-32; Unterhalter, Forced Removal, 101-103; Anne Mager, "'The People Get Fenced': Gender, Rehabilitation and African Nationalism in the Ciskei and Border Region, 1945-1955," Journal of Southern African Studies 18,4 (Dec 1992), 761-82.

⁴³Roger Southall, South Africa's Transkei. The Political Economy of an "Independent" Bantustan (New York: Monthly Review Press, 1983); Jeffrey Butler, Robert I. Rotberg & John Adams, The Black Homelands of South Africa: The Political and Economic Development of Bophuthatawana and KwaZulu, (Berkeley & Los Angeles: U. California P., 1977), 179-218; Unterhalter, Force Removal, 93-121.

⁴⁴This represents the obverse side of the market pressures which Stanley Greenberg has analyzed as leading to the breakdown of state efforts to administer labor markets, in Legitimizing the Illegitimate. The central role of familial motivations in labor market participation, and its relation to corporate portrayal of jobs as a gift which they give to workers, for which they should be grateful, are likely to be crucial elements of the hegemonic strategy of an emergent market-based insider/outsider social strategy.

⁴⁵The following discussion, in this section and in the conclusion, is based mainly on reading press accounts, principally in Work in Progress and its Reconstruction supplement, in The Weekly Mail, and in the South African Labour Bulletin, as well as the South African Review series, articles in Journal of Southern African Studies and Review of African Political Economy, various international African studies publications, plus odd publications from the Institute of Race Relations and international human rights organizations.

I offer it with considerable diffidence, in hopes that despite its undoubted crudeness and detachment from specific situations and struggles, it may still prove useful conceptually to people closer to the issues.

⁴⁶Josette Cole, Crossroads. The Politics of Reform and Repression 1976-1986 (Johannesburg: Ravan, 1987), 118-9, 124; Chiara Carter, "The rise

and fall of an ANC warlord," and "Dealing with squatter lords," Reconstruct supplement, WIP 90 (July/Aug 1993), 10-12.

⁴⁷Carter, *ibid.*; Abdou Maligalim Simone and Edgar Pieterse, "Taking note of 'informal' dynamics," in Reconstruct supplement, WIP 94 (Dec 1993), 14-15; Mzwanele Mayekiso, "From the trench to the table," WIP 95 (Feb/March 1994), 19-21; Philip Dexter, "Public sector key to RDP," and Mpho Mosimane, "The shape of grassroots government," Reconstruct supplement, WIP 95 (Feb/March 1994), 6-7, 8-9.

⁴⁸Although the pervasiveness of state presence even in the informal sector should not be underestimated, for instance in the use of state produced and guaranteed money, reliance on state-produced transport infrastructure and often state-run transport agencies and so on.

⁴⁹See Devan Pillay and Peter Richer, "Coordination for forums," Reconstruct supplement, WIP 90 (July/Aug 1993), 2-3, for a discussion of "under-organised sectors," and an optimistic view of possibilities created by national reconstruction forums.

⁵⁰See Reconstruct supplement, WIP 91 (Aug/Sept 1993), which focuses on hostels.

⁵¹Aso Balan and Lauren Royston, "Practising what we preach," and Barbara Schreiner, "Women at local level," both in Reconstruct supplement, WIP 95 (Feb/March 1994), 3-5.

⁵²Jenny Schreiner, "The need for gender bias," Reconstruct supplement, WIP 95 (Feb/March 1994), 2-3.

⁵³See Simone and Pieterse, "Taking note of 'informal' dynamics". The so-called "urban renewal" programs in U.S. in the 1950s and 1960s, which destroyed neighborhoods and massive housing stocks without consultation and often without adequate replacement, are instructive. They took place under liberal governments and with the encouragement of the trade-union movement, and generated widespread popular opposition, since they were seen as racially discriminatory ("Negro removal") and as disorganizing communities by destroying their spatial and material bases, poor as they were.

⁵⁴Allan Horwitz, "Civics at the crossroads," Reconstruct supplement, WIP 92 (Sept/Oct 1993), 10-11.

⁵⁵Pillay and Richer, "Coordination for forums," raise this possibility, although they think it likely to be overcome.

⁵⁶See for instance the critiques of the interim constitution implied and advanced in Hein Marais, "Don't worry, be happy," (interview with Joe Slovo), Ebrahim Patel, "Ditch the lock-out clause!", Cathi Albertyn, "Two steps forward," and Marais, "Snatching defeat from the jaws of victory," WIP 95 (Feb/March 1994), 14-17, 18, 22-3, 25-6

⁵⁷Hein Marais, "Slovo on civil society," WIP 95 (Feb/March 1994), 17.

Appendix: Civil Society and State vs. the Domestic Realm
in Locke, Rousseau and Ferguson

I have suggested that early modern European thinkers treated civil society as the public realm, including the state, understood in contrast to the household or domestic society, and that this view has relevance for understanding the history of South African civil society. This appendix examines several early modern thinkers who include the state within civil society, as distinguished from the private, domestic realm, and whose ideas influenced ideologies of colonization and colonial state-formation.¹

John Locke's second treatise of government is titled "Of Civil-Government," and Locke's purpose was to distinguish political or civil government from "private dominion and personal jurisdiction" so "that the power of magistrate may be distinguished from that of a father over his children, a master over his servant, a husband over his wife, and a lord over his slave."² Here Locke clearly distinguished civil and domestic power, understanding civil power as state power. In chapter VII of the treatise, titled "Of Political or Civil Society," Locke again distinguished the domestic realm, encompassing society between man and wife, parents and children, and society between master and servant, from political or civil society. He saw these primordial domestic forms of society as being still in the state of nature.³

For Locke, civil society was created by the formation of the state. The realm of political authority was coterminous with civil society and defined it, as society governed by law:

Those who are united into one body, and have a common established law and judicature to appeal to, with authority to decide controversies between them, and punish offenders, are in civil

society with one another: but those who have no such common appeal, I mean on earth, are still in the state of nature...⁴

While Locke distinguished civil society from domestic society, he linked it to property and commerce. The main end of government "is the preservation of their property".⁵ Property arose out of labor before the existence of civil society, but it was only with the formation of civil society that

the several communities ... by laws regulated the properties of the private men of their society, and so, by compact and agreement, settled the property which labour and industry began.⁶

Thus for Locke civil property, civil society, and civil authority (the state) were all linked, and distinguished from natural property, society and power, pre-civil forms which persisted in the domestic realm.

Rousseau likewise opposed "the state of nature to the civil state."⁷ He said that "the oldest of all societies and the only natural one is that of the family," so that civil society encompassed all social relations outside of nature, i.e. beyond kinship.⁸ Rousseau, like Locke, associated the rise of civil society with property:

The first man who, having fenced off a plot of land, thought of saying 'This is mine' and found people simple enough to believe him was the real founder of civil society...⁹

Also like Locke, Rousseau tied together "the origin of society and laws,"¹⁰ so that once again it was the formation of the state which created civil society.¹¹

A crucial feature of Locke's analysis is that he locates labor relations within the realm of patriarchal households. The labor and gender subordination of servants and women are linked to paternal authority and expressed in the idioms of kinship, while being distinguished from relationships of contract and commerce,

governed by law, which with the state constitute civil society. The nineteenth century conceptual shift of labor relations to the realm of contract, commerce and law mirrored the emergence of extra-household factory production. This conceptual shift and the practices supporting it formed a key feature of European encapsulation and diminution of the domestic realm, and also of the emergence of ideas of an autonomous market-based "civil society" distinct from and opposed to the state.

The Scottish thinker Adam Ferguson, in An Essay on the History of Civil Society, differed from Locke and Rousseau when he argued against the idea of a state of nature. Ferguson saw all forms of society as natural (including civil society), since human nature was social. Like Locke, but more clearly, he distinguished commerce and property from the state, once they were established. But just as clearly as Locke and Rousseau, Ferguson included both commerce and state as separate parts of civil society, which was the political nation:

Without the rivalry of nations, and the practice of war, civil society would scarcely have found an object, or a form. Mankind might have traded without any formal convention, but they cannot be safe without a national concert. The necessity of a public defence, has given rise to many departments of state, and the intellectual talents of men have found their busiest scene in wielding their national forces.¹²

In other words, trade in theory could go on independently of the state, but such trade would not constitute a civil society. It was the state which gave society its civility for Ferguson. Full civil society comprised trade, the state, and intellectual and military activity. Ferguson also contrasted civil society with a form of society which he said existed "prior to the establishment of property, and the

distinction of ranks,"¹³ which he called "savage". He thus defined civil society as the realm of law, order and power in the state, the creation and defense of property, and of social inequality. If Fergusonian ideas of civil society had any relation to democracy, it was a hostile one.

Of particular relevance for applying ideas of civil society in Africa is the way Ferguson used it to construct a social-evolutionary hierarchy of societies. He divided "rude societies" into those of "the savage, who is not yet acquainted with property [and]... the barbarian, to whom it is, although not ascertained by laws, a principal object of care and desire." Both savages and barbarians lived "without any concerted plan of government, or system of laws," which arose (echoing Rousseau) unintentionally out of the creation of property:

He who first said 'I will appropriate this field; I will leave it to my heirs;' did not perceive that he was laying the foundations of civil laws and political establishments.¹⁴

But for Ferguson, unlike Rousseau, these were good things. Ultimately, for Ferguson, civil society is the society of law, and thus inextricably includes the state.¹⁵ All of these cases illustrate that down to the end of the 18th century, the idea of civil society, far from opposing that of state, incorporated and rested on it, in distinction or opposition to domestic society.

Interestingly, Ferguson's rejection of the contrast between civil society and a "state of nature" removed domestic relations of kinship and family from the visibility they had in Locke and Rousseau. Instead, Ferguson substituted a social-evolutionary typology, distinguishing savage societies from civil societies, the latter being characterized as

societies in which ordered inequality is based on property and the rule of law.

¹See George W. Stocking, Victorian Anthropology, (New York: Free Press, 1987), esp. pp. 9-45, but also more generally.

²John Locke, Second Treatise of Government, ed. C.B. Macpherson (Indianapolis: Hackett, 1980), 7.

³Locke, Second Treatise, 42. Locke's purpose in making this opposition of civil and domestic society and authority was to refute the patriarchal theory which underwrote claims that kings ruled by natural authority ordained by God as an extension of the natural power of fathers over their families, in the aftermath of the English revolution of 1688.

⁴Locke, Second Treatise, 47. See also paragraphs 87-89.

⁵Locke, Second Treatise, 66. (Emphasis in the original).

⁶Locke, Second Treatise, 27-8. See also paragraphs 44-45.

⁷J.J. Rousseau, On Social Contract, in Alan Ritter and Julia Conway Bondanella, eds., Rousseau's Political Writings, (New York: Norton, 1988), 2.

⁸Rousseau, Social Contract, 2.

⁹J.J. Rousseau, Discourse on the Origin and Foundations of Inequality Among Men, in Ritter and Bondanella, eds., Political Writings, 34.

¹⁰Rousseau, Inequality, 44.

¹¹On Social Contract, chs 8 & 2; Discourse on the Origin and Foundations of Inequality Among Men, 34, 44, in Rousseau's Political Writings, ed. Alan Ritter and Julia Conway Bondanella (New York: Norton, 1988).

¹²Adam Ferguson, in An Essay on the History of Civil Society, [1767] (facsimile reprint, Garland Publishing, 1971), 36.

¹³Ferguson, Civil Society, 24.

¹⁴Ferguson, Civil Society, 51.

¹⁵Ferguson, Civil Society, 237-8.