Indigency - An Attack on 'The Poor's'

Prishani Naidoo

Introduction

"The only non-localizable 'common name' of pure difference in all eras is that of the poor. The poor is destitute, excluded, repressed, exploited - and yet living! It is the common denominator of life, the foundation of the multitude." (Hardt & Negri, 2000: 156)

"...in this city of Durban where colonial rulers encouraged divisions between Indian, coloured and African people, a sense of non-racialism is defiantly entrenched in the community organisations as we confront our common lot not as separate races, but as 'the poors'." (Desai, 2002:152)

"We are not Indians. We are not Africans. We are the poors." (Words of activists in Chatsworth, Durban, quoted in Desai, 2002 and Hardt & Negri, 2004)

"At today's meeting in Kempton Park, the SALGA Consultative Assembly agreed to a campaign to register the poor throughout our country in the war against poverty. The aim of the campaign is to ensure that the most marginalised of our people - the poorest of the poor - receive a subsidy from their municipalities for basic services. This will go a long way to ensure service delivery to the poor, who are deprived of a basic amount of water, sanitation services and electricity because they are too poor to pay for these services rather than unwillingness to pay for services." (Media Statement By The South African Local Government Association (SALGA) Chairperson, Father Smangaliso Mkhatshwa, 16/6/2004)

Reflected in the quotes above are two distinct approaches to 'the poor' in neoliberal society, one that celebrates 'the poor/s' as the site of production of multiple subjectivities and life subversive to the capitalist system that happens from within capital; and one that seeks to capture the potentialities for subversion amongst 'the poor/s' and contain them in homogenising categories that prevent any questioning of the system that perpetuates inequality. These two approaches define 'the poor/s' in different ways as shaped by two logics or tendencies or what Dipesh Chakrabarty (after Marx) has called "the two histories of capitalism" - "a past posited by capital itself as its precondition—History 1", and a past that emerges from "relationships that do not lend themselves to the reproduction of the logic of capital" and are outside of capital’s "life processes" -
History 2 (Chakrabarty, 2000: 16). Chakrabarty argues that "Marx thus writes into the intimate space of capital an element of deep uncertainty. In the reproduction of its own life-process, capital encounters relationships that present it with double possibilities. These relations could be central to capital’s self-reproduction, and yet it is also possible for them to be oriented to structures that do not contribute to such reproduction. History 2’s are thus not pasts separate from capital; they are pasts that inhere in capital and yet interrupt and punctuate the run of capital’s own logic. History 1, argues Marx, has to subjugate or destroy the multiple possibilities that belong to History 2. There is nothing, however, to guarantee that the subordination of History 2’s to the logic of capital could ever be necessarily complete or total." (ibid: 18).

In South Africa, we have seen these two histories come into play in the struggles for basic services that have emerged since the late 1990s, as the logic of commodification and the market (in the form of 'cost recovery' and privatisation) has been met with resistance from communities and groups reasserting the belief in free basic services antagonistic to the logic of capital. In significant cases, this logic has been defied as water, electricity and housing have been appropriated (outside of the law) and their common ownership reasserted in the face of cut-offs, evictions and individualised and corporatised systems of delivery. The first logic has mobilised a language of "good governance", "responsible citizenship", and the rule of law and the police to try to push through its regime of commodification and to contain and suppress any resistance to it. Resistance (History 2) has, at most times, defied any logic, emerging in the desires of people for life outside of the market, and increasingly for the basic necessities for life itself. As such, it has come to represent a threat to the neoliberal rationalities of the day, and has ensured that the terrain of life targeted for further commodification by the market has become a battleground on which the very meanings and possibilities for life are contested.

In these struggles, 'the poor/s' has emerged from within resisting groups to signify the subversive potentiality of poor people coming together to collectively resist attacks on life and to create relationships that do not produce capital. The poor/s have, in these spaces, not been homogenised in singular definitions and ideological frameworks, but celebrated as the emergence of "multiple singularities" (Negri and Hardt, 2004), and "different voices, experiences, traditions and practices that show a new kind of politics through their diversity and acceptance of different organisational forms and tactics, and new ways of imagining possibilities for life" (McKinley & Naidoo in Development Update Vol. 5 No. 2, 2004: 10). In this way, 'the poor/s' has presented a challenge to the old political traditions of the South African left as well as to the South African government and ruling party, refusing the individualisation of life and its commodification, as well as 'it's' own homogenisation.
As resistance has grown, so too have attempts at containing and destroying struggle. Struggles over the privatisation of electricity and water in Johannesburg are a clear example of the two histories of capital as they contend with each other for authority in the lives of people.

From Payment Boycotts To Masakhane

Under apartheid, non-payment in the form of the rent and service boycotts (or 'payment boycotts) came to be a central component of people's 'life strategies'. For many activists, these strategies were developed in struggle with others in community.

The common values and commitments to the common ownership of certain resources developed in the struggle against apartheid, were to characterise the discourse of the transforming African National Congress (ANC), as it became the ruling party in the early 1990s. As the ANC government embraced the global mantra of neoliberalism, cementing this commitment with its adoption of the Growth, Employment & Redistribution Strategy (GEAR) in 1996, these common values would be held up in support of policies and commitments that went against their intent, in an attempt to redirect the spirit of the liberation struggles towards the interests of 'good governance' within a neoliberal world order.

The ANC government's introduction of 'cost recovery' and privatisation was therefore preceded by a period in which the ANC campaigned strongly to ensure that there would be no contestation of the duty to pay for services. Recognising the strong spirit of refusal on which campaigns of the liberation movement were built, the early 1990s saw the ANC embark on a programme called Masakhane (We Are Building), aimed at encouraging people to pay for their basic services as 'responsible citizens' of the new democracy. Fundamental to this campaign was the recasting of this spirit of refusal against an exploitative system as 'irresponsibility' in the form of 'a culture of non-payment'. Masakhane therefore marked a clear recognition by the ANC government of the need to change the ways in which people imagined their relations to each other and to their basic needs (means of (re)production) if it was to be successful in implementing neoliberal policies based on a logic of commodification and individualised relations between people and basic services. Masakhane would therefore

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1 'Life strategies' is a term I have come to use, through discussions with activists, as meaning, "that which is constructed, as a negotiation of people’s available freedom and notions of self, through assuming various strategic positions as a means towards creating the conditions of life". We have come to use this concept in contradistinction to that of 'survival strategies', which tend to cast resistance and repression in a rigid binary of action and response, foreclosing the potentialities for the production of anti-capitalist or non-capitalist relations that overcome this polarisation by new subjectivities that resist homogenisation and capture.
attempt to naturalise the logic of payment for basic services through the encouragement of individual responsibility for accessing these services and contributing to the ‘good governance’ of the country by accepting the duty to pay and the rights of companies to demand payment for services provided.

The Failure of Masakhane & The Introduction Of The Prepaid Meter

But Masakhane was to come at a time when South Africa’s embrace of neoliberal policies were to take effect, with widespread job losses, the growth of precarious forms of work, and the introduction of the logic of ‘cost recovery’ in all spheres of life i.e. water, electricity, housing, land redistribution, education, health, and welfare. In this context, non-payment for basic services continued to invest the life strategies of the poor for dealing with unemployment or lower wages, or became simply impossible for the majority. With Masakhane’s failure, manifest in the accumulation of individual debt, came widespread cut-offs and, with them, the emergence of community movements, reasserting the right to free water and electricity, and reconnecting the disconnected to their water and electricity supplies.

The state and private interests responded by criminalising legitimate community struggles, arresting people for ‘illegal reconnections’ and other protest actions against commodification. In addition, the Johannesburg municipality has periodically (in times of heightened struggle) offered people certain ‘concessions’, such as the scrapping of the collective electricity debt of R14 million in Soweto in 2001 after the growth in popularity and support of the Soweto Electricity Crisis Committee (SECC), and its actions and protests against the Johannesburg municipality and ESKOM, and the state’s commitment to the free provision of certain ‘lifeline’ amounts of water and electricity to all households. However, it has not strayed from its commitments to entrenching the logic of commodification, and has, in fact, sought more ingenious ways of circumventing and/or containing struggle or using struggle to further entrench the logic of commodification.

The introduction of the prepaid meter in the regulation of water and electricity consumption, is evidence of this. Unlike with cut-offs, where one is punished for non-payment after receiving a service, with the prepaid meter, you have to pay before you receive a service – you are cut off until you can pay. The prepaid meter also removes any responsibility for delivery from the state and the private service provider, making the responsibility for gaining access to basic services the individual’s. In a context of high unemployment and low household incomes, part of the life strategies developed under the logic of cut-offs – reconnections - has come under attack, with prepaid technology developing ways of preventing any collective acts of resistance to the system of
commodification and completely individualising the relationship of people to the resources necessary for life. In Soweto and other townships of Johannesburg, the fight against prepaid electricity continues, with activists and community members actively connecting residents to electricity without metering, and meter boxes are regularly removed, collected and delivered to local police stations in a collective show of community refusal of the commodification and individualisation of electricity provision.

The introduction of prepaid water meters has proven a little more difficult for resistance, as the technology developed has been difficult to bypass, and because the state’s technologies of regulation and coercion have begun to attack the very strategies that have emerged amongst the poor to protect those resources commonly owned and shared. Johannesburg Water, a business entity owned by the municipality and managed by Suez Lyonnaise Des Eaux, has, for example, embarked on a massive project called 'Operation Gcina 'Manzi' ('Operation Save Water') to install prepaid water meters in all of Johannesburg’s townships, beginning with a pilot project in Stretford, Extension 4, Orange Farm, and rolling the project out in Phiri and other parts of Soweto. In Orange Farm, residents were told that they had to pay R100 in order to get a prepaid meter. In addition, they were told that they would only be able to get flush toilets if they signed onto the prepaid system. In an area in which 90 per cent of households had pit latrines, the majority of households raised the R100 to buy a prepaid meter in order to get a flush toilet. Research conducted by the Anti-Privatisation Forum (APF) in Stretford, Extension 4 after the installation of the prepaid meters and flush toilets, in 2002, revealed that the majority of residents (90 per cent of a sample of 194 households) felt that they had been deceived by Johannesburg Water into signing onto a system that they could not afford and that was providing them with many problems. Very few households were buying water, even though their needs were not met by the 6 000 free litres of water provided by Johannesburg Water. Instead, mainly women and girls were walking to neighbouring extensions to collect water. In some cases, people were borrowing or stealing from their neighbours, creating tensions amongst neighbours. The shallow sewer system that had been installed with the prepaid meters was also a problem for many residents as the toilets would often get blocked and residents were expected to unblock their toilets by themselves. In fact, Johannesburg Water has a set of instructions for residents to follow in unblocking their toilets! For now, the installation of prepaid water meters in Orange Farm has ceased. However, this has meant that those refusing to sign onto prepaid systems of water delivery and who cannot prove their ability to pay for water have been given more limited choices with regard to the meeting of their water and sanitation needs e.g. communal standpipes and ‘pour and flush toilets’ (toilets requiring one to manually pour water into them and then flush). And the local councillor is adamant that prepaid meters are still on their way.
In spite of resistance to prepaid water meters in Orange Farm, Johannesburg Water went ahead with its roll-out in Phiri, Soweto in early 2003. When the majority of residents in the first block of Phiri targeted for the installation of prepaid water meters, came together to physically resist the digging up of their front yards, a low-scale war erupted in the streets of Phiri, with Johannesburg Water enlisting the support of the local police and private security, in the form of the notorious Wozani Security (Red Ants). Over a period of a few months, residents organised themselves in the Phiri Concerned Residents Forum and joined forces with the SECC and the APF to wage a costly battle for Johannesburg Water, with damages running into hundreds of thousands of rands. Activists involved did not escape unharmed - fourteen residents were arrested and slapped with charges of public violence and malicious damage to property, with the Phiri resistance bearing the most severe conviction and punishment meted out to a social movement activist yet (a R25 000 fine); twenty seven households resisting being signed onto the prepaid system were completely cut off from any water supply (including their 6 000 free litres); and activists continue to face harassment from the local councillor and police. While resistance has meant that certain areas of Phiri do not have prepaid meters, enjoying communal standpipes and paying a flat rate for water instead, Johannesburg Water has adopted new and different strategies to get residents to sign onto the prepaid system in the rest of Phiri. Individual households have been approached and convinced by Johannesburg Water to sign onto the system, and Johannesburg Water and the municipality have embarked on massive education and awareness campaigns aimed at teaching residents the need to conserve water and to make best use of the free 6000 litres, as well as the obligation to pay for additional water consumption. Unlike in Orange Farm, in Phiri, residents have been sold the idea of prepaid meters as 'free-pay meters' i.e. residents have not had to pay for the installation of their meters, making their signing onto the prepaid system, 'free'. In effect, they are, however, signing over their rights to free water for life.

The Phiri Concerned Residents Forum has continued its campaign against the prepaid system, and argues that a majority of Phiri residents are currently bypassing the prepaid system i.e. even though they are signed on to the system in order to access their 6 000 litres, they are able to circumvent paying for the additional water that they use. But this commitment to protection of a common resource is becoming increasingly difficult as Johannesburg Water and the municipality criminalise any struggles against commodification and increase their efforts to root out any means to bypass the system, and to punish those who attempt to live without paying for their water.
The continued strength of community movements, such as the OWCC and the Phiri Concerned Residents Forum, is, however, born out in the most recent changes in strategies of the state in trying to entrench this logic of commodification through its enforced separation of people from their means of (re)production in such a manner that the very means by which struggle has been imagined is attacked.

**Enforcing The Logic Of Prepaid - 'Reathusa' ('We Are Helping')**

In May 2005, the Johannesburg municipality announced that it would write off all service arrears for the indigent. While the announcement took everyone by surprise, in an interview with the *Star* newspaper, Roland Hunter, acting chief executive of the city's revenue shared services centre explained that this move was necessary despite its cost to the municipality, stating, "Last year we took action against everybody who owed. This resulted in a push-back from very poor customers," (*The Star*, 9 June 2005). In one move, the municipality seemed to give in to the demand that has been the focus of community movements since their inception. What was not reported in the news were the conditions attached to the writing off of the debts of the 'poorest of the poor'. In addition to introducing a detailed process for verification of individuals' status of indigency, the new policy stated that the indigent could have their arrears scrapped as long as they signed onto prepaid systems of delivery for water and electricity, and signed binding agreements to pay for services in the future. With no mention of these conditions in the news, the announcement was to provide serious difficulties for activists in movements faced with the majority of their communities warming to the idea of having their debts scrapped, and, as individuals, faced with the choice of having their own debts erased, knowing that this was but a clever move by the municipality to destroy the campaign for free basic services and to tie individuals into binding agreements that allow for the proliferation of prepaid systems of delivery.

This 'first phase' of Johannesburg's new indigent management policy was called the Municipal Services Subsidy Scheme and kicked off in May last year. To date the municipality reports that only about 92 000 people have registered for this scheme and around R1,2 billion in arrear debt has been written off. This month, the municipality announced that it would extend the deadline for this first phase to the end of March 2006. In addition, this month saw the launch of the second part of the indigency programme called the Reathusa (We Are Helping) Municipal Account Scheme that will target municipal account holders with a gross income of R6 500 or less per month. The Johannesburg municipality's official website states: "The principles of the Reathusa scheme are that the customer concludes a formal repayment arrangement for half their debt as well as keeping their current account up to date. If they stick to this for the period
agreed to and pay their arrears, they will then have their remaining half of their debt written off.” - http://www.joburg.org.za/2006/feb/feb2_reathusa.stm

Unlike the Masakhane approach which prioritised individual social responsibility, Reathusa and the indigent management policy seem to want to placate those who have been resisting its logic of commodification. In a show of shared responsibility, the municipality undertakes to write off half an individual’s debt in return for that person signing a binding agreement to pay the other half of the debt, and to sign onto prepaid systems of delivery for water and electricity within twelve months of entering the agreement. It is also striking that the income cut-off for this second phase of the indigent management policy has been raised to R6 500, an income more common of the lower to middle income groups rather than the traditionally indigent.

While indigency policies have always existed in South African government policy, it has been up to individual municipalities to determine whether and how they implement such policies, and they have not featured prominently in the strategies of government to placate the disgruntled (Meth & Dias, 2004; May, 2004). A survey of recent newspaper archives shows how as community movements speaking in the radical voice of the poor/s have increased in influence and number, indigency has slowly started to re-emerge in the discourse of poverty eradication espoused by the ANC government. In the speech quoted in the introduction, therefore, we no longer have the Minister referring to ‘a culture of non-payment’, but he is at pains to show that he understands that people cannot pay rather than will not pay.

In June 2005, in the midst of what were called ‘service delivery riots’ in townships all over the country, the Department of Provincial & Local Government (DPLG) made public a proposed national indigent policy to set the frameworks for municipalities. Interestingly, the entire proposed indigency policy hinges on the provision of free basic services, or, at least, the provision of those services necessary for life. The proposed policy framework states "Indigent people have in common the need to access affordable basic services that will facilitate their productive and healthy engagement in society." (DPLG, June 2005). While this national policy document does not include any commitments of the indigent to prepaid systems of delivery, the experience of Johannesburg will surely be instructive for other municipalities.

In recent campaigning by the ANC around the local government elections, indigent policies have again emerged as the solution to the needs of the poor. Cloaked in commitments to advancing the interests of ‘the poorest of the poor’, such policies hide their real aim - to draw individuals into binding agreements to pay for their basic services.
In some townships, local ANC branches have been reported as preventing non-ANC members from accessing the forms necessary to access the indigent scheme (e.g. Orange Farm, Kennedy Road).

Through the use of the language and struggles of members of communities who have come to identify themselves as 'the poor/s', groups of people joined in their common exploitation by neoliberalism and their common struggles against it, recent indigency policies of the South African state have recognised the subversive potentiality of 'the poor/s' in their refusal of the logic of commodification and the market and sought to capture 'the poor/s' in homogenising categories through which individuals are promised the resources necessary for life in exchange for their buying into commodified systems of delivery. While the state offers one the option of exchanging one’s indigent status for service delivery through a commodified system, social movements have continued to represent struggles of the poor/s as multiple and diverse struggles that view the status of poverty as both something to struggle against and a vantage point from which to imagine and create a world in which capitalist relations no longer exist.

The 'Poor/s' - Reclaiming The Commons In Struggles Against Commodification

From the poor/s that gained voice in Ashwin Desai’s 'We Are The Poors' to the poor/s celebrated in the many new songs and slogans of community movements in neoliberal South Africa to the many opportunities for the reclaiming and creation of commons presented in struggles of the poor/s, many histories run counter to the History of poverty as indigency (a status of deprivation and need) that neoliberalism intends to portray as the only possibility for the world.

In Orange Farm, members of the OWCC have come together to find collective alternatives to poverty through the running of a community garden, recycling project and crèche. In Soweto, the SECC and the Operation Khanyisa Movement (OKM) continue to assist residents to reconnect themselves to free water and electricity supplies, most recently entering the arena of local government elections and making the act of reconnection headline news. While I might disagree with the tactics of the OKM in contesting these elections, their continued fight against commodification and their overt refusal to accept the logic of payment through open acts of reconnection with the stated aim of destroying the meter and all the relations that it symbolizes (Ngwane & Veriava), has ensured that the possibility for an alternative to commodified systems of service delivery remains in the imaginations and practices of the poor/s in a context in which the state and private companies make it difficult to believe that
there is any other option but to pay.

More recently, in Durban, in the struggles of the Abahlali Base Mjondolo (Shackdwellers) Movement, thousands of people have come together to reclaim their indigent status as that of the poor/s, demanding proper housing and services. Reappropriating the identity of the shackdweller, as well as other negative stereotypes assigned to poor people, the Abahlali have become a powerful force of antagonism to the History being attempted in Durban by the Ethekwini municipality as it attempts to silence and erase the poor within townships and suburbs around Durban. But the Abahlali have refused to be silenced, even taking the municipality to court and winning permission to proceed with a march in this week. In the words of Sbu Zikode, member of this movement, "We are driven by the Third Force, the suffering of the poor. Our betrayers are the Second Force. The First Force was our struggle against apartheid. The Third Force will stop when the Fourth Force comes. The Fourth Force is land, housing, water, electricity, health care, education and work. We are only asking what is basic - not what is luxurious. This is the struggle of the poor. The time has come for the poor to show themselves that we can be poor in life but not in mind."

At the same time, however, we need to guard against our own homogenisation of the 'poor/s' of History 2 in too easy a celebration of an always radical subjectivity, that is often the case in the work of Hardt & Negri, Ashwin Desai, and other activists and writers today. Such uncritical celebration denies the real actions of 'the poor/s' that might sometimes work against the interests of the common or work to produce capitalist relations. For example, while the songs of community movements fighting the privatisation of electricity celebrate the act of illegal reconnection as a collective act of refusal, a local newspaper carried the following article recently: "Friend Killed Over Stolen Electricity Cable - A 26 year old man from Lulekani in Limpopo died yesterday after his friend allegedly beat him to death over a stolen electric cable..." (The Star, 6 September 2005). In trying to understand where radical potentialities might emerge in struggles of the poor/s in South Africa, it is, therefore, important to understand 'the poor/s' as a category that is not inherently radical or transformatory in the interests of the common, but whose radical potentialities emerge sometimes through production in the common.

Noting this, recent months have seen a groundswell of protests over a lack of service delivery in township communities from groups differently identifying themselves as 'the poor/s'.

While the promises of debt write-offs may win some people over to the logic of commodification, community activists are adamant that they will continue to
encourage people not to buy into the 'trap'. In the words of Bricks Mkolo of the OWCC, "We will continue to tell people that this indigent policy is a trap. It is a way of forcing people to accept that they have to pay for water and electricity. By not paying we have said that we do not believe that we should be paying for these basic services. Now they want the poorest of the poor to sign that they will pay - where will they get the money to pay when they are not working? This is nothing but a trap. Reathusa is just a lie - how are they helping the poor when they expect them to pay for what they need to live?" (Bricks Mkolo, conversation, February 2006).

The slow pace with which poor people have begun to sign onto the indigent management system seems to suggest that the initial excitement of people wanting to have their debts erased has worn off. However, inefficient bureaucratic processes could also be a contributing factor. Only time, and struggle, will tell whether the state has found a successful strategy for pushing through its newest forms of primitive accumulation.
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