Uneven and combined Marxism within South Africa’s urban social movements:

Trancending precarity in community, labour and environmental struggles

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The struggle against apartheid became at times a focus of the hopes of the revolutionary left around the world. It represents a missed opportunity for the left not only in the more obvious sense that it did not result in a real challenge to the power of global capitalism. It was also an opportunity to transform the historical relationship of Marxist theory and working class politics, and overcome the division which allows a dialectical Marxism to flourish in the universities and journals, while working class politics are dominated by the managerialism of Soviet Marxism or social-democracy. The opportunity will not come again without developing an understanding, locally and internationally, of what was lost with the end of the moment of Western Marxism in South Africa.

Andrew Nash, 1999

Rethinking socialist strategies in a context of increasingly precarious urban and peri-urban communities may well entail a ‘right to the city’ project as part of an urban class struggle in which resistance by precarious workers (and their social movements) also generates greater consciousness about the precarious natural environment, especially climate change. To make alliances with the formal proletariat that have so far eluded many urban social movements, rethought socialist strategies require a recommitment to revolutionary theory, focused on both class struggle and the rejection of capitalism as a mode of production due to its core internal logic. We are finding in South Africa that we also need to interrogate the precarious legacies of local Marxist analysis – and prior, overambitious claims made about revolutionary agency – in search of ways to accommodate the ‘uneven and combined’ character of contemporary capitalism.

The unevenness normally associated with capital accumulation has been amplified by global and domestic capitalist crisis, as a result of internal contradictions in the circuits of capital, such as explained regularly by David Harvey starting with The Limits to Capital in 1982. Displacement techniques allow capital
to temporarily restore profits through shifting (the spatial fix), stalling (the temporal fix) and stealing (accumulation by dispossession). But as the Greek, Irish and Portuguese (and Wisconsin, Michigan, Ohio and California) fiscal crises suggest, we are not yet at the point where capital’s managers can successfully accomplish the full devalorization of overaccumulated capital required to reset accumulation on the ‘Golden Age’ trajectory (equivalent to the destruction of World War II and subsequent reformulation of social relations in advanced capitalism). The ongoing displacement of crisis tendencies, instead of their resolution, means that a new era of struggle over fiscal appropriations is beginning in earnest, with urban infrastructure and social reproduction no doubt the terrain of heightened socio-economic and political conflict. While the Center for Place, Culture and Politics and The Socialist Register continue to host vibrant debates about the character of contemporary accumulation and rising class struggle, we believe some useful lessons are to be found in our own South African cities.

The South African ‘moment of Western Marxism’, as Andrew Nash put it, passed by the mid-1990s, after exciting but ultimately unsuccessful experimentation with neo-marxist concepts during the 1960s-80s (in part for reasons Nash mentions in the opening quote), and at the end of a flat decade it was reasonable to offer such a pessimistic sentiment. Earlier efforts at unpacking social relations across uneven/combined class, race, gender and ecological terrains were pursued with methodologies such as Colonialism of a Special Type (1960s), articulations of modes of production (early 1970s), Poulantzian factions of capital (mid-1970s), racial capitalism (late 1970s), social history (early 1980s), regulation theory (late 1980s) and the Minerals-Energy Complex (mid-1990s). In a society newly liberated from racism but with class apartheid rapidly installed, the scope for Marxist analysis was enormous but likewise the ‘talk left walk right’ abuse from ruling party ideologues was tempting. Even today, the leading Communist Party (SACP) theorists generate deep cynicism about Marxism (as did Thabo Mbeki as president from 1999-2008), having used notional ‘National Democratic Revolution’ rhetoric to justify an accommodationist standpoint that allowed SACP endorsement of neoliberal macroeconomic policies (at the national, regional and national scales in, respectively, 1996, 2002 and 2010). However, on the positive side, since around 2000 more than fifty books have been produced regarding (or by) the rising independent South African left, covering a full panoply of sectoral issues and perspectives. What, then, is the state of independent Marxism after this last decade?

In a debate held as part of the Durban Centre for Civil Society’s Wolpe Lecture series in July 2010, we each laid out our growing concerns about the unhealthy state of South African cities, of Marxist critique of SA civil society, and of the country’s last decade of urban social movements’ stop-start resistance to neoliberal accumulation and public policy in a context in which labour is firmly allied to the ruling neoliberal-nationalist liberation party. We update and fuse these arguments below, notwithstanding some differences between us, in the interests of continued debate over historical-materialist analysis and class-struggle politics.

More than in any other sector of society (including organized labour), we believe South Africa’s popular community movements in the cities contain residual radical currents, and that ‘bottom up’, there remain revolutionary possibilities, once the
society’s views on the ruling party finally shift from respect to disgust. But in addition to the urban movements overcoming their profound organizational weaknesses and strategic flaws, there are also now a great many profound challenges in reviving critical theory in part from the ‘top down’, in order to better evaluate the organic radical analysis, strategies, tactics and alliances. To the extent that these have sometimes been overstated and romanticized, they need a ruthless critique, too.

The challenges of urban social movements in South Africa reflect the uneven and combined nature of capitalism, including the extreme unevenness of the independent left movements’ own development over the first decade of the 2000s. We think, as do others (e.g. Samantha Ashman, Ben Fine and Susan Newman in the 2011 *Socialist Register*), that ‘uneven and combined’ is an appropriate appellation in South Africa, harking back on the one hand to classical themes of radical politics (Trotsky’s 1906 *Results and Prospects* which took as its challenge the elaboration of revolutionary theory in Russia’s hybridized mode of production) but on the other, to subsequent theories of non-linear accumulation processes (i.e. which become increasingly disequilibrated across sector, space and scale). These include the fusion of political-economic concepts with geographical insights during the 1970s-80s by Ernest Mandel, David Harvey and Neil Smith, though these have by all accounts been insufficiently developed.

‘Uneven and combined Marxism’ implies a way of humbly considering the difficulties of constructing independent left politics in the conjuncture of a long-term capitalist stagnation in South Africa (and many other sites, perhaps) in which some sectors of the economy – construction, finance and commerce – have been booming while many other former labour-intensive sectors of manufacturing were deindustrialised (or shifted from general production for a local mass market to niche production for a global upper-class market, such as autos and garments). The unevenness is also geographical, with small areas of South Africa operating within a circuit of luxury consumption and new technologies, but others such as ex-Bantustan rural areas continuing their decline. The unevenness of sector and space is no surprise, of course, since capital has always flowed to sites of higher profitability not to establish equilibrating trends, but on the contrary to exacerbate differentials and enhance inequalities. The word ‘combined’ is important in South Africa because of the ways capital interacts with the non-capitalist sectors and spaces, including women’s reproductive sites, spaces of community commons, and nature.

Unevenness is obvious across the cities and townships (and towns and dorpies) where battles rage, between the sectors, and across scales of struggle. The ‘combined’ part of anti-capitalism is an area we are yet to see fully invoked (in the spirit of, for example the Latin American mobilizations which foreground indigenous movements’ struggles), because of the complexities of organizing the unorganized in shack settlements and rural areas where the act of daily survival in the interstices of capitalist/non-capitalist articulations generates far more collisions of political self-interest than standard Marxist urban theory so far elucidates. To move in this direction, we grapple with, respectively, the structural conditions giving rise to urban social movements (as argued by Bond), the contradictions that
bedevil these movements at present (by Desai), and the place of Marxist theory in past and potential future campaigns (by Ngwane).

1. The political-economic bubble and boiling urban social protest

*Uneven development of a nationalist revolution.* South Africa’s poor and working-class people are protesting at what is now amongst the highest rates per person in the world. Since 2005, the police have conservatively measured an annual average of more than 8000 ‘Gatherings Act’ incidents by an angry urban populace which remains unintimidated by the superficially populist government of Jacob Zuma, which in 2008-09 replaced Thabo Mbeki’s more explicitly neoliberal-nationalist rule with nearly identical policies but containing a populist edge. Those ‘service delivery protests’ reflect the distorted character of ‘growth’ that South Africa witnessed after adopting neoliberal macroeconomic and microdevelopment policies following the demise of apartheid in 1994. This general urban uprising has included resistance to the commodification of life – e.g. commercialization of municipal services – and to rising poverty and inequality in the country’s slums. The onset of the global economic crisis amplified and extended the existing, inherited internal contradictions.

As just one reflection of extreme uneven development, South Africa’s cities hosted the world’s most speculative residential real estate bubble, with an inflation-adjusted price rise of 389% from 1997-2008, more than double the second biggest bubble, Ireland’s at 193%, according to *The Economist* (20 March 2009), with Spain, France and Britain also above 150%. (The US Case-Shiller national index was only 66% over the same period.) The land price increases were concentrated in middle- and high-income areas plus edge-city complexes far from former Central Business Districts. In townships, there were many more houses built annually with state subsidies in the post-apartheid period, compared to the last decade of apartheid, yet they were typically half as large, and constructed with flimsier materials than during apartheid; located even further from jobs and community amenities; characterized by disconnections of water and electricity; with lower-grade state services including rare rubbish collection, inhumane sanitation, dirt roads and inadequate storm-water drainage.

In most provinces, the majority of the Gatherings Act protest incidents (with upwards of 15 demonstrators) concerned rising costs of (or even gaining basic access to) water, sanitation and electricity. Even after ‘Free Basic Services’ – typically a tokenistic 6000 liters of water and 50 kWh of electricity per household per month – were provided, the sharply convex shape of water/electricity tariffs meant the rise in the second block of consumption had the impact of raising the entire amount, resulting in higher non-payment rates, higher disconnection levels (affecting 1.5 million people/year for water, according to officials) and lower consumption levels by poor people, such as in Durban where the doubling of real water prices led the poorest third of residents to drop consumption from 22,000 to 15,000 liters per month from 1998-2004. Of Eskom’s four million customers, fully one million registered zero consumption, reflecting their disconnection from the grid (although many would have illegally reconnected).
How did this happen, in a society that boasted one of the world’s greatest urban social movements during the 1980s (the ‘civics’), which in turn generated a powerful urban reform project in the early 1990s, culminating in an African National Congress (ANC) 1994 campaign platform – the ‘Reconstruction and Development Programme’ – which had insisted upon various forms of decommodified real estate, especially housing finance, and generous access to basic services? Notwithstanding a housing minister – Joe Slovo, who was also chair of the SA Communist Party at the time (just prior to his death in early 1995) – the December 1994 Housing White Paper set as a main task restoring “the fundamental pre-condition for attracting [private] investment, which is that housing must be provided within a normalized market.” In practice this entailed huge concessions to banks, alongside a drive to commercialize municipal utilities.

The die was cast when neoliberalism was adopted in the early 1990s by the late-apartheid regime (following 1980s-era sanctions-induced dirigisme), led by F.W. de Klerk and other ‘verligte’ (enlightened) Afrikaner ‘econocrats’ in Pretoria, as the influence of ‘securocrats’ faded and the power of white English-speaking business rose during the 1990-94 negotiations. That period included South Africa’s longest depression (1989-93). To successfully bring negotiations to a close required that Nelson Mandela’s ANC periodically demobilize urban protest, especially under near-revolutionary conditions in September 1992 (after a police massacre at Bisho) and April 1993 (the assassination of Communist leader Chris Hani), until finally in late 1993, the final touches were put on the ‘elite transition’ to democracy.

In the meantime, long-standing ANC promises to nationalize the banks, mines and monopoly capital were dropped; Mandela agreed to repay $25 billion of inherited apartheid-era foreign debt; the central bank was granted formal independence in an interim constitution; South Africa joined the General Agreement on Tariffs and Trade on disadvantageous terms; and the International Monetary Fund provided a $850 million loan with standard Washington Consensus conditionality. Soon after the first free and fair democratic elections, won overwhelmingly by the ANC, privatization began in earnest; financial liberalization took the form of relaxed exchange controls; and interest rates were raised to a record high (often double-digit after inflation is discounted). By 1996 a neoliberal macroeconomic policy was formally adopted and from 1998-2001, the ANC government granted permission to South Africa’s biggest companies – Anglo American, DeBeers, Old Mutual, South African Breweries, Didata, Investec – to move their financial headquarters and primary stock market listings to London (and Melbourne in the case of BHP Billiton, and Luxembourg for Arcelor Mittal, formerly the huge state-owned Iscor steel works).

With extremely weak private sector fixed capital investment, the basis for sustaining the subsequent property and financial bubble came from two sources: residual exchange controls which limit institutional investors to 15% offshore investments and which still restrict offshore wealth transfers by local elites; and a false sense of confidence in orthodox macroeconomic management, exemplified by a budget surplus in 2006-08 and the country’s highest-ever real interest rates. The oft-repeated notion is that under Finance Minister Trevor Manuel, who served from 1996-2008, ‘macroeconomic stability’ was achieved. In reality, though, no emerging

Moreover, consumer credit had drawn in East Asian imports at a rate greater than SA exports even during the 2002-08 commodity price bubble. If there was a factor most responsible for the 5% GDP growth recorded during most of the 2000s, by all accounts, it was consumer credit expansion, with household debt to disposable income ratios soaring from 50% to 80% from 2005-08, while at the same time overall bank lending rose from 100% to 135% of GDP. But this overexposure soon became an albatross, with non-performing loans rising from 2007 by 80% on credit cards and 100% on mortgages compared to the year before, and full credit defaults as a percentage of bank net interest income rising from 30% at the outset of 2008 to 55% by year’s end. From 2007-09, the number of South Africans with ‘impaired credit’ rose from 6.3 to 8.5 million, according to state credit regulators.

Overaccumulation, financialization and social inequality. ‘Overaccumulation of capital’ at the global scale is the root process behind the recent crisis, coming on the heels of a period of 35 years of world capitalist stagnation, extreme financial volatility and internecine competition that has had ruinous impacts. The huge bubble in commodities – petroleum, minerals, cash crops, land – disguised how much countries like South Africa stood exposed, and indeed the early 2000s witnessed increasing optimism that the late 1990s emerging markets currency crises could be overcome within the context of the system. Moreover, thanks to deregulatory, neoliberal policies, even before the resources boom, by 2001 the rate of profit for large South African capital was restored from an earlier severe downturn from the 1970s-90s, to ninth highest amongst the world’s major national economies (far ahead of the US and China), according to one British government study.

The outflow of profits and dividends of large firms, which increasingly funneled their economic surpluses into speculative investments abroad, is one of two crucial reasons SA’s current account deficit soared to amongst the world’s highest, even after the crisis meant Anglo American did not declare a dividend, temporarily, allowing the deficit to improve. The other cause of the huge current account deficit was the negative trade balance during most of the post-2000 period, due to a vast inflow of imports after trade liberalization. Where corporate profits were retained in the country they did not feed into investment in plant, equipment and factories. Instead the financialized economy encouraged asset speculation in real estate and in the Johannesburg Stock Exchange, where there was a 50 per cent increase in share prices during the first half of the 2000s. Showing classical neoliberal tendencies, from 2000-2008, the construction sector grew 250%, finance by 160%, trade by 150% and manufacturing by just 13% (led by the auto sector and base metals), while paradoxically, during the great commodity boom, the mining sector reportedly lost 40% (but who knows what the reality is, given notorious transfer pricing techniques).
In this context, uneven geographical development is the basis for race/class segregation in South Africa’s built environment. In spite of greater access to housing mortgage bonds and other forms of consumer credit for working-class people during the 2000s, the overarching process of property speculation amplified that unevenness. The South African version of the financial-housing crisis is still playing itself out, because after the late 2004 peak year-on-year 30% increase in the most cited House Price Index, five years later there were steady declines in the year-on-year average house price at more than 10% each month during 2009, and after a fillip related to the 2010 World Cup, real estate prices again turned negative in 2010-11. The distributional aspects of the debt overhang are important, because black households lost 1.8% of their income from 1995-2005, while white households gained 40.5%, and income inequality overtook Brazil as the world’s worst for a major country. With 1.2 million jobs lost from early 2009 through mid-year 2011, unemployment doubled from apartheid levels to a rate of around 40% at peak (if those who have given up looking for work are counted, around 25% otherwise)—but state figures underestimate the problem, given that the official definition of employment includes such work as ‘begging’, ‘hunting wild animals for food’ and ‘growing own food’. Debt repayment waned under these conditions, with a 2007-10 increase of consumers whose credit ratings were labeled ‘impaired’ from 6.3 to 8.3 million.

**Burst bubbles and economic struggles.** South Africa’s wholehearted embrace of neoliberalism left its economic growth path especially fragile, relying on asset bubbles and subject to capital flight at the first sign of trouble. It is no surprise that in the second week of October 2008, the Johannesburg stock market crashed 10 per cent (on the worst day, shares worth $35 billion went up in smoke) and the currency declined by 9 per cent, while the second week witnessed a further 10 per cent crash. Even the apparent death of South Africa’s neoliberal project in September 2008, personified by former president Mbeki, whose pro-corporate managerialism was one reason for an unceremonious removal from power, is misleading. Zuma was intent on retaining Manuel as long as possible – he became overall planning minister in mid-2009, replaced at finance by the equally conservative Pravin Gordhan – even if that meant a collision course with his primary internal support base, trade unionists and communists. As Zuma put it to the American Chamber of Commerce in November 2008, “We are proud of the fiscal discipline, sound macroeconomic management and general manner in which the economy has been managed. That calls for continuity.”

Although as late as February 2009, Manuel claimed his policies would prevent a recession, he was proven badly wrong in May when government data showed a 6.4% quarterly GDP decline, the worst since 1984. The only mitigating force in 2009 was white-elephant state infrastructural investment: 2010 World Cup stadiums (hugely over budget and not anticipated to cover operating costs after the soccer matches), an elite rapid train service for Johannesburg-Pretoria, a failing albeit generously subsidized industrial complex (Coega), port/airport/road/pipeline expansions, the vast new Medupi coal-fired electricity generator (the world’s fourth-largest), and mega-dams. The impact of all these public investments was to both maintain the expansive fiscal posture (at least through the Medupi power-plant
when state-backed construction will probably grind to a halt), and to raise foreign
debt dramatically given that these projects carry enormous import bills. As a result
of the need to finance the capital outflow, from just 7% of GDP in 2003, SA foreign
debt began rising to a level that First National Bank projected would soon hit 45%.
That was a stage last broached in 1985 when the apartheid leader P.W. Botha was
forced into a $13 billion default, imposing exchange controls to halt capital flight. By
mid-2011, the foreign debt was up to $100 billion, four times the amount inherited
by Mandela in 1994.

Although South Africa technically left its downturn in late 2009, there is little
doubt that further unemployment (even into the first quarter of 2011), property
recession (a double dip set in during late 2010), ongoing manufacturing stagnation,
the credit squeeze, high default and arrears rates, and a return to dangerous current
account deficits will create ever-sharper tensions, especially with labor demanding
more concessions and increasingly angry about the macroeconomic policy status
quo. Cosatu’s mini-revolt included threats of a national strike to halt 25%/year
electricity price increases in the foreseeable future (with inflation hovering around
5%), and anger that Gordhan’s budgets not only downplayed the promised National
Health Insurance plan and the need to phase out ‘labor brokers’ (responsible for
mass hiring/firing of casualized workers), but even introduced a ‘dual labor market’
by subsidizing young workers at a cheaper entry-level wage. A ‘New Growth Path’
offered in late 2010 by former Cosatu leader Ibrahim Patel – named by Zuma his
(nebulous) ‘Economic Development Minister’ – did nothing new except again
propose a corporatist wage pact, which Cosatu rejected. New moves within the
rubric of an Industrial Policy Action Plan were unremarkable, aside from a slight
resistance to trade liberalization by the (Communist Party’s) Trade and Industry
Minister, Rob Davies.

The challenge for South Africans committed to a different society, economy and
city is combining requisite humility based upon the limited gains social movements
have won so far (in many cases matched by the worsening of regular defeats) with
the soaring ambitions required to match the scale of the systemic crisis and the
extent of social protest. Looking retrospectively, it is easy to see that the
independent left – the radical social movements, serious environmentalists,
internationalist activists and the left intelligentsia – peaked too early, in the huge
marches against Durban’s World Conference Against Racism in 2001 and
Johannesburg’s World Summit on Sustainable Development in 2002. The 2003
protests against the US/UK for the Iraq war were impressive, too. But in retrospect,
although in each case they out-organized the Alliance, the harsh reality of weak local
organization outside the three largest cities plus interminable splits within the
independent-left community created major ideological, strategic and material
problems. The most important outstanding question is, when will Cosatu radicals
reach the limits of their project within the Alliance? Many had anticipated the
showdown in 2007 to go badly for unionists and communists, and they (ourselves
included) were proven very wrong. But before any potential regroupment of a
labour and community left can be conceived, the rise and decline of the anti-
neoliberal urban social movements must first be understood.
2. The sagging state of the social movements

Community protest contradictions: deradicalisation, participation and repression. Initially, at the turn of the century as neoliberalism bit ever harder, the most militant communities that took to the streets in protest and which formed the new urban social movements were relatively privileged. They already had houses, but were now fighting a defensive battle just to stay on in the urban ghettos. Those who clung on to spaces in the city in shacks appeared to be more patient. The liberation movement’s promises included gaining access to the formal ghetto, at the same time that others were being evicted due to non-payment. The enormous legitimacy of the ANC fed into this patience. Then in addition to the ongoing waves of protests across the country’s formal townships, upsurges among shack-dwellers began to become more common, most dramatically in mid-2004 in Zevenfontein north of Johannesburg and Harrismith in the Free State, and most celebrated in Durban’s Kennedy Road beginning in early 2005.

However, if we are to build Marxist insights, then ruthless criticism of everything currently existing must be a starting point for asking why these protests, upsurges, community groups and urban social movements (along with left NGOs and radical intellectuals) have done so poorly when it comes to constructing a new radical politics over the past decade. We should begin by frankly acknowledging that in many cases what started out as insurgencies outside the control of the Alliance were siphoned off into calls for participation, legal challenges, and ‘voice’. This trajectory affected townships and shack settlements alike, and led to the eroding of popular support, the emergence of oligarchies and bureaucracy within movements, and the need to police areas in order to continue to ‘speak’ for the community.

When movements struck at the heart of the government’s ability to govern within the confines of policy, the state moved with brutal force. In mid-2001, the land invasion in East Rand’s Bredell (not far from OR Tambo International Airport) was emblematic, a turning point for what was considered possible and what would be tolerated. The high-profile official smashing of the Bredell invaders taught unfortunate lessons about community mobilization and confrontations with the state.

In Durban’s rebellious Chatsworth community, for example, in order to achieve de facto recognition and therefore delivery (one had a constituency to keep happy), movement activists increasingly joined with the city council in various committees. A decade after the 1999 uprising, political work mainly involved technical issues and oversight over upgrading, liaison with welfare departments and a range of other interventions which pressed less for radical policy change but focused instead on merely getting existing policy implemented.

Likewise in Durban’s shack-lands, in order to get recognition from council one had to ensure that no more shacks were built. One had to also ward off competitors. This was especially so if an organisation defined its role as ensuring delivery. It was paradoxical but increasingly common that movements took political positions sharply critical of neoliberal policies on the one hand, while negotiating for better delivery within those policy frameworks on the other. To maintain hegemony in a community in times of struggle downturn is not easy or nice. Often violence turned
inwards as organizations sought to maintain constituencies so that they could get or retain a seat at the negotiating table.\textsuperscript{18}

As a result of this internecine competition, taming via consultative processes, and occasional subjection to state violence, community constituencies became isolated from each other. The intense specificity of the quest for very localised delivery over-took the need for broader solidarities based on building a radical alternative. The national Social Movements Indaba was a spent force a decade after the uprising, and attempts to generate other networks were patchy and sometimes sectarian.

**Dishonest reportage.** These trajectories are unfolding in many places in South Africa but most of those who are writing up these movements have not done this dilemma justice. In their desire to find and nurture a politics outside of the Alliance, many of us have closed our minds to the limitations of building a politics at the point of reproduction, and we have failed to openly debate what these problems are and how they can be overcome.

One of the reasons for this state of affairs is a reaction to vanguardism and outside influence. This has resulted in an argument by some intellectuals that ‘the poor are the embodiment of the truth’, and that the role of outsiders is to reflect their positions to the world and simply act in concert with the poor.\textsuperscript{19} This kind of analysis resulted more often than not in the romanticization of the urban social movements. Yet these communities are notoriously sectional and their demands parochial. Two of the biggest sustained upsurges in recent years, in Khutsong and Balfour, were about demarcation: both communities wanting to change their provincial homes so as to become part of wealthier Gauteng.

**Point of re-production.** These were not originally meant to be narrow, localized struggles, for we initially shared the hope that struggles at the point of reproduction (communities) – as contrasted to the point of production (factories) – would have a quality and depth to them that would enable radical social antagonisms to flourish in ways that were unthinkable in the world of the wage. As an idea it makes sense. People live in communities 24 hours a day. With a huge mass of unemployed people stuck in these ghettos, many of them politicized, it would be easy for demands made from these sites to be backed up with the force of mass organizations. All that was needed was a focus on bread and butter township or shack issues and then an ideological extrapolation to broader political questions. Or so the thinking went.

However, the civic as a site of post-apartheid resistance to neoliberalism has been much more difficult to sustain. We must consider the reasons for this. Partly it is because of an assumption, seldom made by those actually living in townships, that there exists substantial ground for unity flowing from merely living under the same conditions. One version of this assumption, as articulated in Latin American cities by James Petras and Morris Morley, is that:

The power of these new social movements comes from the fact that they draw on the vast heterogeneous labour force that populates the main thoroughfares and the alleyways; the marketplaces and street corners; the interstices of the economy and the nerve centres of production; the exchange and finance centres; the university plazas, railway stations and the wharves – all are brought together
in complex localized structures which feed into tumultuous homogenizing national movements.²⁰

Optimism for the fusing of proletarian and precariat identities is provided by John Saul, in a paper for this conference recalling arguments made nearly four decades ago:

In a capitalism in crisis the “classic strengths of the urban working class” could become “more evident,” with the “the upper stratum of the workers [then] most likely to identify downward [to become] a leading force within a revolutionary alliance of exploited elements in the society.”²¹

But in contrast to other settings, South Africa’s great homogenously-marginalised shackland population failed to congeal as a political force around a common ideology with a systemic critique. The sheer sensuality of the township or ghetto, that would make it so ripe for revolution, also makes it diverse, intersected, fractious and difficult to organize, especially for the purposes of building a fighting movement once one tries to go beyond the most basic common-denominator demands – such as ‘don’t evict us’, ‘give us some more toilets’.

Part of this problem is that many who have been lauding social movements are doing so as part of a long and futile quest for the latest, greatest, fully-formed pure black agent. There is no such thing. However, surveying the writings published often in esteemed academic journals, one would be forgiven for thinking that South Africa has produced agents who are wise, ethical and revolutionary at the same time.²² Shackdweller-ism has supplanted workerism with as ridiculous a set of results. And that brings us to the matter of reductionist, reformist politics that are now a serious diversion from more open, radical directions.

**Economism–constitutionalism.** In the factory, economism (as Lenin and then Luxemburg pointed out) prevents trade unions truly pursuing their ultimate liberation. In social movements, the parallel problem is constitutionalism. Movements have repeatedly gone to court to enforce their rights to this and that. Advances won here may be welcome although, more often, they are the false and reversible dawns of a day justice that never comes. Whatever the case, an actual ‘victory’ in court is beyond our quibbling, and indeed some offensive victories (nevirapine to halt HIV transmission during birth) and defensive successes (halting evictions) are occasionally recorded. Rather, we consider insidious the constitutionalist discourse that envelops individual cases in an overall strategy: the idea that ‘the turn to law’ is a good or beneficial thing to do with the energies, affinities, possibilities and power of a movement.

The ‘turn to law’ discourse bears the unmistakable scent of reform without a stratregic sense of how to make more fundamental demands that bring into question barriers as large as property relations. The result is the kind of ‘refomist-reform’ (as Gorz put it) ²³ that entrenches the status quo, that leads to loss. It is the kind of reform that guts poor people’s movements of the levels of social antagonism that alone has given them whatever social concessions have come their way from the state as a whole. It is based on the entirely misplaced and, indeed, intensely vain
conception that a certain professional legal caste among us – can secure in the constitutional court meaningful precedent (and consequent compliance by the executive) that advance the struggle of the poor in a fundamental way.

They can’t. The system doesn’t work that way. Jurisprudence is a smokescreen. It may yield here and there to the demands of the poor as a class but never only because a sound legal argument was produced. Constitutional law is so value laden, any of two sides to an argument can plausibly be preferred and dressed up as being rational and in step with principles of law. When it comes to the poor, the excluded and the dangerous, human rights law has another function altogether, as Niraj Nathwani remarks: “to minimize the risk of violent resistance and protest and by keeping the level of dissatisfaction with the government manageable”. Human rights law vis a vis the poor is thus the excuse power uses to yield to resistance and protest (or the imminent or apprehended risk of it) and, ironically and venally, to portray such a yielding in benevolent, rational terms.

To be clear, we are not opposed to going to court if this is done with utmost cynicism and not a little nausea or from a position of weakness or last resort. But to squander moments of power in dressing up one’s claims of right and good in constitutional terms is filled with danger. Yet one sees often those in movements whose first instinct in struggle is to seek to capture these moments of power (or the building towards it) in legal snares. When the charge of social antagonism should be building up, ‘sparkling and vibrating’, those who vaunt the constitution invariably propose some sort of peaceful, stable co-existence between the rich and the poor under the law. They want ‘rational discourse’. It is not only social movement lawyers, there are intellectuals close to the movements who harbour this instinct to capture the power of movements and convert it to mere ‘voice’.

It is not this legal or academic work and acumen we must oppose. This may come in useful from time to time. Rather it is the subordination of a political discourse to a legal discourse – even if superficially a empowering one, in terms of ‘rights’ narratives – and therefore the subordination of a radical discourse to a liberal one.

But why can’t legal tactics co-exist with resistance? In theory there is no reason why not. There are many reasons why not in practice. One of these reasons is that, as we have seen today, social movement lawyers, academics and researchers are not content to confine themselves to being servants to these movements nor do they enter as equals in a struggle with their clients. They are keen to enter the political debates of their clients with a pompous tone of mastery and to recommend strategies. These strategies carry with them a discourse, a way of seeing things, of doing things, a value system. At a general level, discourses have real effects, they are not just the way political issues get talked and thought about. As Alan Hunt and Gary Wickham argue, discourse “structures the possibility of what gets included and excluded and what gets done and what remains undone. Discourses authorize some to speak, some views to be taken seriously, while others are marginalized, derided, excluded and even prohibited.”

We have no problems using the law defensively but when it comes to constitute the norms by which political advances are determined, it is extremely dangerous. By flirting with legalism and the rights discourse, movements have seen their demands
watered down into court pleadings. Heartfelt pleas are offered but for the observance of the purely procedural: consult us before you evict us. We have demands for housing now becoming “in situ upgrading” and “reasonable” government action.

**Out massify the ANC.** The turn to the courts reflects a cul-de-sac on the streets. For even if the occasional march – at the World Conference Against Racism in 2001 and the World Summit on Sustainable Development in 2002 – showed promise, the urban social movements have not become mass movements. There is something in the way they are put together that insulates them from the spark of the truly political Geist that tends to sweep through societies from time to time and really shakes things up. So out-massifying the ANC is not an option.

This leaves the movements essentially minoritarian and reliant on spin, spectacle and support to exert the kind of influence one needs to be an agent of even minor reforms, not to speak of radical ones. Are militant insurrectionary tactics possible under these conditions?

**Just as set-piece as the strike.** The mobilization methods of urban social movements are becoming just like the set-piece legal strike. Applying for permission to march, complying with routes set out by the city authorities, culminating in the handing over of a memorandum. This the ruling class has no problems with.

**Iron law of oligarchy creeps in.** Social movements have shown themselves to be as prone to bureaucracy, corruption and leadership for life as any trade union. It is sometimes hard to distinguish movements from NGOs.

**Role of outside intellectuals.** Another failing of social movements is the inability of the organic intellectuals within them to come to terms with the machinations of middle-class academics who invariably attach themselves to these movements. It is a question of race, class and resource dependency but also strangely, language. The technical tasks of representing these movements to the outside world has virtually been outsourced to academics, sometimes on a first-come, first served basis. This has created terrible problems for movements, especially dependencies as academics have often sought to write these movements up in ways that settle scores with their professional rivals, or that confirm their pet theories.

A tragic mismatch has happened. Intellectuals have not been honest and transparent about what they do with the knowledges they assemble about these movements. Some of this verges on fraud, and is so contentious that it exposes movements to antipathies they have not courted themselves. Members of movements have not been honest to the true-believer academics that what they really want from their participation in struggle is survival and not the grander embodiment of Fanon, Ranciere or Badiou.

**Professionalisation of the revolution.** As for the leaders of movements, for many it has become a job. Unheard of opportunity, profile, travel, status and income has come their way as a result of their association with academics who profile their movement. It is something not easily given up.

**Framing of demands.** Movements slogans reflect the immediacy of their demands, ‘no house, no vote’ been a popular phrase. There has been a surprising reticence for framing demands that take in the immediate but also point to going beyond the confines of the system, like pointing to the trap of existing property
relations. Movement demands focus on the speeding up of delivery without a sense of systemic critique. Often that sense of ‘delivery’ is merely about better local ‘governance’, or more ‘voice’ – not about national policies and financing, much less about the deeper relations of production and consumption that lock society into the capitalist box.

**Before ‘what is to be done’?** Let us back-track somewhat. Many of us, despite our knowledge of texts like *What is to be done?*, harboured a hope that the Congress of SA Trade Unions (Cosatu) would open up spaces for a more radical economic outcome as the transition unfolded in its earlier years. However, as Cosatu moved into a position of junior partner in the Alliance and signed onto corporatists’ pacts, many saw the limitations of the union movement opening more radical possibilities in South Africa. There was contestation. A grouping mainly around Wits University’s Sociology of Work Programme led by Eddie Webster and Glen Adler saw the possibility of Cosatu, through its alliance with the ANC, winning enough battles to make the “transition” progressive, characterised by what they labeled “radical reforms”. However as the first tranche of Cosatu nominees in parliament signed onto GEAR (some like Jay Naidoo and Moses Mayekiso were leaders of the privatization process), and as Mbeki neutralized Cosatu (while the SACP fiddled) the possibilities of trade unionism becoming a spear to pry open spaces for a radical transition were blunted.

It is in the context of the unfolding of the South African transition, a historical moment in which spaces opened as much as they were shut down, that we began a search for new subjectivities, spaces and agents of hope. These hopes centred around social movements, and for a time these movements through their militant protests exposed the effects of neoliberalism. But it is now time to make a sober assessment of whether social movements can generate a more radical politics outside of the Alliance.

**Rethinking the conjuncture.** We argue above that the movements have become infused with a constitutionalism, legalism, set piece marches, parochialism and demands that do not look beyond the present economic arrangements. There is also a kind of territorial chauvinism that takes two forms. The first is maintaining dominance over a particular area that becomes all consuming and prevents building the movement outwards. Indeed, keeping a hold on an existing constituency has a tendency to become authoritarian. The second is to see community politics as real struggle, while trade unions are written off as potential allies.

Given the lack of progress in generating a genuine urban movement, those who trumpet social movements as a panacea to Alliance politics, a bulwark against neoliberalism and a harbinger of a new radical politics have to confront some hard questions. Can Marxism help us answer these?

### 3. Marxist analysis for the next generation of urban social activism

**Durability of resistance.** The former certainty that critical analysts had when confronting both apartheid (the ‘moment of Western Marxism’) and post-apartheid neoliberalism (neo-Polanyian theorists of the new urban social movements) must be reviewed, for reasons above, but also because they have not accurately captured
the dynamics behind the many thousands of unexpected protests that rose from
townships in recent years. If the Marxist narrative of resistance to neoliberalism has
purchase, what prevents the politics of Marxism from finding a resonating audience
in the fusion of poor and working-class people?

To answer requires more questions about the vast protest wave: Why are people
coming out in protest? What are their demands? Is the protest action solely about
the delivery of services or does it signify a bigger dissatisfaction with the social
order as such? Is there an imagined future that inspires the protesters when they
wage their struggles? Or are the people only interested in getting ‘bread and butter’,
‘bricks and mortar’? What social conditions and power relations are necessary for
the fulfillment of their demands? Do they link the struggle for satisfying their
immediate needs with the struggle for broader social change, for a change in power
relations? Do they see continuity between the anti-apartheid struggle and the
struggle today?

Questions of ideology and agency intertwine and the search for ways to pose
these questions – rather than settle upon answers – is the **raison d’être** of this
section of the chapter. Here we seek to understand whether the discontent presages
a renewal of working class politics and the rebuilding of a movement for radical
change. The context is the crisis in the provision of basic services at local
government level, and we are mainly concerned with protests around the delivery
of basic services such as water and electricity, as well as strikes by municipal
workers insofar as they are related to the delivery of basic services. But most
importantly, the context is a powerful tug of loyalty to the ANC, which still retains
the prestige of liberation, as well as the patronage system that can regularly
intervene to undermine sustained resistance. Even in extreme cases of struggle
(such as the Khutsong demarcation dispute), the lead activists retained connections
to the Alliance that were more durable than the centrifugal pressure to disconnect.

Our questions are posed in order to eventually understand the thinking that
informs the actions of the protesters, who they are in sociological terms, and the
political significance of their actions for post-apartheid society. Thus we should be
able to assess the actual and potential impact of the protests in changing (specific)
policies and (general) power relations. The analysis should also shed some light on
the extent to which the protests signify underlying processes in the development
and renewal of working class politics.

The vast increase in recent protest actions invariably invoke images of the anti-
apartheid struggle and thus focuses analysis on the continuities and breaks between
the old anti-apartheid mass action and the new mass action in post-apartheid
society.27 Protests have tended to centre on lack of service delivery at local
government level and it is generally agreed even by the government that there is a
crisis in municipal operations that has necessitated ‘Project Consolidate’ and various
‘turnaround’ programmes.28 These interventions have generally been regarded as a
failure especially by radical analysts who point to the neoliberal policy framework
and lack of central-local financial resource transfers (within a malfunctioning
capitalist economy) as the real source of the problem.29 This suggests that protests
might represent a profound critique of neoliberalism by working class communities,
but are protesters aware of the greater significance of their protests? And to what
extent do protesters’ demands require solutions that challenge neoliberal policy and even entail a challenge to the capitalist mode of production? Or is it the case that the overarching neoliberal economic framework constrains the realization of not only the people’s aspirations, but their ability to think beyond capitalism?

**Contemporary ‘participation’ and protest.** One of the major problems in generating an overarching anti-capitalist ideology is localism combined with inadequate channels for diverting dissent. A clause in the constitution as well as various laws compel municipalities to involve communities in ‘community participation’ processes to enable people to directly influence decisions that affect them. According to John Williams, based on research in the Western Cape, “Most community participation exercises in post-apartheid South Africa are largely spectator politics, where ordinary people have mostly become endorsees of pre-designed planning programmes, [and] are often the objects of administrative manipulation.” As a result, formal municipal governance processes are “a limited form of democracy [that] give rise to an administered society rather than a democratic society” since there is no real debate of policy or of social programmes by the working class electorate and government officials. In Durban, a study of community participation in local economic development processes by Richard Ballard et al reveals that such processes allow ordinary people “to demand accountability” from “elected representatives and sometimes quite senior officials.” However, they are “consultative rather than participatory” and “invariably become conspicuous for the issues they leave out, and for the voices they did not hear.”

The ward committee system as a mechanism to involve people in local government participatory democracy is inappropriate, according to John Mavuso.

In a different vein, David Hemson concludes that “community participation in South Africa is informed by the memory of community struggle – a radical form of participation – against the racist apartheid State” and that this must be harnessed. “It is precisely this repertoire of radical strategies that can and should be revisited and adapted, to advance the interests of the materially marginalized communities at the local level.”

Luke Sinwell applies a theoretical approach first developed in the South African context by Faranak Miraftab, based on a distinction between ‘invited’ versus ‘invented’ spaces of popular participation. The ward committees, imbizos and integrated development plans of invited participation contrast with invented spaces through ‘self-activity’ such as community self-organisation, direct action and other non-official mechanisms of exerting pressure. Based on extensive research conducted in Alexandra, one of the country’s oldest and poorest black working class townships, he concludes that progressive change is more likely to emanate from the use of invented rather than invited spaces. However, Sinwell laments that community activism in the invented spaces also fails to question power relations and social structures in a fundamental way. Community organisations tend to work within budgetary constraints set by the state and as a result community groups end up competing among themselves for limited resources rather than questioning the neoliberal framework and its ideological underpinnings.

This is important because the emergence of urban social movement organisations in the late 1990s heralded a popular critique of neoliberal policy that would presumably culminate in radical and even revolutionary change.
Notwithstanding declarations of ‘socialism’ in its constitution, even prominently radical social movement organisations such as the Anti-Privatisation Forum (APF) are better characterised as having a politics that looks to the state for ‘delivery’ rather than primarily seeking to question the legitimacy of the state let alone seek to replace it with a new social power and order. It is perhaps fairer to say the APF does not carry its anti-capitalist critique forward in a coherent, systematic manner and to its logical political conclusion, and that it has not significantly developed a strategy for contesting state power beyond exposing the neoliberal nature of the state. Sinwell seeks a synthesis between particularity and universality in order to “explain historically relevant events in terms of their broader significance which, of necessity, transcends their immediate historical specificity,” as Istvan Mészáros advises. 38 Antonio Gramsci dealt with this problem when framed as one of workers in advanced capitalist democracies being less inclined to revolt than those in peripheral societies. As hegemony is built by ruling classes to convince the masses that their system is the best and only one possible, Gramsci called civil society “the terrain of hegemonic competition,” where it was crucial to fight for a different, socialist world view. 39

The same challenge was tackled by the global economic justice movement after the rise in confidence associated with the Seattle World Trade Organisation protests. 40 More so than in South African townships, the role of autonomist thinking in this latter movement meant that the struggle for socialism was defined as not only old hat, but a retrogression because of the word’s association with failures of the East Bloc, as well as because of some autonomists’ principled opposition to a fight for state power or indeed any common alternative vision of society. 41 Although uncommon in South Africa, these strands within autonomism regard comprehensive ideologies or systems of thought such as Marxism as meta-narratives whose truthfulness cannot be verified and which, therefore, should not be ‘imposed’ upon the masses. As the argument continues, liberatory ideas need to emerge organically from the people themselves, preferably organised at the local level. For the autonomists, rejection of the bourgeois state form is extended to all state forms.

The autonomist perspective is challenged by the fact that South Africa’s urban social movements (as well as localistic community groups) look to the state for delivery and relief. As the large mobilizations of a decade ago faded, this is particularly a positive reality given the rise of ‘spontaneous’ community uprisings and riots, termed ‘service delivery protests’, even if some liberals and autonomists would rather re-configure these as protests for participation, voice or good municipal governance. 42

Protests such as at Harrismith in 2004 were referred to as ‘spontaneous’ because observers, caught by surprise, could not identify an institution or leadership that organized them. However, it is now recognised that these protests are organised and led by community organisations and leaders many of whom belong to the ‘Alliance’ of the ruling party, the African National Congress. 43 The highest profile recent death in such a protest, Ficksburg in April 2011, involved a man (Andries Tatane) who had joined the Congress of the People (Cope), a party that represented a conservative breakaway from the ruling party in late 2008 once Thabo Mbeki was evicted from the presidency. 44
community protests in recent years were in Khutsong, around the issue of a municipality’s location within a poorer province in the vicinity of a border.\textsuperscript{45} Thus Peter Alexander uses the term “local political protests” to refer to what others call the service delivery protests.\textsuperscript{46}

The apparent spontaneity, the localism and the fragmented nature of these uprisings lead some to term them ‘popcorn protests’ (as they fly high, move according to where the wind blows – even in xenophobic directions at times – and then fall to rest quite quickly).\textsuperscript{47} But because durable problems are invariably uncovered in these protests associated with neoliberal policy and inadequate financing, they can be theorized as part of the uneven and combined development of the society, as in the first part of this chapter, above.

What we must aim to do is continue exploring the rich terrain of resistance, especially given how under circumstances of ‘accumulation by dispossession’, the capitalist-noncapitalist relationship is ‘combining’ in new ways. These combinations include the cooption of aspects of ‘Ubuntu’ – mutual aid, social solidarity, the role of women in household and community reproduction, wise leadership from elders (sometimes appropriated through homebased care for patients thrown out of the private-dominated medical system due to their poverty,\textsuperscript{48} or systems such as microcredit which rely on noncapitalist social networks to advance the range of markets\textsuperscript{49}) – as well as of the natural environment, the ‘commons’ of socially-generated production, and other terrains of life not yet commodified. So far, given the historical use of ‘articulations of modes of production’ analysis in prior eras to explain race-class-gender social relations,\textsuperscript{50} analyzing contemporary combinations of capitalist and noncapitalist terrains and their new hybrid forms has not been thoroughly attempted. But these kinds of investigations are crucial before Marxism can hope to claim a privileged site in explaining why South Africa has amongst the most social protests in the world today. In turn, the political direction of urban (as well as rural) activism will be influenced by the kinds of findings we would anticipate may arise, because at present one of the most important challenges is to reconsider the way that juridically-oriented rights discourses dominate social movements.

4. Conclusion: ‘Right to the City’, and/or Marxism?

Critical research investigates social phenomena by cutting through surface appearances and analyzing historical and structural contexts. It identifies underlying processes and seeks to give voice where there have been imposed silences. It explores hitherto unexplored areas, and introduces new and fresh perspectives even on issues that have been well researched by other scholars. Unlike crude positivism that seeks to explain social reality from an indifferent perspective, critical research strives to change the world for the better. However, the researcher must also be able to sift through social reality systematically and with honesty, without being blinded by preconceptions and moral preferences, and in some instances we have seen Marxism and other intellectual approaches to South African urban social movements lack sufficient autocritical sensibility.
Still, we do conclude that there is a vital role for a more transformatory analysis than currently prevails, either in the hearts-and-minds of protesters or of social theorists who contest Marxism and other revolutionary ideas. Perhaps the most important of these is the debate over the ‘Right to the City’, which in some contexts (such as the United States) is extremely radical, but which in South Africa pales in comparison to socialist argumentation. Indeed if the Marxist analysis of the structural conditions and political relations is correct, the social protests will need to intensify and ratchet up to force concessions far exceeding rights-talk, especially in urban areas where allegiance to the Congress tradition and allied institutions have hampered a genuine urban social movement’s emergence. Watching similar processes in other countries, David Harvey concluded, “If this crisis is basically a crisis of urbanization then the solution should be urbanization of a different sort and this is where the struggle for the right to the city becomes crucial because we have the opportunity to do something different.”

The ‘something different’ in South African cities would logically follow the deglobalization and decommodification strategies used to acquire basic needs goods, as exemplified in South Africa by the national Treatment Action Campaign and Johannesburg Anti-Privatization Forum which have won, respectively, antiretroviral medicines needed to fight AIDS and publicly-provided water. The drugs are now made locally in Africa, and on a generic not a branded basis, and are generally provided free of charge, a great advance upon the $15,000/patient/year cost of branded AIDS medicines a decade earlier. Around 800,000 South Africans receive AIDS medicines today, suggesting this is one of the world’s greatest victories against corporate capitalism and state neglect. To some extent the victory was spurred in 2001 by a Constitutional ruling that compelled Mbeki’s government to provide nevirapine to HIV+ pregnant women to prevent mother-to-child transmission, and in general it is fair to say that the rights narrative was important to reducing stigmatization and providing ‘dignity’ to those claiming their health rights.

Also successful in the Constitutional Court was Durban’s Abahlali base Mjondolo shackdwellers movement, which in 2009 won a major victory against a provincial housing ordinance justifying forced removals, though at nearly the same moment they were violently uprooted from their base in Kennedy Road. In this case the rights narrative was crucial for defensive purposes.

But beyond these cases, perhaps the most crucial rights narrative test came in the struggle to expand water provision to low-income Sowetans. A victory had been claimed by the Anti-Privatisation Forum in 2006 because after community struggles, water in Johannesburg is now produced and distributed by public agencies (Suez was sent back to Paris after its controversial 2001-06 protest-ridden management of municipal water). In April 2008 a major constitutional lawsuit in the High Court resulted in a doubling of free water to 50 litres per person per day and the prohibition of pre-payment water meters. But the Constitutional Court reversed this decision in September 2009 on grounds that judges should not make such detailed policy, leading activists to commit to illegal reconnections if required.

The ability of social movements in the health, water and housing sectors to win major concessions from the capitalist state’s courts under conditions of crisis is
hotly contested, and will have further implications for movement strategies in the months ahead. Marie Huchzermeyer argues that the SA Constitution mandates “an equal right to the city,” suggesting there is a need to fill a “gap” in left thinking about the city between ultra-leftist ideology (presumably our work) and the “Right to the City” movement articulated by Henry Lefebvre and Harvey. This, she insists, requires movements to pursue marginal gains through the courts: “Urban Reform in this sense is a pragmatic commitment to gradual but radical change towards grassroots autonomy as a basis for equal rights.” After all, she argues, “three components of the right to the city – equal participation in decision-making, equal access to and use of the city and equal access to basic services – have all been brought before the Constitutional Court through a coalition between grassroots social movements and a sympathetic middle class network” (even though human-rights “language is fast being usurped by the mainstream within the UN, UN-Habitat, NGOs, think tanks, consultants etc., in something of an empty buzz word, where the concept of grassroots autonomy and meaningful convergence is completely forgotten”).53

We think this is an incorrect analysis and a dangerously liberal political formulation. We would point to the opposite processes in the water case, and we advocate moving rapidly ‘through and beyond’ human rights rhetoric on grounds that – following the Critical Legal Scholarship tradition – rights talk is only conjuncturally and contingently useful (as in the cases Huchzermeyer cites).54 To some extent this reflects the limited ‘justiciability’ of rights – and one of the core strategies has been to ensure that these strategies are not merely rhetoric, but find their way to the courts.

That’s where the problem lies, because going to the courts with rights is a large part of the conceptual distraction, as well as a political cul-de-sac. To sum up a complicated debate, we believe that South African rights talk has so far been:

- individualist: private/familial instead of public/political
- consumption-oriented, without linkages to production, ecology
- framed not to resist but to legitimise neoliberalism
- prone to leave in place society’s class structure (e.g. failing to press for cross-subsidisation of water by the rich, agribusiness and other corporations)
- couched largely as technicist discourse, which alienates the mass base and society in general
- depolitizing for mass-based organisations which become the domesticated ‘client’ (but could well be instructed to halt protests during litigation in the interests of the case)
- watered down, because of Constitutional language specifying the acceptability of ‘progressive realisation’ of rights (i.e. very slow), ‘reasonable’ measures, ‘within available resources’, which are assessed and decided upon by neoliberal politicians and bureaucrats
- diverting into legal alleyways, away from a more transformative route to politics; and

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• up for adjudication by judges, who are amongst society’s most conservative elites.

Is there an alternative framing for the politics of water that reflect more generally upon urban social movement politics? Certainly bearing in mind the qualifications Harvey has recently expressed about limited conceptions intrinsic to the Nobel Economics Prize-winning work of Eleanor Ostrom, nevertheless the ‘commons’ may offer some directions. 55 As Michael Hardt explains,

On the one hand, the common refers to the earth and all of its ecosystems, including the atmosphere, the oceans and rivers, and the forests, as well as all the forms of life that interact with them. The common, on the other hand, also refers to the products of human labor and creativity that we share, such as ideas, knowledges, images, codes, affects, social relationships, and the like. 56

Two further terrains of commoning in South Africa we think are worth exploring are defending and expanding state services (continuing the older Polanyian themes) and uniting the region’s peoples, who have been terribly divided-and-conquered since the onset of migrant labour more than a century ago and especially in the 2008 and 2010 xenophobic worker-versus-worker attacks. (The latter continue, as construction workers struck at the two new Eskom coal-fired power plants in May 2011 over demands that contractors halt hiring of foreign workers.)

In short, the limits of neoliberal capitalist democracy sometimes stand exposed, when battles between grassroots-based social movements and the state must be decided in a manner cognizant of the costs of labor power’s reproduction. At that point, if a demand upon the state to provide greater subsidies to working-class people impinges upon capital’s (and rich people’s) prerogatives, we can expect capital to pot-hole the road to socio-economic rights.

In that scenario, which plays out constantly in South African cities, there are many challenges facing Marxist revolutionary thought including the burden of a historical legacy of failure in the practical implementation of this ideology. But unlike Andrew Nash, we are not willing to throw out the ‘Western’ origins of Marxism, though we do take seriously the lessons he drew:

I do not wish to argue for a return to Western Marxism. Its moment has passed. But there are lessons still to be learned from its demise, and these three lessons stand out most clearly. First, the basic philosophical division between Soviet and Western Marxism has not disappeared with the collapse of the Soviet Union or the displacement of Marxism from the central role it occupied in Western intellectual life in the 1970s... The alternative model of liberation as active engagement of ordinary people in deciding the conditions of their lives on the basis of conscious and rational understanding of their condition provides the only foundation for building a Marxist tradition in South Africa.

Second, if Marxism is to be renewed in South Africa, this will not happen simply through winning support for a “correct” or “truly Marxist” political strategy. The strategic conflicts of the 1980s were often so sterile because of the
limited theoretical resources on which those debates could draw. A new
generation of Marxist intellectuals will not be drawn from disenchanted white
youth, as happened in the 1960s; but nor will it bypass the universities. In
particularly, it will not come into being without the hard work of developing
perspectives and arguments that provide the basis for a fundamental re-
orientation of South African politics and intellectual life.

Third, a renewed Marxism in South Africa will depend on, and will have to
contribute towards, a new kind of internationalism.

The first and third of these conditions are under development. The project of
transcending South Africa’s old Communist and newer Social Democratic traditions
and maintaining a more liberatory sensibility has been underway, in part because of
internationalist relationships that take activism in sectors such as AIDS and water
out of tired social policy or NGO-delivery debates, and set them at the cutting edge
of the world’s anti-neoliberal backlash. The second lesson, regarding the need for
organic intellectuals to forthrightly join these debates, is still a vast challenge.

In South Africa, at least, Marxist thought is still taken seriously by some scholars
and by many more mass movement activists, indeed as much as in any other
English-speaking country. This gift to Marxists requires us to courageously bear the
brunt of reviewing our approach, identifying our weaknesses, and updating our
analysis to suit changing times. Above all we must strive to re-unite Marxism’s
emancipatory ideas with the real mass protest movement of change. The hallmark of
this work should be the unity of theory and practice and a willingness, in the spirit
of Marx himself, to criticise everything existing, including our own shibboleths.

Endnotes under construction
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This line of argument is applied in the water case in Patrick Bond, ??, and more generally by ??


Williams, 2006

(Ballard et al, 2006:4).


Sinwell, 2009, p.31, and Faranak Mirafab

Trevor Ngwane

(Ballard et al, 2006:4).

(Ballard et al, 2006:4).

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Harvey, “Opening Speech.”

Bond and Dugard, “The Case of Johannesburg Water.”

