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The Cut-Off

I.

“NIA Launches Probes into Riots”

May 29, 2005 – The *Sunday Times* reported that the National Intelligence Agency (NIA) had been called in to investigate whether a “dark horse” was behind demonstrations that erupted all over South Africa in townships and informal settlements.¹ Protesters contended that the demonstrations had no “secret force” but were spontaneous, motivated only by “desperation and indignity.”² Their demands were for housing, an end to electricity and water disconnections. Protesters threw rocks, used burning barricades, occupied land and violently clashed with police. It all ended in a hail of rubber bullets, tear gas and dozens of arrests. The newspaper said the unrest was “reminiscent of the 1980s” and experts warned it might spread. Reiterating the words of President Thabo Mbeki, the spokesperson for the housing office in the Western Cape explained that the NIA investigation would seek to identify instigators and gauge “whether they could pose a danger to democracy.”³

Democracy has announced victory over totalitarian and colonial regimes all over the world, yet with each victory, there appears a “dark force,” an imminent threat to the democratic state, be it terrorists, criminals, or extremists.⁴ This “dark force” has a double historical appearance. It is part phantasm, ascribed the power to spread illegitimate violence and unrest: the mysterious instigators sought by the NIA. At the same time, it is made of flesh-and-blood: the bodies shot with rubber bullets and protesters dragged off to prison.⁵

This paper considers how this so-called “dark force” appears out of protest in democratic South Africa, focusing on eruptions in townships and informal settlements

¹ *Sunday Times*, “NIA Launches Probe Into Riots,” May 29, 2005.

² *Ibid.*

³ *Ibid.*

⁴ For further discussion of criminality in post-apartheid South Africa see Comaroff and Comaroff (2004, 2006), for terrorism in the newly democratic Iraq see Mark Danner (2004), for post-dictatorship criminality in Brazil see Teresa Caldeira (2004), for criminality in post-Soviet Russia see Janine Wedel (2003), also for extremists in post-Franco Spain see Begona Aretxaga (2000).

⁵ See Gerhard Richter (2003), who observes a tension between Freud and Carl Schmitt’s conceptions of ‘the enemy,’ where the former points to the imaginary or fantastical and the latter to the historical or existential.

over service disconnection. To do this, I look at a short history of ‘the cut-off’ and protests that surround it. A cut-off, in general terms, describes when the state or a corporation – with assistance from police or hired security – disconnects services from a household due to nonpayment. Increasingly in South Africa, cut-offs happen by way of pre-paid meters, set for automatic disconnection when bills go unpaid.⁶

A cut-off then is fundamentally different from a lack of service delivery. This distinction should be noted from the outset, but not as a hard and fast rule, for we will find that protests over cut-offs and delivery sometimes happen simultaneously, and often with overlapping political stakes. Also, many households live somewhere in-between. That may mean, for instance, public toilets are available but not trash collection, or infrastructure for household water exists but not the money necessary to access it. Also, gaps between service disconnections depend on a number of factors, from outstanding debt to the whims of local councils. Similar to where services are not available at all, cut-offs of water and electricity result in thirst and lack of light, but also outbreaks of illness from contaminated drinking water, deadly fires from cooking or candles, as well as the shutting down of medical facilities, security systems, or other services like toilets run by electric pumps. Thus, while primarily addressing the cut-off, as a violent act and condition of ongoing exclusion, we will return to service delivery when it is articulated on these terms.

⁶ See “Nothing for Mahala” by the Coalition Against Water Privatisation and the Anti-Privatisation Forum and Public Citizen (2004). Pre-paid meters are a growing trend worldwide. In India, for instance, state electricity boards plan to install new “tamper-proof” power meters in all consumer homes. See “Tamper-Proof Power Meters on Anvil,” *The Times of India News Service*, February 9, 2000. Though this paper focuses on household disconnections, often public and private buildings are cut-off as well, including schools, hospitals, and police stations. See “Schools Face Power Cuts,” by Norman Joseph, *Cape Argus*, February 24, 1998.

Further, a cut-off cannot be considered in isolation, for it almost always accompanies other forms of disconnection. People cut off from services often have limited access to schools, medicine, or polling stations – whether because of their location or inability to pay or because they lack proper identification.⁷ As the May 2005 protesters suggest, “indignity and desperation” under democracy is characterized by access to all the rights of the new Constitution together with the inability to access them without condition. Many people appear at once on-and-off the democratic state grid, its system of institutions and its popular sovereignty.⁸

To think more about cut-offs and protests, I follow a micro-media genealogy filling it in with government documents, speeches and other relevant archival materials. Eruptions over services never entirely take place in the news media, but their most public and widely circulated traces are often found there. In view of that, I track their genealogical trajectory, with particular attention to how boundaries are maintained around legitimate democratic politics.⁹

II.

In the May 2005 protests and the cases below, I argue that the cut-offs are premised on two primary gestures of de-politicization, structured by “police logic.” To borrow philosopher Jacques Ranciere’s term here, the “police” do not merely refer to the state apparatus or the police-in-uniform with their baton blows and rubber bullets – though they too were present in the 2005 protests. Without absolving the state, many

⁷ See Patrick Bond (2004a) on access to water in South Africa, Ashwin Desai (2002) on housing and education, Mandisa Mbali (2005) on medicine, and Dale McKinley (2004) on voting access.

⁸ In this respect, the protests in South Africa in May 2005 resonate with the revolt of the French *banlieues* later that same year. As Etienne Balibar has argued that the *banlieues* are subject to biopolitical control and carry an exceptional status in France, but in fact they cannot simply be considered *zoe*, or bare life in Giorgio Agamben’s terms; for unlike *sans-papiers*, they retain formal French citizenship. (2006)

⁹ For a further discussion of genealogy see Nietzsche’s *On the Genealogy of Morals* (1967) and Foucault’s essay “Nietzsche, Genealogy, History.” (1977)

more participated in policing these protests, including corporations, the news media, experts, and ordinary citizens. The police, following Ranciere, is broadly conceived as a logic – a “mode of human being-together” – that puts bodies in their place, regulates their visibility or invisibility, and orders them according to their properties, their name or lack of name, their possession or lack of speech and logos” (Ranciere 1999: 27). Police logic then is a regulatory force that is not located in a particular social position or structure, per se, though often it congeals in places like the ruling party or local government councils or corporations. Thus, the term also heeds critiques of opposing civil society (or the protesters) with the state (Hegel 1952; Comaroff and Comaroff 1999). I use the term “police” because it coincides with the cut-off and its protests in this way. It takes account of this lack of centralization, which is part of the difficulty in demanding services in the first place: access and delivery is no longer in the domain of the state alone. Most often, however, I will specify the body acting as police, whether that means the state or corporations or even protesters, so as not to lose historical specificity or the material conditions of cut-offs and protests.

Coextensive with police logic, Ranciere proposes another term: the demos. For Ranciere, the demos is what was excluded by police logic that once again becomes visible at the site of conflict, protests – or to use his word, disagreement. It is not then a Hegelian Volk, nor the “will” in Rousseau’s social contract, not ‘the people’ of the United States or Afghanistan or South Africa. The term must be understood in its limited sense. The demos refer specifically to what appears in the dialectical confrontation between a police logic that attempts to put bodies in their place and an egalitarian logic that by definition “disrupts this harmony through the mere fact of achieving the

contingency of equality...of any speaking beings whatsoever” (Ranciere 1999: 28).

Ranciere adds that this equality is “neither arithmetical nor geometric” (Ranciere 1999: 28). I take the arithmetical to mean the numerical and statistical counting of people, in the calculation of votes for instance, and the geometric to mean the demarcation of identifiable individuals and social groups, such as the formation of a political party.

What is important in this confrontation, especially for the genealogy of the cut-off, is that the demos return not in the mode of formal politics but outside it, as “subjects that do not coincide with parties of the state or of society, floating subjects that deregulate representation of places and portions...it is the duality of a social body and a body that now displaces any social identification” (Ranciere 1999: 100).¹⁰

What Ranciere does not consider is that the demos, so described, may also be juxtaposed with a “dark force.” In state and mass media discourse in Indonesia, for instance, James Siegel found that the ‘demos’ of democracy which had served to unify the disparate archipelago into a democratic nation later appear outside and against formal politics as a new criminal type. This type, *kriminalitas*, is associated with ghosts and counterfeits, communists and revolutionaries. However, its power comes from the fact that like democratic citizenship, it can potentially be ascribed to any Indonesian. Along with its form as phantasm, *kriminalitas* manifests within particular bodies, in this case, petty street thugs and drug dealers whom the state has rounded up and summarily killed.

¹⁰ Ranciere theorizes a ‘gap’ between democratic form and content as an outgrowth of democracy’s victory over totalitarianism, the transition from a political theory defined by self-doubt since Plato’s *Republic* into a viable political practice. Rather than leading to a refinement of democratic form, this transition meant that the demos of democracy, which by definition was excluded under a totalitarian regime, would once again be interred: this time, beyond formal democratic politics (Ranciere 1999: 98).

However, the state does not simply act negatively by way of naming a “dark force.” In attempting to rid itself of a prior demos, that of revolutionary law-making violence, the democratic state must call positively for a new sort of politics, namely a politics of consensus. In this mode, the political is defined by a reasonable agreement between (equal) partners, identifiable social groups or individuals, which is preferable to conflict and ensures the optimal benefit for each (Ranciere 1999: 102). Consensus becomes a part of democracy’s legitimization against a repressive regime, a marker of transition, a measure of victory. Consensus, however, renders the demos an unspoken outside of an autonomous political whole, for their appearance is marked by protest, conflict, or disagreement.

In keeping with these terms throughout the paper, some conflicts, protests – or disagreements, will stand as their own texts, interruptions that recall Ranciere’s warning that the demos always deregulate places and portions. These interruptions also serve as an attempt to render some ‘thick’ description, which makes allowances for historical details that, though small, are nonetheless important.

III.

This returns us to the two primary gestures of de-politicization that premise the cut-off. First, service disconnection must be rendered a matter of paying bills and settling debt, entirely divorced from the politics of people’s refusal or inability to pay. Secondly, the protests against cut-offs must be characterized as a threat to democracy and the rule of law, not legitimate action by political subjects. The first de-politicization is at work even before the protesters took to the streets in May 2005. We must remember that they had already been cut-off. Without the money to pay their bills, they had been left without

access to water or electricity. They had discovered that their inclusion within the democratic state grid was conditional upon receipt of their monthly checks. When these subjects took to the streets, they were already demanding an end to their disconnection. Already, before being deemed an instantiation of some mysterious, extra-democratic force, they took action as disconnected.

In presupposing a dark force behind the protests, police enact the second de-politicization. Political subjects are characterized as manifestations of a force outside the bounds of democracy and hostile to it. Thus, the protesters' claims about "indignity" were foreclosed in police efforts to maintain and protect democracy. Here, "democracy" and the "democratic state" become interchangeable, and a threat to one is regarded as a threat to the other. The protests then ceased to be a form of democratic participation and dissent; rather they became a "danger to democracy" itself.

As we can see – and will be explored further in the genealogy – the political nature of the cut-off is repeatedly refused. The protesters find that their access to services is conditional upon their ability to pay. Forming out of this exclusion, they begin to protest. But again, the same structure is repeated. The protesters find that their right to dissent remains conditional upon staying within 'the bounds of democracy.' Still, forming out of this exclusion, these doubly disconnected subjects begin their protest anew.

IV.

“Electricity Cut Off at Mandela Home”

May 22, 1987 – The Associated Press (AP) reported that police went to Winnie Mandela's home in Soweto to disconnect her electricity, not long after she had joined a rent and services boycott. A witness, Ismail Ayob, said there was shooting and a "great deal of police activity" at the scene.¹¹ Police headquarters in Pretoria meanwhile

¹¹ Ibid.

could not confirm whether or not a police officer had been shot. A day earlier, the Soweto city council had threatened to evict Mandela and three other prominent anti-apartheid activists, namely author Ellen Kuzwayo, the Chairman of the Soweto Civic Association, Dr. Nthalo Motlana, and the President of the United Democratic Front, Albertina Sisulu, whose husband Walter Sisulu had been sent to prison with Nelson Mandela in the early 1960s. The day of the eviction notice, a clinic founded by Mandela was set on fire, which she said was in retaliation for car bombings that killed three white police officers and injured fifteen people outside a Johannesburg courthouse that had been blamed on the African National Congress (ANC).

As the AP suggested, the situation in the streets at the end of the eighties in South Africa amounted to urban civil warfare. The apartheid regime had imposed a state of emergency for the third time in three years and these were among the bloodiest years of the struggle. According to the AP, more than half of the 2.5 million residents of Soweto were also withholding rent and payment of utilities “to protest housing policies, the state of emergency, the presence of troops in townships and other aspects of government policy toward the voteless black majority.”¹² Nonpayment in Soweto was part of a nationwide rent and services boycott organized by anti-apartheid activists and the ANC in particular, not long after the death of thirty-one people in the Vaal uprising.¹³ The very same month the police cut-off electricity at the Mandela home, ANC President Oliver Tambo called for an ongoing commitment to the boycott also urging the Congress of South African Trade Unions (COSATU) to resist the deduction of boycott-related arrears from workers’ pay.

The boycott would last five years in at least fifty-six townships and became economically crippling for the apartheid regime.¹⁴ Disconnections served to recover

¹² Ibid.

¹³ The Vaal uprising erupted out of an already tense situation in Transvaal townships and in response to rent increases in Evaton, Sebokeng, Sharpeville, Bophelong, and Biopatong. Violence broke out between protesters and police, which ended in numerous deaths and injuries. Associated Press, “Electricity Cut Off at Mandela Home,” May 22, 1987, International News, AM cycle.

¹⁴ Ibid.

some costs for its failing public companies and the mounting debt of its local councils, which was only further exacerbated by South Africa's increasing isolation in the world market. At the same time, disconnecting activists was another means by which the regime attempted to demobilize the anti-apartheid movement, break its ranks, and specifically strike down its leadership. While nonpayment took aim at the state, the cut-offs took aim at the activists. Already by the time Mandela's Soweto home was targeted for disconnection, *payment* and *nonpayment* had become political acts with revolutionary or reactionary possibility.

As payment was politicized during the struggle, people in townships and informal settlements were appearing in violent clashes with apartheid police and security forces. At times, these clashes involved destroying property such as councilors' homes, or nodes of transportation and service delivery such as bridges or water mains. Some years before the disconnection at the Mandela home, with the streets already rendered ungovernable by anti-apartheid activists, the AP reported a string of explosions at a power substation, which had cut electricity to the capital city and its surrounding white-only suburbs. The police on the scene declared the blasts acts of "sabotage," noting that a fence had been cut.¹⁵ Though the authorities declined any comment on the saboteurs, the AP observes that several previous explosions and attacks on police stations had been blamed on the ANC, then, among the many (banned) groups that the apartheid regime regarded as "terrorists." At this time in the early eighties, the international press likewise regarded the ANC not so much as the future of law and order, but as a "dark force," or to

¹⁵ The Associated Press, "Explosions Cut Electricity in Pretoria," International News, November 13, 1981. PM cycle.

quote the AP, “a black nationalist guerrilla group dedicated to overthrowing South Africa’s white minority government.”¹⁶

Thus, services were a medium with “transforming and informing power” not only for the state but for activists as well (McLuhan 1990: 60). Blowing up a power substation simultaneously enacted a challenge to the state’s monopoly on violence and its sovereign power to connect or disconnect its citizenry. Electricity and water, in particular, reached into the homes of those targeted, with the potential to disrupt the expected things in everyday life – be they taps or television. And beyond the domestic space, disconnecting services to institutions like courthouses or police stations interfered with the state’s legal, bureaucratic, and policing functions. In this spectacle of (surrogate state) power, the activists could convey the regime’s inability to govern and the possibility of a new order (Benjamin 1978).¹⁷ In time, however, the ANC’s transformation into a legitimate political force would recast nonpayment and protest in new political terms.

“ANC Expresses ‘Serious Concern’ after Councils Cut Off Services”

October 19, 1990 – The South African Press Association (SAPA) reported that the ANC expressed “serious concern” over increasing tension in townships, especially the eastern Transvaal, where councils cut-off electricity, water, sewage and trash removal during what the state called ‘Operation Switch Off’.¹⁸ The ANC said that many communities had already agreed to end the boycott and begin payment on rent and services in agreements “painstakingly hammered out” with the Transvaal Provincial Administration (TPA).¹⁹ In the ANC’s official press release, the organization contended, “It is clear that the decision to cut services is a political one. It is contradictory that at the

¹⁶ Ibid.

¹⁷ Unlike simply destroying property or transportation lines, activists could interrupt the flow of electricity and water from a distance. At one point, rebels in Mozambique managed to disconnect electricity from South Africa all the way to Maputo. See “MNR (Mozambique National Resistance) Rebels Cut Off Electricity Supply,” Xinhua General Overseas News Service, March 4, 1990. Today, targeting services is a strategy increasingly used by insurgents in Iraq, who destroy water mains and electricity pylons built by the American Coalition forces. See Mark Danner (2004).

¹⁸ “ANC Expresses ‘Serious Concern’ after Councils Cut Off Services,” South African Press Association, October 19, 1990.

¹⁹ Ibid.

very time a solution is being achieved regarding boycotts, and people are beginning to pay rent as per agreements, services are being cut in a major offensive against our people.”²⁰ The ANC concluded, “Cutting electricity and other services is part of the resistance by pro-apartheid groups in an effort to retain apartheid. This will not succeed. Electricity supplies and all services must be restored immediately. Furthermore, we hold the government responsible for any violence and chaos that results from such cut-offs.”²¹

Only months before the ANC issued this statement to the press, the apartheid government announced that it would stop paying for all basic services in townships involved in the rent boycott. Previously, local councils collected money from residents and would pay the government-owned service suppliers, which meant also that local councils were responsible for dealing with debts accumulated by residents. Planning and Provincial Affairs Minister, Hernus Kriel, told the news media that services of this model would be “phased out,” starting with electricity and then garbage collection.²² He said that electricity would not be disconnected in “sensitive areas” such as hospitals, and water would not be cut-off completely but the government would reduce the flow of water or “install services where members of the community can only use water at certain times.”²³

Kriel explained this change in basic service delivery by saying, “The government simply does not have the funds to continue to provide bridging finance...” In short, the government would no longer maintain services without payment. Anyone who did not pay would be summarily “switched-off.” He concluded his announcement by saying, though “militants” were intimidating residents to join the boycott, “The onus to pay for

²⁰ Ibid.

²¹ Ibid.

²² “Government to Cut Lights, Water to Some Townships,” by Tom Cohen, Associated Press Writer, International News, PM cycle.

²³ Ibid.

these services rests with the consumers themselves.”²⁴ Suddenly, the same people that until now were only referred to by the government alternately as “militants,” “guerillas,” “terrorists,” and “criminals” acquired a new name and a new status: “consumers.” This meant a strange reversal; as Kriel suggested, individual households – and not the state – would be responsible for the (dis)connection of services.

In a time of international sanction and growing unrest, the announcement indicated that disconnections would be justified by a liberal logic, rather than on unpopular political grounds. It implied a break with a system of colonial patronage, where water could be given and taken away according to the sovereign decision of a white local councilor, farmer, or mine supervisor as a means of disciplining and punishing black communities, tenants, or workers (Greenberg 2004; Moody 2000). Under a liberal contract, that decision had supposedly been removed. This, however, could not work under a race-based system, for the sovereign decision would always be integral to apartheid and the black majority would never be regarded by the regime as fully responsible.

Even so, nonpayment ‘officially’ would mean the termination of services for a violation of the terms of payment, not for reasons of race, class or political protest. At the same time, it ensured that the regime would continue targeting people involved with the rent and services boycotts. As Kriel emphasized, only communities participating in the boycotts would be affected, meaning the most politically active townships would be the hardest hit. The apartheid-era liberal contract would always be explicitly mixed up with a race-based political and military project, hence Kriel’s elision of “consumers” and “militants.”

²⁴ Ibid.

As the apartheid government made the announcement about the new terms of disconnection, the boycotts already were drawing to a close. The AP reported that, in December of 1988, “prominent anti-apartheid activists” brokered a deal with the city council of Soweto, which would put a stop to evictions and erase arrears from the three year-old rent and services boycott.²⁵ The ANC had begun planning for the future, hammering out the terms of payment for rent and services in Soweto and other townships, which would extend beyond the apartheid era.

The ANC’s move to put an end to the rent and services boycotts could be seen as compatible with the interests of apartheid. However, it put local councils in an awkward position, economically and politically. On the one hand, in Soweto alone, the AP estimated that the cost of the boycott exceeded \$100 million and local councils were facing financial ruin.²⁶ On the other hand, given the state of emergency, a diplomatic end to the boycotts would require the local councils to concede to anti-apartheid activists in a number of important ways. As Desmond Tutu told the AP, the terms of future payment plans could only be agreed upon if activists and community leaders were given greater freedom of movement through the townships, and “not harassed or detained as they consulted with residents.”²⁷ Payment, in other words, depended upon the leadership’s access to the movement’s base and on a consolidation around that leadership. In effect, the councils had to legitimate the exercise of (localized) democratic participation.

While the ANC and others in the anti-apartheid movement worked to draw up payment plans for township residents across the country, the national apartheid regime

²⁵ “Soweto City Council Drops Campaign to Crush Rent Boycott,” December 9, 1988, by David Crary, Associated Press Writer, International News, PM cycle.

²⁶ Ibid.

²⁷ “Black Townships Threatened by Water and Electricity Cuts,” September 1, 1990, *The Independent*, Foreign News.

ostensibly began moving toward democracy. At the local level, some councils willingly negotiated new terms of payment, and other councilors had resigned out of political pressure or threat of violence from their constituents. Yet many local councils were taking full political advantage of the ‘officially’ liberal rhetoric of Operation Switch-Off. The *Independent* reported that, in particular, “the threat to power and water supplies loomed over many smaller, volatile communities” around Johannesburg, where “500 people were killed this month in factional fighting.”²⁸

In 1990, the Kroonstad city council switched-off water and electricity in Maokeng township because residents had not paid off the debt accrued during earlier anti-apartheid boycotts. The council claimed that residents owed some R 1.5 million.²⁹ Maokeng residents, however, demanded that all service arrears be written-off by the municipality and that the local council be dissolved.

A member of the council in question told the *Independent* that residents were irresponsible consumers, saying, “The Kroonstad municipality gave the Maokeng residents ample warning to pay. It seems they are not prepared to pay, and that’s why there was the cut-off this morning.”³⁰ He added, “The standpoint of the Kroonstad municipality is well known... as soon as residents pay their accounts they will get water and lights.” Echoing the ANC’s earlier outrage over “political” cut-offs, ANC organizer Dennis Bloem responded by saying that, in fact, residents wanted to be responsible consumers and that the local council was interfering in their ability to do so by refusing to write off arrears. In a statement that reflected the ANC’s position on payment by the early nineties, Bloem said, “We want to make it very clear that Maokeng’s residents are

²⁸ Ibid.

²⁹ Ibid.

³⁰ Ibid.

prepared to pay rent and service charges if their demands are met. We don't want to use services free of charge."³¹

In the same year, electricity and water disconnections struck dozens of townships, immediately following the repeal of the Separate Amenities Act, which ended thirty years of race-based access to public facilities.³² The *Christian Science Monitor* speculated that the cut-offs were ordered by white local councils, in retaliation against a national government that had ordered desegregation and signaled a move toward popular sovereignty. This tension between the local and national government was evident in Wesselton, a township not far from Maokeng, which was cut off from water by the local council. Among the estimated 50,000 people affected there, some began carrying water from Cassim Park, nearly two miles away. The Pretoria-backed Transvaal Province Administration (TPA) responded by circumventing the local council and sending water supply trucks to Wesselton. However, rumors abounded that the water sent from the capitol had been poisoned by the apartheid government. Residents refused to drink the water and continued carrying buckets and containers from neighboring Cassim Park. The local police allegedly attempted to prevent the residents from collecting the water. A gas station owner, Mohammed Tilly, told the *Monitor* that he saw police puncturing filled water containers at his station.

Tilly's version of the story problematizes the ANC's claims that people were willing customers waiting for a fair deal on government services. When police questioned Tilly about giving water to Wesselton residents, he responded: "You can't

³¹ "South Africa's Local Councils in Crisis: Conservative Officials Cut Off Water Supplies to Nearby Townships, Fueling National Debate," *Christian Science Monitor*, October 30, 1990.

³² *Ibid.*

refuse water. It is a gift from God.”³³ While the ANC’s public statements asserted that water was a service paid for by consumers, Tilly and others regarded water as much more than that, namely a natural or god-given right. The status of water would then be further complicated in the post-apartheid era, when water became a democratic right protected by the new Constitution, though conditioned on payment in practice.

The situation in Wesselton also pointed to the growing anxieties in the private sector in South Africa, where foreign and domestic investors had long relied on the availability of disenfranchised black workers from nearby townships and informal settlements. In this way, the General Mining Corporation’s local coalmine, Ermelo Mines, relied on Wesselton township. Nationally, the Corporation was faced with popular democracy and a new government hostile to the colonial structures upon which the mining industry had been built. Amid the conflict between the council and the township, the management of Ermelo Mines found itself and its work pool caught between local apartheid seeking to punish the black population and national apartheid making a refused gesture of (colonial) patronage. Eight days after the water had been cut, the management decided to intervene. Coming down on the side of patronage and resumed productivity, the management donated a reported \$50,000 to cover overdue water payments and reconnect water in the township.

The *Monitor* reported that the national government had been “embarrassed” by the harshness of these rogue councils, though very little was done to stop it in Wesselton or other townships.³⁴ The national government “had stopped short of cutting services, opting rather for negotiations to achieve a resumption of payments,” while some councils

³³ Ibid.

³⁴ Ibid.

fought to retain the system through brute force.³⁵ At the national level, the government had begun to exercise a ‘gentler’ power where services were concerned, opting more often for discipline than punishment.

All along, we have seen how services have acted as a currency of governance. As the ANC began to distinguish itself as a legitimate political force, the maintenance of services and payment for services became central to high stakes agreements between the apartheid government, the ANC, and the people. For the ANC, it meant more access to its constituency, undermining the power and legitimacy of the local councils, and quelling the boycotts as well as violent protests. For the government, it meant recognizing the ANC as a legitimate negotiating partner, preventing disconnections where agreements had been reached, and de-escalating police harassment and violence. On the streets, these agreements often marked the passage from full-scale war into a limited cease-fire, as it had in Soweto. It was, in other words, a reassertion of (a new) law and order.

This transition called for a new politics of ‘the people’. Though the ANC and anti-apartheid movement had deployed nonpayment as an act of political protest against a racist regime, we can see that by the early nineties nonpayment (and even political protest) had become impediments to reconciliation and democracy. Refusing payment when services were delivered now was more than a strike against apartheid: it had become a strike against the ANC, which had brokered the deal. By the early nineties, the stage was set for a coming of democracy that already contained the condition of payment and the devolution of protest. After the fall of apartheid, this condition would mean the

³⁵ Ibid.

difference between disconnection and full access to the rights promised by the new Constitution.

V.

“Police Open Fire On Protest, 20 Injured”

September 7, 1994 – In a euphoric election in 1994, Nelson Mandela was named the first democratic President of South Africa. Only six months after the election, protests erupted in Reiger Park township. Twenty people were injured when police fired on the crowds, who were protesting service disconnections and a reported, fivefold increase in their water and electricity rates. The AP said that white officials on the city council issued the increase, providing further evidence that “though apartheid officially ended...vestiges of the system remain.”³⁶

In the nineties, a reconfiguration of payment and protest was underway, which depended upon building consensus and demobilizing subversive politics. The same day that the battle raged in Reiger Park over services, Mandela met with “grim faced” union members urging them not to strike. The unions, he said, should put aside their “personal interests or the interests of the unions” and create favorable business conditions to absorb the unemployed and stimulate development.³⁷ The closing line of the AP’s report spoke of Mandela’s “strained relations” with “the black-dominated unions that helped put his African National Congress in power.”³⁸

As the AP observed, demands for compliant citizenship coexisted with “vestiges of the system.” Many of the local councils and police occupied the very same positions under apartheid, and though beholden to the ANC in name, the authorities were suppressing dissent in ways reminiscent of the former regime. Moreover, the economic transformation that many people expected at the fall of apartheid was not totalizing or immediate, and it often least benefited people in townships and informal settlements.

³⁶ “Police Open Fire on Protest, 20 Injured,” by Paisley Dodds, The Associated Press, September 7, 1994.

³⁷ Ibid.

³⁸ Ibid.

Also coexisting with new Constitutional rights was the demand to pay for services. In Reiger Park, this meant scraping together enough money for monthly bills or waiting for disconnection. Services, like housing, proved a day-to-day uncertainty, even for those with infrastructural access.³⁹

Still, it is important not to regard early post-apartheid clashes over services merely as a matter of prior conditions or incomplete demobilization of struggle politics. The election of the ANC also introduced new expectations of civic duty as well. Paradoxically, this sometimes meant accessing new protections afforded by democracy, such as the right to strike or boycott payment, would be cast as a danger to the principles and stability of democracy.

“Mandela Launches Campaign to End Rent Boycotts”

February 25, 1995 – In a speech at Marconi Beam, Nelson Mandela launched the Masakhane campaign. For the occasion, urban planner Allistar Rendall announced that bulk services – including sewerage, roads, water pipes and electric cabling – would be installed in a reported 1,200 Marconi Beam households. At the time, “the community was refusing to pay” for rent and services. The Masakhane campaign sought “to reverse this tendency” of non-payment across the country.⁴⁰

Soon after the launch of Masakhane, Mandela explained to Parliament that “non-payment of services had been aimed at fighting apartheid, but this was no longer necessary.”⁴¹ He added: “Non-payment today hurts those who have nothing and are waiting for houses, electricity and sewerage. It hurts neighbors who must carry an unfair burden.”⁴²

The formulation of the Masakhane campaign recalls some of the themes of Mandela’s tense meetings with union leaders a year earlier. Sometimes reportedly named after the Xhosa word for “stand together,” and at other times the Zulu word for “let us build each other,” the Masakhane campaign is broadly conceived as a partnership

³⁹ Ashwin Desai offers a sociological sketch of everyday uncertainty and water disconnection in “Thulisile’s Water” from *We Are the Poors* (2002).

⁴⁰ “Mandela Launches Campaign to End Rent Boycotts,” Agence France Presse, February 25, 1995.

⁴¹ Ibid.

⁴² Ibid.

between a people responsible for their own upliftment and a government responsible for the nation's resources and investment. A "culture of payment," more broadly, would inform policy-making, government campaigns, and approaches to service delivery in the coming years. Mandela elaborated on this campaign and its 'culture' in his speech at Marconi Beam in 1995.

Mandela begins the speech by drawing attention to the newly installed "bulk services," saying: "Here at Marconi Beam we see the Reconstruction and Development Programme (RDP) at work. What is happening here is the product of the kind of partnership which is needed to transform our country."⁴³ He continues by naming some of the urban townships across the country that had been prominent in the struggle against apartheid. Invoking the nation, he says, "From Soweto to Mitchell's Plain, from Chatsworth to Khayelitsha, democracy brings to neighborhoods and communities the power to make sure that the changes working through our country will reach them..."⁴⁴ The campaign, Mandela explains, will help turn government programs into "real-world projects" that communities need, in particular housing and services. Though the speech does not outline any of the practical measures of the campaign, it does identify payment as the defining feature of a 'responsible' citizenry. Mandela says, "With freedom comes responsibility, the responsibility of participation... We all have the responsibility to pay for what we use, or else the investment will dry up and the projects come to an end."⁴⁵

⁴³ "Nelson Mandela's Speech at the Launch of the Masakhane Campaign," delivered on February 25, 1995, African National Congress website, www.anc.org.za. The RDP was the ANC's national development program before being replaced by the Growth and Redistribution Programme (GEAR). For more on the relationship between GEAR and political protest see Ballard, Habib and Valodia (2006).

⁴⁴ Ibid.

⁴⁵ Ibid.

Payment then becomes both a civic duty and the condition upon which access to the democratic state grid is granted.

In the Masakhane campaign speech, the government and “the community” are primarily defined in terms of the payment for goods and services. That does not mean, however, payment is simply stripped of politics and replaced with the logic of the market. References to Soweto and Mitchell’s Plain serve as an address and evoke a political history of the townships, a past commitment to the ANC and to democracy. Mandela asks that people living in townships with basic infrastructural access translate past political participation into ‘responsible’ citizenship, defined by paying “for what we use.” Payment is a civic duty made possible by the freedom afforded by the fall of apartheid.

Nonpayment also becomes more than a violation of contract between service supplier and customer. It is a personal and communal failure, an abnegation of civic duty, and a break with a past dedication to democracy. Mandela calls upon the people “to make sure that the changes working through our country will reach them,” but within certain bounds. It is not, for instance, a sanction of rent and services boycotts or illegal reconnections. Nonpayment is a failure to act within the bounds of legitimate democratic politics, which here is limited to payment.

“20 000 Residents in the Dark After Not Paying Bills”

May 20, 1997 – A few years after the launch of the Masakhane campaign, with the ‘honeymoon’ period of new democracy now waning, some twenty thousand residents of Phola township were disconnected from water and electricity, reportedly owing the local council R6 million in arrears. The council itself owed a reported R12 million to Eskom. The head of the Phola council, Edwin Sibiya, blamed the disconnections on apartheid era debt, “President Nelson Mandela and FW de Klerk’s agreement that some of the arrears would not be written off was a blow to us...”⁴⁶ He continued: people do not want to pay for their services and most cannot afford to pay.

⁴⁶ African Eye News Service (South Africa), “20 000 Residents in the Dark After Not Paying Bills,” May 20, 1997.

The press reported that, following the disconnections, many people in Phola decided to boycott payment to Eskom and others threatened to burn down the local council's offices. As Phola resident Solomon Mahlangu said, "If they want us to start paying, then they must scratch our arse and let us start from the beginning."⁴⁷ Sibiya suggested, however, that nothing could be done, "Even if they burn our offices, the fact remains that at the end of the day they will still owe their arrears."⁴⁸

In Phola, arrears were owed to the post-apartheid local council, which owed money to Eskom. These arrears were accumulated under the ANC, but also under the apartheid regime. Where payment agreements had not been reached, debt even lingered from the rent and services boycotts of 1985. Mahlangu and Sibiya point to the fact that the demands of a "payment culture" is always more than "paying for what we use"; people were also expected to pay for what they used according to apartheid records. In this case, Phola residents are duty-bound to pay their bills – often without the money to do so – and are responsible for paying off debt to a regime that no longer exists.⁴⁹

The problem is also that the state (and private corporations) treats every debt as if it were the same. It is no matter whether a payment is overdue because the household cannot afford to pay, has taken a political decision to refuse payment, has leftover debt from the 1985 boycotts, or any number of other reasons for how and why debt is accrued. Far from being seen as political or even circumstantial, nonpayment is regarded uniformly as a breach of contract between customer and supplier, and a personal and

⁴⁷ Ibid.

⁴⁸ Ibid.

⁴⁹ For more on debt and services see "Debt, Disconnection and Privatization: The Case of Fort Beaufort, Queenstown and Stutterheim" in *Cost Recovery and the Crisis of Service Delivery in South Africa*, McDonald and Pape (2002). Also see, "From Economic Debt to Moral Debt: The Campaigns of Jubilee South Africa in *Voices of Protest*, Ballard, Habib, and Valodia (2006).

communal failure of civic responsibility. In effect, the short history of an overdue bill is denied any consequence, as is a longer history of struggle when the ANC called on people to protest through nonpayment, and an even longer history of colonialism that left the black majority poor and disenfranchised.

As the situation in Phola suggests, these contradictions inadvertently re-politicized nonpayment for many people and stirred protest that the news media referred to as “reminiscent of the struggle.” However, protest (like nonpayment) began to take on criminal proportions, especially where violence against persons and property was concerned.

“Rioting Youth Petrol Bomb More Vehicles in Secunda”

July 28, 1997 – Not long after the demonstrations in Phola, African Eye News Service reported unrest in Secunda over electricity disconnections.⁵⁰ Nine violent incidents had already taken place, including the bombing of cars, buses, trucks and homes, mostly belonging to the local council. Police had not yet identified those responsible but attributed each incident to “the youth,” those (‘untamed’) children come of age during the struggle. In one incident, youth reportedly attacked the home of a local councilor, “chanting they intended to kill him as they hurled a petrol bomb through his lounge window.”⁵¹

As we will see, crime emerges as a recurring theme in the democratic state’s attempts to quell service protests.⁵² In a recent Freedom Day speech, President Mbeki would respond to an uprising by saying, “I must warn all those who engage in criminal violence attacking councilors and destroying private and public property will be met with the full force of the law. They must know that they will not succeed to terrorize and intimidate the government and the nation by resorting to crime. The Police Service has a

⁵⁰ African Eye News Service (South Africa), “Rioting Youth Petrol-Bomb More Vehicles in Secunda,” July 28, 1997.

⁵¹ Ibid.

⁵² For more on the criminalization, harassment and arrest of activists in informal settlements see Richard Pithouse (2006). For more on crime in South Africa see Comaroff and Comaroff (2006).

duty to ensure that all those who engage in criminal activities are arrested and brought before our courts.”⁵³

Yet the news coverage of the 1997 incident in Secunda points to the ambiguities between political subjectivity and criminality. On the one hand, the police said the attacks were criminal, assuring the public, “We will leave no stone unturned and will do anything necessary to bring the perpetrators of this violence behind bars before it is too late.”⁵⁴ On the other hand, the police said the attacks were politically motivated, “linked to protests against the town council which cut-off electricity supplies to non-paying residents two weeks ago.”⁵⁵

Walter Benjamin has observed that law-keeping violence, echoed above in President Mbeki’s speech, covers the tracks of a prior, law-making violence. Against the rationalism of Hobbes and Clausewitz, Benjamin argues that the law is always founded on an illegal violence (Benjamin 1978). Derrida adds that this violence is not a mystical foundation nor original sin, but always already unfounded, resting on nothing but itself even as it claims to rest on an authority beyond itself (Derrida 1989). But maintaining the distinction between law-making and law-keeping violence is not always possible, even less so when the transition between old and new law remains in living memory.

Within this aporia in South Africa, the democratic state attempts to draw the line between the criminal and the political, which Rosalind Morris suggests is often done at

⁵³ “President Mbeki Urges South African Municipals to Improve Local Services,” BBC Monitoring Africa, April 27, 2006. Republished from the SAPA website, speech by President Thabo Mbeki made on April 27, 2006.

⁵⁴ Ibid.

⁵⁵ Ibid.

the level of agency (Morris 2006).⁵⁶ In the Truth and Reconciliation Commission, for instance, Morris finds that acting politically meant satisfying at least two conditions. First, the subject had to admit that he was guilty of a crime, and second, that his actions were not his own, but performed in the name of the struggle for democracy. As this logic goes: although a political activist may commit a crime, a criminal does not act on behalf of democracy. It is in this absence of agency, a recognizable “acting on behalf of,” which becomes a necessary component of (democratic) political subjectivity.

By this measure, “the youth” of Secunda like many other activists occupy a very precarious subject position under the new democracy. That is, they are recognized by the state as political subjects, while being denied full political subjectivity. The police said the youth were acting on behalf of a residents’ organization with a “campaign” to “protest” against the local council. Yet, the youth even before becoming individual suspects are attributed with complete agency. They are regarded as criminals, independently responsible for their violent acts and deserving of incarceration. We have already seen that this contradictory ascription of agency and responsibility is also operative in the repayment of debt. The ANC does not presume that people are to blame for their poverty, or for their arrears lingering from political action against apartheid. And yet, the ANC demands payment on the basis of civic duty and disconnects services for nonpayment.

Here again, in the case of “the youth,” the democratic state does not de-politicize violent protest by emptying it of political content. Rather, in a gesture similar to the de-politicization of nonpayment, the state attributes an illegitimate or anti-politics to the

⁵⁶ For a biographical and journalistic exploration of this aporia see *The Number* by Jonny Steinberg (2004) on South Africa’s prison gangs and their relationship to colonialism, the anti-apartheid movement, and democracy.

protesters. In spite of themselves, the police cannot explain what these people are doing without ascribing politics to their acts. This does not stop them, however, from making arrests.

“Schools Face Power Cuts”

February 24, 1998 – A year after “the youth” rioted in Phola, the Western Cape Education Department announced in the *Cape Argus* that “schools would now be responsible for paying part of their electricity and water bills.”⁵⁷ The move was reportedly in response to new local and national regulations that called for cost recovery. Municipal spokesperson, Theresa Omobeo said, “schools’ electricity accounts would be dealt with the same way as those of residential consumers,” meaning “power might be disconnected if accounts were not paid.”⁵⁸ Schools in Guguletu and Khayelitsha townships had already been cut-off from services for nonpayment. The Department also announced that it would no longer cover the expenses for free public buses for students in the Cape Flats, a poor suburb of Cape Town. At the same time, the schools would be raising fees to cover their arrears, the cost of water and electricity. Ultimately, reconnection depended upon parents, most of whom the *Argus* notes are unemployed and already struggling to pay school fees.

By the mid-nineties, the ANC had committed itself to economic liberalization, turning public institutions private, which meant ceding the responsibility of some services to corporations. As we have seen, before the 1994 election of the ANC, the apartheid regime had moved toward liberalized services amid a failing economy. But the race-based system – between sanctions and violent unrest – proved inhospitable to liberal capital. As early as 1990, while hammering out payment plans in the townships, the ANC began working with the World Bank to make plans for South Africa’s repayment of national loans taken out in earlier years by the apartheid regime.⁵⁹ In 1995, the ANC moved away from its earlier plans for development found in the RDP (Reconstruction

⁵⁷ “Schools Face Power Cuts,” by Norman Joseph, *Cape Argus*, February 24, 1998.

⁵⁸ Ibid.

⁵⁹ Patrick Bond (2004b), Richard Pithouse (2003) and Ashwin Desai (2004) have further argued that ANC neoliberalism, manifested in policies geared toward privatization and cost-recovery, is informed (and in some cases required) by international institutions like the World Bank, foreign governments like Britain and the United States, as well as multinational corporations and other powerful investors in the private sector.

and Development Plan), which was effectively the party's election manifesto, to GEAR (the Growth and Redistribution Programme). GEAR, in conformity with World Bank development goals and strategies, emphasized "the importance of growth enabled by economic liberalization and improving the conditions for competitiveness" (Ballard 2004: 6). As anti-privatization and veteran anti-apartheid activist Trevor Ngwane said, it was a "shift from a redistributive policy to a trickled-down policy," which the *Mail & Guardian* summed up as, "if you can't pay, you can't have it."⁶⁰

As part of national debt repayment procedures, the ANC officially privatized its formerly public electricity company, Eskom, and turned it into a multinational corporation.⁶¹ Privatization would mark another changing of hands for South Africa's services, but again debt would not be erased. This presented a challenge for the already tenuous link between civic duty and payment, for the responsibility to pay concerned not only the state but corporations as well.

During the intervening years, however, politically organized nonpayment returned. In 1999, the ANC initiated the first trial of water privatization, awarding a thirty-year contract to a British multinational corporation called Biwater. The *Mail & Guardian* ran a story about the Pan-African Congress and COSATU teaming up with civic and community groups in a mass boycott to force Biwater out of Nelspruit in the Mpumalanga province.⁶² The headline read, "Water Privatization Test Case 'A Total Debacle'."

⁶⁰ "From Seattle to Soweto," by Ferial Haffajee, *Mail and Guardian*, September, 2001.

⁶¹ Now, Eskom serves most African countries, including Libya, Nigeria and Zambia as well as other countries such as China and India. www.heretige.eskom.za, Electronic document, accessed May 1 2006.

⁶² "Water Privatization Test Case 'A Total Debacle,'" *Mail & Guardian*, November 16, 2001.

In addition to water delivery problems, residents in Nelspruit claimed that the Biwater had raised tariffs by a reported 400%. Residents, who had been paying a flat rate of R70 per month, were now reportedly paying an astounding R400 and R500.⁶³ Those who could not pay had been cut-off. The head of Biwater, Graham Gorrod, called the figures “total nonsense,” saying that tariffs had only gone up by 10%. He added that any bills over R1000 included the debt now owed to the corporation. Moreover, he blamed the high bills and the cut-offs on residents, saying, “There is wastage and indiscriminate use of water,” though he did not specify what wasteful or indiscriminate meant in practice. He was also unconcerned about the protests, which he added were “nothing new.”⁶⁴

Amid the controversy, President Mbeki allegedly told the local council “under no circumstances must Biwater be allowed to collapse.”⁶⁵ A special police unit was called in to Nelspruit to monitor the situation. The ANC Mpumalanga spokesperson reiterated the now-familiar themes of irresponsible consumption and criminal violence, saying that Biwater’s detractors were “mischievous people, just individuals who are misbehaving; the police are dealing with them.”⁶⁶ In addition to the police presence, the local council hired a legal firm to track down defaulters and had plans to sue residents who had outstanding debt.

Before 1999, the Water Services Act prevented the government from outsourcing water management. The act says that water must not be delivered by the private sector

⁶³ The *Mail & Guardian* reported on April 6, 2001 that poor communities are charged a disproportionate amount for services. For instance, at that time in 2001, the cost of electricity in Soweto was 28 cents a kilowatt a unit, and in Sandton it was 16 cents. In rural areas near Johannesburg, the cost was 48 cents. Re-quoted from Ashwin Desai (2001). For more on disproportionate service charges see *Cost Recovery of Service Delivery in South Africa* (2006).

⁶⁴ “Water Privatization Test Case ‘A Total Debacle,’ ” *Mail & Guardian*, November 16, 2001.

⁶⁵ *Ibid.*

⁶⁶ *Ibid.*

but by the government alone. However, as the *Mail & Guardian* notes, the Department of Water Affairs and Forestry instituted new regulations that undermined the Act, thereby setting a precedent for more public-private partnerships in the future (Greenberg 2004).

“A New War for the Allegiance of the Poor”

September 6, 2002 – When the World Summit on Sustainable Development came to Johannesburg, the local and international news media covered a march held by a newly formed coalition called the Social Movements United. The coalition was largely comprised of the Social Movements Indaba (SMI), an alliance of anti-privatization community groups, the Landless People’s Movement and other community-based organizations from all over the country. The local government had denied the Social Movements coalition a public gatherings permit, and declared the march illegal for unspecified “security reasons.”⁶⁷ Even so, thousands of activists marched from the township of Alexandra to a convention center in the wealthy and exclusive neighborhood of Sandton, shouting *pansi* (down with) Mbeki and *pansi* the ANC.

Meanwhile, the ANC staged its own competing, legally sanctioned march outside the World Summit, where President Mbeki addressed the crowd. The ANC was apparently “left in the shade,” marching behind the Social Movements coalition and only garnering a reported 2,000 to 5,000 supporters.⁶⁸ The illegal Social Movements march even “surprised” its organizers, with a reported 10,000 to 25,000 protesters.⁶⁹ The *Mail & Guardian* observed that it was “a wake-up call to the African National Congress” and concluded: “The moral of the tale of the two marches, perhaps, is that left-wing, anti-government dissent has found a voice.”⁷⁰ After the marches, President Mbeki issued an online letter dismissing the Social Movements United as “misrepresenting the poor.”

By denying a legal permit, the local government sought to keep certain bodies in the township or in the suburb, rather than moving between the two – and to keep them out of the media spotlight. The ANC also attempted to regain consensus by de-legitimizing

⁶⁷ “A New War for the Allegiance of the Poor,” *Mail & Guardian*, September 6, 2002.

⁶⁸ *Ibid.*

⁶⁹ *Ibid.*

⁷⁰ *Ibid.*

political mobilization outside (or critical) of official party lines. In spite of these policing efforts, the SMI coalition, a loose and as-yet unidentified political aggregate, managed to seize the platform of a world event.⁷¹ If momentarily, the coalition appeared as a competing political force for the so-called “allegiance of the poor”; there was even talk of forming a political party. In Ranciere’s terms, it was an egalitarian force, which: “shifts a body from the place assigned to it or changes a place’s destination. It makes visible what had no business being seen, and makes heard a discourse where once there was only place for noise...” (Ranciere: 1999: 30). It is a determined political activity by “the part of those who have no part” (Ranciere: 1999: 30).

The “tale of two marches” was followed by an explosion of articles in the news, speculating about the meaning of the Social Movements coalition and ‘who’ were its leaders and membership. The *M&G* released a number of articles including one entitled, “Who Supports the SMI?” Journalists interviewed residents of Alexandra, who said that they supported the coalition for a range of local and global reasons, from anti-privatization to accessing water and electricity for their own homes. Many of the quotations gathered from residents were aimed at the ANC, suggesting that the party had failed to bring the many changes anticipated at the end of apartheid, particularly with regard to housing and services. As one resident said, “They [the ANC] made us many promises. Those promises were empty.” Another said, “I live in a shack. I have seen no improvements in my life. I feel betrayed.”⁷²

⁷¹ Dennis Brutus, who participated in the SMI coalition march, said that it was a “missed opportunity” for further organizing and that the coalition was under strain from exhaustion, lack of funds, and internal conflict.

⁷² Richard Ballard, along with a team of researchers, found that organizations affiliated with the Social Movements Indaba were concerned with “material and distributional issues,” and many identified as counter-hegemonic and anti-ANC (Ballard 2004: 2).

“Who Supports the SMI?” *Mail & Guardian*, September 6, 2002.

The World Summit march was arguably the first time that self-proclaimed, post-apartheid social movements appeared on the national and international stage, and many activists and scholars considered it a sign of things to come. But protesters have disparate and often changing stakes in these protests. The protesters were not all anti-ANC or concerned with privatization or coalition building, and not all of South Africa's "poor" self-identified with what were becoming known locally as 'new' social movements.

“Mbeki Warns of ‘Threat’ from Township Rioting”

May 25, 2005 – “Riots” erupted spontaneously across South Africa’s townships and informal settlements: from Port Elizabeth to Secunda to “the diamond city of Kimberly.”⁷³ In Port Elizabeth, after four consecutive days of protesting, the Eastern Cape Premier Nosimo Balindlela announced that R130 million would be spent on housing in the city that year.

The same day, following similar violence that flared up in Cape Town area townships, a reported six hundred protesters in Blackheath burned tires, set up blockades and stoned police vehicles. Police fired tear gas, rubber bullets and stun grenades to disperse crowds gathered in the streets. Police spokesperson Captain Billy Jones, said that “some people were injured but we do not have the detail,” adding that “The situation is still tense and the police will continue maintaining a presence in the area.”⁷⁴

President Mbeki condemned the violence and told Parliament that the protests do not pose an “immediate danger” to democracy, but “they do reflect and seek to exploit the class and nationality fault lines we inherited from our past, which, if ever they took root, gaining genuine popular support, would pose a threat to the stability of democratic South Africa.”⁷⁵

This returns us to the “dark force,” for these are among the May 2005 protests that the national government sent the NIA to investigate their potential threat to democracy. Again, the national and international news rushed to find out ‘who’ these protesters were and ‘what’ they wanted. The South Africa’s Safety and Security Minister told the press that by October 2005, an estimated 881 protests had happened in the last year, some of

⁷³ “Mbeki Warns of ‘Threat’ from Township Rioting in South Africa,” Agence France Presse, May 25, 2005.

⁷⁴ Ibid.

⁷⁵ Ibid.

them violent, and experts said that figure was at least five times the number of any comparable previous record.⁷⁶ The *New York Times* reported that the protests focused almost exclusively on local officials. Most of those officials were members of the ANC and execute the party's social and economic policies, but, as Human Sciences Research Council expert Adam Habib said, the protests could not be simply regarded as anti-ANC, for "the poor haven't made the connection as yet."⁷⁷

In Durban, the Mayor Mlaba interpreted the events in terms of a "third force" bent on disrupting the elections the following year. He said, "Of course it's political. All of a sudden, they've got leaders. There weren't any leaders yesterday. Are they going to be there in 2006 or 2007?"⁷⁸ He concluded that the Durban-based protests had been "the work of agitators" attempting to "embarrass" him before the local elections in 2006.⁷⁹

In general, a "dark force" serves to de-legitimize or render unrecognizable certain political subjects or subversive acts. Today, this suspicion of a "dark force" seeking to undermine democracy is reported in the international news almost daily, given the US-led hunt for supposed terrorists. In South Africa, however, this "force" also takes on two particular apartheid-era connotations. In its attempts to condemn and destroy the ANC, the apartheid regime set up its own secret police, recruited spies in townships, gathered 'information' through intimidation and torture. The regime also lent military support to Zulu nationalist attacks on ANC supporters. The apartheid security agents involved in such campaigns became known in public discourse as a "third force." The ANC remains wary of disloyalty to this day. For the ANC, apartheid spies and secret colluders posed a

⁷⁶ "Shantytown Dwellers in South Africa Protest the Sluggish Pace of Change," by Michael Wines, *The New York Times*, December 24, 2005.

⁷⁷ Ibid.

⁷⁸ Ibid.

⁷⁹ Ibid.

constant and potentially deadly threat to activists and to the liberation movement itself. The ANC's use of this term for protesters is "highly pejorative and implies white manipulation toward evil ends" (Pithouse 2006:19).

And yet, "dark force" also resembles the apartheid regime's use of '*swart gevaar*' and '*rooi gevaar*,' respectively 'African threat' and 'communist threat' in Afrikaans. Often used interchangeably, these terms were meant to capture the imminent threat posed to state security and to colonial rule.⁸⁰ Between these allusions to white manipulation and threats to state security, protesters began redeploying the term 'third force,' saying to the press for instance, "The third force is the conditions we are living in."⁸¹ Repeated in various contexts, this statement also evokes a colonial history left out by efforts to delegitimize particular subjects and de-politicize post-apartheid protest.

"ANC, Allies in Move to Avert Khutsong Poll Boycott"

February 22, 2006 – *Business Day* reported that residents of the "troubled" Khutsong township were organizing a boycott of the polls in an attempt to halt local elections in Merafong municipality, which were scheduled for March 1st. In a township considered an ANC stronghold, where a reported 90% voted for the ruling party, residents now "forcibly prevented the ANC from campaigning," turning the township's streets into "no-go" areas.⁸² Meanwhile, a "secret alliance" formed between the local ANC and some residents, who wanted the party to retain control of Merafong.⁸³ The conflicts in Khutsong were reportedly tied to local officials stealing money that had been "set aside for the poor," and to the fear of redistricting the township from the financial center of Gauteng to the Northwest province, where residents perceived that the delivery of services and housing would be delayed even further.⁸⁴

On the day of the March elections, protesters in Khutsong burned down homes of local councilors and government offices, and almost no one from the township went to

⁸⁰ "Rooi gevaar" and "Swart gevaar," <http://en.wikipedia.org>

⁸¹ "Shantytown Dwellers in South Africa Protest the Sluggish Pace of Change," by Michael Wines, *The New York Times*, December 24, 2005.

⁸² "ANC, Allies in Move to Avert Khutsong Poll Boycott," by Vukani Mde and Karima Brown, *Business Day*, February 22, 2006.

⁸³ Ibid.

⁸⁴ Ibid.

the polls. President Mbeki sent riot police to patrol the streets and called on them to clamp down on the violent protests, after Defense Minister Mosiuoa Lekota “lambasted” activists for encouraging the poll boycott.⁸⁵ A young activist was quoted as saying in response to those condemnations, “The government can go to hell as far as we are concerned. Even Mbeki is not welcome here. It’s too late for the president to come here. His car will be pelted with stones.”⁸⁶

As the *Daily Telegraph* reported, this election was “the first time since apartheid’s demise that the ANC was unable to campaign or win more than negligible support in a township of 170,000 people.”⁸⁷ Though the protesters did not identify with any organization or social movement, they had begun to count and be counted by the ANC. They had appeared outside of formal, legitimate politics – refusing to vote and destroying property – and yet Khutsong and other townships had managed to make services an election issue.

Two months after the March elections, President Mbeki delivered his Freedom Day speech from a podium in Galeshewe township, celebrating twelve years of South African democracy. He made reference to Khutsong and other townships in revolt, warning that those involved in “criminal violence” during the protests would be met with the full force of the law. Most of the speech, however, is dedicated to service delivery. He said, “Clearly, the matter of service delivery is central to our freedom because we cannot enjoy this freedom while our fellow South Africans have no clean water, have no sanitation and are still using the bucket system. We cannot enjoy this freedom while

⁸⁵ “Corruption and Neglect Lead to Township Riots Against ANC,” by David Blair, *The Daily Telegraph*, March 2, 2006.

⁸⁶ Ibid.

⁸⁷ Ibid.

many among us still have no electricity and other basic services. It is therefore very important that all spheres of government combine their efforts to ensure speedy implementation of programmes around these basic services.”⁸⁸ He further calls for participation, not in (illegal) political protest or violence, but in formal, state-aligned local committees, saying: “To ensure that the people shall govern, we have among other things created a system of ward committees to afford local citizens both the opportunity to contribute positively to local development as well as increase their democratic involvement affecting their communities.” This speech gave voice to a consensus politics that also became a refrain of government officials in Khutsong. When a local councilor’s home was burned down in the protests, he was asked if he supported the township’s transfer to the new province, to which he replied, “As a loyal member of the ANC, I have to toe the line. The movement has spoken.”⁸⁹

VI.

As we have seen, from the mid-eighties, not paying for services and accumulating debt was a form of political protest against apartheid. By the nineties, the state (along with certain communities and activists in the anti-apartheid movement) introduced liberal contract, whereby new “consumers” were given the responsibility to pay or be disconnected. This contractual relationship corresponded to new conditions of citizenship that demanded a separation between nonpayment and protest, which had previously been linked in the eighties. This separation meant the de-politicization of

⁸⁸ “President Mbeki Urges South African Municipals to Improve Local Services,” speech re-published from SAPA website on April 27, 2006 by the BBC.

⁸⁹ “Rioters Clash with Police over Changed Status of Town,” *Financial Times*, December 15, 2005.

certain people like the riotous ‘youth,’ certain forms of protest like boycotts and the destruction of property, as well as certain histories in the form of debt or ongoing poverty.

“Real” democracy, says Ranciere, demand a politics of consensus. In South Africa, we have seen that consensus entails the demarcation and maintenance of a legitimate democratic politics, which at times pushes citizens off the democratic state grid altogether. However, this gives rise to certain contradictions; the most central perhaps is that access to the democratic state grid is conditional, even as it claims not to be.

Marx observed this contradiction in Rousseau’s social contract: “This right to undisturbed enjoyment, within certain conditions, of fortuity and chance has up till now been called personal freedom. These conditions of existence are, of course, only the productive forces and forms of intercourse at any particular time.” (Marx 1978: 196) Personal freedom then is the freedom to remain within those conditions, just as in the “culture of payment,” one is ‘free’ to pay for services. Marx adds that in such a community a ‘third party’ persists. This ‘third party’ is only admitted to the community as members of a class and never as self-active individuals.⁹⁰ (Marx 1978: 197) At a time in South Africa when the ruling party has no formal opposition and the liberal democratic state is withdrawing responsibility for public debt and services via privatization, service protests attempt to find a footing to demand unconditional inclusion against this “third party” status. This is perhaps why service protests are inseparable from demands for housing, land and medicine.

⁹⁰ Here Marx makes a distinction between the proletarian community, where people are able to be self-active individuals, and other ‘substitute’ communities, i.e. the State (Marx 1978: 197).

What Marx's comment on the social contract also points to is that consensus politics denies recognition of pre-democratic (and subversive) history. Sometimes this historical cut-off takes the form of a mythic invocation of the past; sometimes it is an assertion of the autonomy of the present. We saw the former in Mandela's Masakhane campaign speech. It began by naming townships prominent in the struggle and then proposed a connection between the duty of payment and the mythic founding of democracy and freedom. Similarly, in his 2006 Freedom Day speech, President Mbeki begins by invoking the struggle: "It is a day when all of us need to pause and reflect on the past, to remember the heroes and heroines who brought us our freedom – those whose sacrifices made it possible for all South Africans, black and white, to enjoy the benefits of democracy and for all of us to prosper in conditions of peace and stability."⁹¹ Mbeki continues to lend weight to this vision of the past (and present) by naming Ellen Kuzwayo, whom we recall had her electricity disconnected in the 1985 boycotts along with Winnie Mandela:

As we celebrate this important day we need to ask ourselves whether we are today using all the opportunities brought by freedom and democracy to prepare for a better tomorrow. Tomorrow, we will be laying to rest Ellen Motlalepule Kuzwayo, one of the exceptional human beings produced by our people, who has left us a legacy of dedication to freedom and democracy and service to the people, especially the poor...⁹²

Along with mythic history, consensus is also shaped by an autonomy of the present, annihilating of history in favor of a contemporary moment where all citizens are free and equal. For instance, as the crisis in Khutsong raged on, a special advisor for "local government transformation" in Pretoria spoke to the *Cape Argus* about public debt,

⁹¹ "President Mbeki Urges South African Municipals to Improve Local Services," speech re-published from SAPA website on April 27, 2006 by the BBC.

⁹² Ibid.

expounding upon the merits of liberal contract and taking for granted the inequality of “customer” citizens he said:

There has to be consumption billing. We have put in systems for an improved billing system. If water is supplied, then the meter must be read and fed into the system. Customer relations and dispute resolution mechanisms should be in place. Once someone is billed and they don’t respond and there is a query, municipalities should know how to resolve it. It will help enhance payment culture.⁹³

Of course, such an ‘improved billing system’ did not automatically cancel apartheid debt in order to bring everyone smoothly into the present. In this case, the autonomy of the present means erasing the history without erasing the debt.

However, it should be added that antagonizing and disrupting political consensus, as many service protests have done, also is a matter of asserting history and political subjectivity. As Trever Ngwane told the press in the build-up to the news media event that was the World Summit, “When we fought for our rights under apartheid they imprisoned us. Now, when we fight for our rights, they still imprison us... What has changed?”⁹⁴ Fifteen year-old Billy Khumalo, who marched from his home in Alexandra, days later, also explained his reason for joining the SMI coalition saying, “I don’t believe the government has delivered what it has promised... They say we have rights but whenever we express it, they try to silence us.”⁹⁵ Not long before and at another protest, people carried banners that read, “Don’t criminalise the freedom fighters,” while they chanted, “The people, united, will never be defeated.”⁹⁶

A most profound tension exists between the past asserted by a politics of consensus and the past asserted by these protesters. Namely, the protesters insist that democracy has yet to come, whereas mythic history and the autonomy of the present

⁹³ “Municipalities Owed R32 Billion in Arrears,” by Philda Essop, *Cape Argus*, April 21, 2006.

⁹⁴ “March Stopped Outside Wits,” South African Press Association (SAPA), August 25, 2002.

⁹⁵ “Who Supports the SMI?” *Mail & Guardian*, September 6, 2002.

⁹⁶ “March Stopped Outside Wits,” South African Press Association (SAPA), August 25, 2002.

suppose that democracy has already arrived. As Mbeki said in his Freedom Day 2006 speech, “In the past twelve years our country has experienced a stable democracy, entrenchment of freedom, a growing economy and steady progress in bringing a better life to all our people.”⁹⁷ Mbeki does not deny the slow pace of historical change or the persistence of poverty. He immediately adds: “However, like all of you, our government knows that we still have a lot of work to do before we can say that all our people enjoy a decent standard of living and quality of life.”⁹⁸ Still, Mbeki maintains a separation between “democracy” and a “decent standard of living” and the “quality of life.”

In response to Freedom Day 2006, Abahlali baseMjondolo, a shack-dwellers movement dedicated to issues of housing and services organized an event and printed pamphlets called “UnFreedom Day.” Like residents in Khutsong, Abahlali boycotted the last elections. The cover of the pamphlets is a photograph of a protest with a billboard in the background that reads, “You’ve been part of the solution: Thank you for Voting on 1 March.”⁹⁹ Inside are letters to Mbeki and local government officials from Durban-area townships and informal settlements, many which ask “How can we say there [is] freedom and democracy while we [are] living like this?”¹⁰⁰

Service protests call into question democracy’s uniform victory. That is not to say everyone has lost out under the ANC or that nothing has changed post-1994. Some people have undergone water disconnections, and yet some of the same people may see themselves benefiting from social grants, which were previously unavailable. Some people are desperately saving up money to send a child to a model C school, which was

⁹⁷ “President Mbeki Urges South African Municipals to Improve Local Services,” speech re-published from SAPA website on April 27, 2006 by the BBC.

⁹⁸ Ibid.

⁹⁹ Abahlali baseMjondolo pamphlet entitled, “UnFreedom Day” (2006).

¹⁰⁰ Quoted from a letter by fifteen year-old Lindiswe in “UnFreedom Day” (2006).

previously not allowed. Some feel alienated from mainstream political parties, and yet do not deny being able to vote as a very real and recent gain. If anything, these protests are a reminder that people do not experience democracy abstractly, but live in real places and face real issues. This point is by no means limited to South Africa. As countries like the United States spread and celebrate democratic freedom in Iraq and Afghanistan, what service protests do is form a critique of “real” democracy.

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