

What does democracy name in South African politics?

Some notes for discussion at CLP

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A living politics is the movement out of the places where oppression has assigned those who do not count (S'bu Zikode, *Talk at CLP Fanomenal Event*)

Democracy: what does it name?

I wish to begin by discussing the term democracy as deployed in public discourse in SA. My discussion is founded on and inspired by the ways AbM have questioned the term democracy as applied to the SA state. This questioning has not been picked up and debated by commentators, academic or otherwise. It has not been taken seriously, but I think it should be taken very seriously. Remarks by AbM have included at various times: 'democracy is for the rich not the poor', 'we do not count' (i.e. we are excluded from democracy) and 'elections are only for politicians' as well as the idea of 'unfreedom' (there is no freedom for the poor) and that of 'dignity for all'. These are very important innovations in political thinking in a context where 'democracy' has become a fetish which is never questioned, and therefore they must be taken seriously. 'Seriously' here for me means thinking about them both theoretically and politically. Lets start by examining the term democracy.

Steven Friedman defines democracy as 'every human being has an equal right to a say in decisions that affect them'. This he calls 'radical democracy' as opposed to 'liberal democracy'. I think this manner of looking at democracy is not helpful. Friedman's definition is normative. It concerns what he would like to see not democracy as it actually exists. In trying to understand democracy in SA today we must begin from what exists and not from what we would like to see.

As it exists today, the term democracy names two completely distinct phenomena:

1. It names a form of state with certain well known characteristics (regular elections by universal suffrage, division of powers, constitution and constitutionalism, independent judiciary etc etc). This state is more accurately referred to as parliamentarianism. Politics here - at the level of the state - are based on the power to manage differences/interests; democracy helps to balance such differences: parliamentarianism avoids all out war between powerful interests (different sections of the ruling oligarchy) (in this country for example racial business interests) (D1)

2. It names a form of politics or political practice deployed by people themselves in organisation, in making decisions etc. Politics here are based on principles not on balancing interests. (D2)

The 2 uses of the term democracy along with the politics they refer to are completely distinct and it is their conflation as different forms of the same thing (viz. democracy) which is at the heart of confusion in analysis and politics. They cannot be understood as 2 variants of the same phenomenon but only as totally disparate phenomena.

What Friedman names democracy - political equality - has been referred to by different names including: 'communism', 'egalitarianism' and so on, either as a future form of social organisation to be fought for, or indeed as a political practice in the here and now as in D2 (hence we can speak with AbM of 'living communism') but it does not, and I will argue cannot, exist as a form of state, for it implies the non-existence or at least the decline of the state in its current form.

Jacques Ranciere the French philosopher argues quite correctly that the notion of a 'democratic state' is an oxymoron. There is no such thing. All states are oligarchic; they reproduce inequality and hierarchy. This is the character of all states without exception. Of course there are differences between types of state, and the democratic state is not of the same order as an authoritarian one (e.g. conflicts between interests are not resolved in the same way), but they are both states and as a result they both give rise to an oligarchy because the manner they think politics is fundamentally similar.

There are 3 fundamental and related characteristics of the politics of any state irrespective of its form:

- 1) Orders and command: given the hierarchy of power and interests which it is the state's function to reproduce, the state can only think orders and command. Law is about the effecting of orders and the police is about ensuring compliance. Of course this does not preclude consent in any way as command is regularly seen as legitimate. State coercion is always present as a last or not so last resort.

- 2) Administration on the basis of a hierarchical system, what the famous sociologist Max Weber referred to (in the early 20th century) as bureaucratic 'rational action' but which is better referred to as 'managerial action'. The state always thinks politics as management, or better politics is always collapsed into management; (and today there is no distinction drawn between public and private management and administration, its all private). Also recall here how Foucault shows empirically that it was the military which was explicitly taken as the source of organisation for all state institutions in the 17th century in Europe etc. Given these features, Lazarus shows that there is always a contradiction between state 'politics' and principle.

3) The state is a machine for creating identities based on interests etc (as Badiou notes at some length in his latest book on *The Reawakening of History*). This is precisely because it manages and thus reproduces differences. I believe that AbM understand this in their politics. Elections are about getting politicians into power to defend their particular interests without threatening the general/national interest. Conflicts between such interests are regulated peacefully in parliament etc.

On the other hand, under D2 it is always principle(s) which is the foundation of politics. The only weapon which people have in their politics is organisation (discipline) and the only way of achieving consistently a common voice and making common decisions is by allowing every individual in the organisation a say, hence democratic politics. Democratic politics is always here subordinated to a number of principles held in common by the members of the organisation. These principles often take the form of prescriptions on the state (e.g. 'the people shall govern' was a principle as well as a prescription on the apartheid state in the 1980s).

Of course parties, NGOs etc also produce a common voice but this is done through hierarchy and command; they are therefore not democratic nor are they a state, although they operate within the parameters of state politics as they see politics as concerning management and command.

It should be clear that D2 is not of the same order as D1. D2 is politics based on principles and is anti-identitarian (it is for all young/old, men/women, poor/not poor etc), D1 is not. D2 is a rare occurrence and not guaranteed and it occurs in particular forms and situations and during specific sequences. D2 has been referred to as 'popular democracy' or 'radical democracy' but this is misleading as D2 cannot form the basis of state politics and is exclusively extant within a politics which does not operate within the limits of state thought, but rather one which exists 'at a distance' from a state logic. This is why it doesn't exist all the time. This doesn't mean that it doesn't 'engage' the state, but merely that it does not think within a state logic. In other words there can be no simple transiting from D2 into a state; any attempt to do so transforms principles into command. This distance between D2 and state is a gulf which cannot in fact easily be bridged (perhaps not at all without major transformation).

It is only D2 which constitutes democracy for Ranciere as the democratic state is an impossibility. D2 cannot form the basis of a state and all historical experiments at founding a state on D2 have ended in collapse, in failure or have been vanquished (e.g. Paris Commune, Russia in 1917, etc etc). Principle and command are incompatible perspectives. In fact a state based on D2 presupposes a state which is also not a state (a state in transition to total equality/communism) one experiment of which Marx had referred to as the 'Dictatorship of the Proletariat' (DOP see Badiou on this). It means in theory that the whole idea of hierarchy, expertise, professionalism, and command is to be undermined within the state. However the notion of a state which oversees its own disappearance did not work. Historically the

DOP turned into its opposite, i.e. into the dictatorship of the state over the people for the simple reason that command was not undermined but increased (e.g. Stalin).

Therefore to suggest continuity between popular/radical democracy and liberal democracy is to gloss over the fundamental distinction between state politics and a politics which proposes/anticipates a future in the present; between a politics which thinks within state categories and assumptions and a politics 'at a distance' from the state. AbM's democratic politics are a unique form of politics for which the term democracy refers to a popular practice; they are a form of D2. If the term democracy is to be used consistently we should perhaps follow Ranciere in restricting it to their politics and referring to the state differently.

How then can the state in SA be named if we were to drop the unhelpful appellation 'democracy'? I think here that in order to make clear the break between state and people we need to insist on the fact that the state is no longer the equivalent of the nation/people. We need to demarcate the state from the nation and to insist on the fact that the term nation-state is today clearly inappropriate. It is apparent that today the state no longer represents the people or the nation in Africa as a whole (and also elsewhere). It obviously represents more and more a small oligarchy; it has lost or is rapidly losing the ability to represent the people, the nation, the public interest or the public good. It is often at war with its own people; perhaps not to the same extent as in India for example, but the experience of AbM and others (e.g. LPM) suggests that at least certain sections of the state consider the people to be their enemy much as the colonial state did. I would suggest therefore an insistence on some notion of the neo-colonial (and not just postcolonial) 'postnational state'/oligarchic state in order to counter the old idea of the 'nation-state' which no longer exists. This term 'oligarchy' is commonly used in Latin America where it refers to small number of families which run the economy and state. In our case whereas the economy is not crudely oligarchic, the state is.

Parliamentarianism: representation, elections, corruption

Elections do not concern any form of popular political existence, but are simply a way of ensuring which section of the oligarchy (organising its interests in a party) controls the government. AbM is clear on this hence it does not participate in elections. In fact this was what the rediscovery of the idea of 'civil society' in the 1980s was supposed to do, viz. to involve more people via NGOs into the political sphere in order to overcome what was seen by power as the unduly restrictive domain of politics (political society), given the perceived decline in representativeness of political parties (and hence a certain loss of legitimacy by the state). This is a crucial point to understand (academic work on Poland, SA, Latin America etc as well as Europe illustrated this trend in the 1980s).

Parties represent a section of the people and are run by different sections of the oligarchy. The ANC sees itself as representing Blacks in general, the poor in particular (as most Blacks are poor). 'A better life for all' i.e. for the majority, but it has to address historical grievances hence it is obliged to subvert its commitment to liberalism. DA represents White liberals, and more generally those who feel their privileges are threatened by Black national interests (of the majority). Representation is therefore at the heart of parliamentarianism, but politics also exist outside representation, e.g. when people themselves begin by protesting and express their frustrations through 'direct' (i.e. unrepresented) action.

The idea of representation is contested; does the ANC represent the majority or only a small oligarchy? Elections are referred to in order to corroborate the former view, corruption among the elite in order to corroborate the latter. The media is full of reports of connections between state politics and corruption; i.e. a political connection is necessary for private accumulation. There is a culture of corruption which we are told is largely unavoidable and can only be managed between boundaries. Yet these boundaries seem to be expanding. But what is this basis of such individual acts of corruption? It is not a question of some psychological attributes or some individual's deviant behaviour or greed; nor is it the case that in SA accumulation is impossible outside the state. Fundamentally here the reason is that the structural and subjective distinctions between the public and the private no longer exist (this is a general characteristic of the neo-liberal state). One manifestation of this is the increased importance of public-private economic projects; their interests are more and more fused. Another is the collapse of 'public administration' into 'private management' as already noted.

In this context, the issue of corruption does not concern the simple stealing of public funds by individuals but more generally the 'privatisation' of the state - i.e. the 'neo-liberal state' (Harvey) - that is the disappearance of the idea of the public good or the public interest and its collapse into the private. What is good for the oligarchy is said to be what is good for the nation, even though this oligarchy is plundering national assets for example (most brazenly perhaps in Angola). This is corroborated in SA by the fact that White wealth remained intact after the 1990s so that Black accumulation is seen as redressing grievances justifiably. The problem however remains the unwillingness and/or inability to accept the independence of the state from private interests.

The solution to corruption is therefore not a matter of returning to the 'core values' of the ANC as is sometimes stressed. The ANC is now a party of state, not one with principles opposed to the (apartheid) state. So the problem is the state, not the ANC as such (nor the DA) but the state politics which they both adhere to. Therefore we first need to understand state politics/subjectivities, namely how the state thinks its relationship with people. How does the state rule? What is deemed possible and what is deemed politically impossible in hegemonic political discourse? We need to understand why the state is not representing the common good or the general

interest. For the state to place the public or national good at the core of its thinking and above private interest there must be a clear distance established between public interest and private interest. How can such a distance be argued for intellectually and fought for politically? This must be thought about very seriously for those who wish to think an alternative politics in the present period.

Political parties today are not seen as the only form of representation. Indeed when the same party is elected all the time, alternatives must be sought elsewhere. This 'elsewhere' is often said to be 'civil society' understood as a collection of organised interests, most notably NGOs and what are termed 'stakeholders' in SA. However several organisations do not form part of or are excluded from 'civil society'. AbM is one of them. Civil society is then better understood as a domain of politics from which certain organisations are excluded (or exclude themselves) and within which others are included. To be included in civil society is to accept the hegemony of state politics (to hold a stake in state politics?). We can understand this better if we look briefly at the way the state rules in Africa.

There are in fact 4 fundamental features of the state in Africa: 1) neo-liberalism, 2) neo-colonialism, 3) rule through distinct domains of politics and 4) what may be termed 'post-nationalism'. These are outlined in my paper on violence. I will briefly outline # 3) as the others have been alluded to already. The main point here is to stress different domains of politics where different modes of rule and political subjectivities dominate. In particular, the majority of people do not relate to the state within a domain of civil society and rights at all, but within what I term 'uncivil society' where the core of politics is founded on patronage not on rights.

Domains of politics and modes of rule

In order to get some clarity on the politics of the state and how these affect people, we need to look at how the state rules and the consequences of this rule on subjectivities, i.e. how we all think such politics. Central to the manner the state rules today is through what it calls 'civil society'. Civil society is said to refer to organised interests of 'stakeholders' but this does not help us to understand that some organisations are excluded from civil society by the state; not all organisations are stakeholders. AbM rightly rejects the politics of stakeholders.

I think that we need to understand 'civil society' to refer not to a list of organised interest groups but to a specific set of relations between state and people (just people not 'the people'). This set of relations can be referred to as a 'domain of politics'. This simply means that both state agencies and people tend to think and engage in politics within this domain in particular ways which can be accurately identified and described.

Within this domain of politics called 'civil society' relations between people and the state tend to be governed in thought and in practice by the 'rule of law', by human rights, by citizenship rights - in other words they characterise 'liberal democracy'. The specific way in which the state rules in this domain - what can be called its 'mode of rule' - is founded on the rule of law, not on arbitrariness, and violence is usually deployed only as a last resort. Civil society in this sense is the defining domain of politics in the 'democratic state'; it constitutes the way in which people are said to relate to the democratic state and the way the state relates to them. Most analyses (academic, journalistic) equate this mode of rule with the 'democratic state' (i.e. they see this as the only mode of rule), but this is only one of the ways in which the democratic state rules as we shall see below.

Various organisations acting within this domain of civil society (NGOs, social movements, etc) 'represent' interests of various kinds (businessmen, workers, women, ethnicities, HIV-Aids sufferers etc etc) as well as the state. Politics here is thought as a process of representation. Leaders, usually 'educated' - i.e. middle class people - take leadership positions in organisations which are centred around the defence of particular interests. They negotiate with the state around asserting their interests (more jobs, higher wages, better conditions, freedom of expression, delivery etc). Central to thinking politics here is the idea of the individual property owner with rights (the 'burger' in Hegel and Marx, hence Hegel's formulation of 'bourgeois society' which has often been translated from the German as 'civil society').

Within this domain of politics the state rules (exercises its sovereignty to use the technical term) in a particular way. As noted it follows the precepts of the rule of law. Specifically this means that state arbitrariness is minimal, individuals have the right to rights, i.e. they have recourse to the law (when they can afford it), state violence is deployed legitimately and people have the right to redress when they have been wronged. They can exercise this right to redress through the courts if they can afford to.

Of course progressive legislation has led to the opening up of political space within civil society for e.g. social movements to organise, but the hegemonic modes of thought in civil society are state politics. This is not simply because NGOs act (for the most part) as simple state proxies, but for more complex subjective reasons. In actual fact both NGOs and social movements overwhelmingly tend to think politics in state terms and the sociological distinction drawn between them (i.e. the former have 'clients' and the latter have 'members', from which it follows that the latter are supposedly progressive and the former not) is of little relevance when it comes to thinking their politics. In any case it should be clear here that we can have very progressive NGOs and very reactionary social movements, this ultimately depends on their political choices.

What is important as regards politics is that social movements and NGOs are overwhelmingly 'interest groups' (organised interests), i.e. they represent interests of various sorts and therefore their politics are overwhelmingly the politics of representation with the result that their mere existence (however much they may 'resist', 'protest' or 'critique') provides us with no more than examples of state politics. A universal politics of emancipation on the other hand is not given by social movements; if it is to exist, such a politics must be created, it must step out from its limitations of interest, from its confines of place. (Incidentally, the mass movement of the 1980s particularly as represented by the UDF was able to do so for a period of time; I have argued that this capacity ended with the second state of emergency in 1986). In so doing, the organisation concerned ceases to be a social movement in the strict sense and transcends place while remaining localised. We can call this process a singular process to distinguish it from a notion of the particular. It overtakes its location, and its politics have the potential to become a universal politics (a truth in Badiou's terms); it creates itself as a collective subject of politics (to use the philosophical term).

Unfortunately a name for the transformed organisation does not yet exist. It was a social movement which is now in the process of becoming political in the true sense. I believe that AbM have reached this stage. I do not think they are a social movement any longer but an organisation whose politics represent all people: young/old, poor and less poor, urban and rural, men and women etc – their universal politics explains the resonance of their politics in many different countries. What they are to call themselves remains still open (this problem of naming appears for example in the notion of 'abahlalism' used by S'bu Zikode - the organisation is rightly seen as unique and as yet un-categorisable).

In addition to civil society, I can think of 2 other domains of politics in South Africa: a domain of politics which may (for the moment) be termed 'traditional', and another which I choose to refer to as 'uncivil society'. In the domain of tradition, politics - the relations between state/power and people - is conceived in terms derived from tradition (whether originally African or not). Here a discourse of rights is not central but a discourse of 'custom' or 'culture' is central. Politics is thought through categories of custom and culture. The powers of chiefs are 'customary', 'a chief is a chief by his people', women can only access land through men, religion is to be the basis of law, etc, etc. I do not wish to spend time on this at this stage as it is not central to our current discussions, yet given the critique of the secular state in many parts of the continent and the continued prevalence of traditional rule in rural areas, this mode of rule is of great importance to large numbers of people.

I rather wish to make a few points about what I call 'uncivil society'. The idea of 'uncivil' is not meant to suggest that this domain is 'uncivilised' but rather that here people do not have a full and uncontested right to rights. Rather the right to rights (see Arendt) has to be constantly fought for. It is not given. The organising principle of politics (both in thought and in practice) here is not rights and the rule of law, but

patronage (access to resources takes place through patronage and power, not rights, education etc). People within this domain cannot be considered and are not treated by the state/power as (full) citizens. Of course people have access to the law in theory, but overwhelmingly cannot afford it unless they are backed by progressive legal practitioners who provide their expertise for free, or are paid by NGOs etc etc. As politics is not governed by rights but by patronage, force/violence is regularly deployed. Here the state does not rule only or even primarily through the law but also through the regular deployment of violence. This is often a 'first resort' and not a 'last resort'.

The exercise of (or the attempt to exercise) rights (e.g. by women, foreigners, youth, etc) come regularly into conflict with patronage and power both by the state (e.g. councillors, police) and people with power (businessmen, criminals, party bosses, etc) who exercise patronage over the politically weak. Here the rule of law does not prevail (or prevails only partially). The police, party bosses etc can exercise their power (if they can get away with it) in illegal ways. The main restriction on such power is alternative power rather than the law as such.

Now even though these political domains are linked to location/space and class, they are not reducible to spatial location (rural, formal urban, informal urban) and class (poor, rich). Of course the poor and shackdwellers tend to relate to the state in uncivil society, while the middle class and rich tend to relate to the state from within civil society; but this is not always so and political relations must be thought of exclusively politically so as not to think in terms of representation. Neither are the boundaries between these domains always clear and evident. Ways of thinking and exercising politics frequently overlap the legal and illegal, the legitimate and the illegitimate, the peaceful and the violent, etc. The fact the Abahlali were able to use the law to win victories means that their politics operate both in civil and in uncivil society. But the point remains that they were subjected to illegal violence simply because they were attempting to exercise their rights within uncivil society! Their exercise of rights threatened the politics of patronage and violence. This means that within uncivil society, people are not seen as full citizens bearing rights. Xenophobic violence also becomes more easily explicable.

Of course the politics of uncivil society play a crucial role in reproducing the ANC in power both locally and nationally. It is within these relations that most ANC voters live. Hence the democratic state can be seen to be founded at least partially on undemocratic foundations. It also means that local and regional ANC structures engage in forms of politics which may differ systematically from the form they take at national level. Completely different logics may therefore be at work and the police, the media and the courts (inter alia) may be fearful of local power wielders and their exercise of violence (or the threat thereof).

What the above distinctions mean is that deployment of state power and reactions/resistance to it are likely to differ in each domain. The subjective parameters within which politics are understood in each domain also differ. We cannot understand the relations between state and people as if these all take place within a unique domain of civil society and the existence of more or less rights of citizenship. This is what Steven Friedman does for example. He sees the state as pushing in one direction to assert its power (which leads to more state authoritarianism) and people's organisation as pushing in the other direction (which leads to more democracy). This assumes a common domain of politics and a common way of thinking about politics throughout society, one founded on citizenship rights.

The point must be maintained that ways of thinking politics and domains of politics differ. Otherwise I do not think that the violence unleashed against Abahlali in Kennedy road can be adequately explained for example. Abahlali (as they say themselves) were fundamentally subjected to violence because they threatened the system of patronage politics (among other reasons of course); in other words they threatened the politics of uncivil society. The fact that the unleashing of violence in uncivil society is seen as legitimate means that it is going to be exceedingly difficult to hold perpetrators to account by the law. No one has as yet been held accountable for the 62 murders of apparent 'foreigners' in May 2008 and they will not be. Why? Largely because such violence is unfortunately part of everyday life in uncivil society and people know that it happens if you cross the powerful. Moreover, people often see it as legitimate even though they might not always agree with it ('This is the way the strong behave! What can we do?'). Also and crucially because there is not always a popular organisation backed by well known figures in civil society to push politically for the rule of law within uncivil society. In order for 'living politics' to live it will need to be protected from 'dead politics', the politics of violence inherent in the state itself.

Revolution and the NDR

Is revolution an alternative to democracy? How are we to understand the term 'revolution' today? A few words on the idea of revolution as in the ANC's NDR: it is not national (the majority are excluded/inexistent), it is not democratic (see above) and revolution has not meant changes in state practices vis-a-vis people. Revolution has meant primarily a largely superficial change in state form in the sense that the oligarchy the new state produces is now different from the old one which was produced before (although of course a number of formal freedoms are now instituted in a Bill of Rights, even though there is evidence of such formal rights being threatened all the time: e.g. media freedom, judiciary, gender equality, etc). In any case, the term revolution as currently used refers to a change in state form, not to a change to politics beyond state thinking. We may therefore have to find a new term as the old one is deficient.

If the simple facade of a democratic consensus (and it is indeed a fragile consensus) within the domain of rights shows signs of disintegrating, we could end in a disaster of a reactionary kind (ethnic communitarianism=fascism) unless we are clear regarding the fallacious character of current democracy which covers up the private in the public. If the democratic state were to come under threat by ethnic communitarian politics for example, it seems certain that no one will stand up to defend democracy as it exists because the idea of democracy which the people of SA sacrificed so much for has been so thoroughly corrupted. The point of a progressive politics then should not be one of defending or deepening democracy, as it does not currently exist, but of creating it. This means thinking politics 'at a distance' from the state (as Lazarus says).

Thinking politics at a distance from the state

It seems to me that in thinking politics from hereon we need to insist that we need to take our cue from what people actually do. How for example do AbM try to ensure their existence and push their politics forward every day? If we do this we can begin to think that a politics of equality should be practised in a manner which challenges current state modes of rule and which forces the state to listen and accept an alternative perspective of equality. As you know better than I do, this is not easy but it is to my mind the only way forward.

Thinking politics 'at a distance' from the state simply means not thinking politics from within the parameters of state thought and logic but thinking it from the perspective of what people think, at least those people like AbM who manage to think outside state parameters. The questions posed and solutions proposed must not be of the same order as those proposed by state politics. In particular this means rejecting the common idea that if you want to change things you must get yourself elected to some position or other in the state. It is not simply that elections legitimise the state, it is more that thinking along these lines makes one think like a state, makes one think about delivery, provision, stakeholders, etc etc, in other words it makes us think in terms of de-politicisation.

In order for politics 'at a distance from the state' to be sustained this usually requires fidelity to something which happened before (an event) within which you understood that things could be different, that people could organise themselves outside state thinking and which produced an affect of enthusiasm. [For me like many here this event occurred in the 1980s]. This enthusiasm will of course wane at times, but then it can be rekindled simply (!) by allowing oneself to experience the effects of a truth which people have come to understand. Re-politicisation sooner or later follows de-politicisation, at least among some.

It is quite apparent that in this country during the mid 1980s, the politicisation of large numbers of people was made possible by affirming a 'new nation' within which people could acquire some kind of control over their daily lives; in this sense the 'new nation' was not about incorporating Blacks into an already existing White nation as is sometimes asserted, but about creating a completely new one. Politicisation created enthusiasm and self-regulation. Of course there were excesses at times but this is unavoidable in periods of popular upsurge. The point is that people were able to affirm their political existence on the scene of history.

Slowly however they became depoliticised, for a whole number of reasons. One such reason was that they believed that they could leave politics to someone else, to their leaders. If leaders are not controlled by people (remember 'report backs'? what happened to them?) and not responsible to people they will go ahead and make sure people can no longer think for themselves. Not because they are 'betraying' or because the movement/party has 'degenerated', but simply because this is the logic of state politics. We need to internalise this understanding. People cannot be depoliticised (depoliticise themselves) and then show surprise at their loss of power. The affirmation of their existence has to be fought for again and again. Hopefully we are all becoming clear enough on this issue not to let history repeat itself too often!