

Locusts on the Horizon

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Taking over a mode of rule is not the same thing as transforming it. Barack Obama is not George Bush but that fact makes little difference to the bankers looking for a public subsidy or a wedding party in Pakistan at the moment when a drone rushes out of the sky.

Time and again governments that have come to power on the tide of popular resistance to oppressive systems have ended up reinscribing central aspects of the systems they had opposed. It's easy enough to imagine that on the eve of independence in India or Ghana it really did seem that everything else would follow on from the seizure of political power. But here in South Africa we had half a century of post-colonial disappointment to caution us against the idea that all we really needed to do to realise a genuinely post-apartheid order was to have the national liberation movement take over the state. Almost twenty years after apartheid the reality is that from education, to policing and housing we are actively reinscribing rather than undoing central aspects of the logic of apartheid.

The argument that recommends a politics of patience on the grounds that overcoming 'the legacy of apartheid' will take time is outrightly dangerous. It's dangerous because in many areas we are not seeing slow but steady progress. On the contrary the transit camp came after the RDP house and we didn't start out with a politicised and militarised police force. The aspects of the logic of apartheid that are being reimposed on society are those that seek to contain and control. This is the unifying drive that links spatial segregation, brutal policing methods, anxieties about the free flow of information and the increasing degree to which access to work and welfare is tied, for the most vulnerable people, to the performance of political obedience. One of the most urgent fronts in the struggle to hold to a democratic vision in the face of an increasingly authoritarian populism organised around crony capitalism for the rich and welfare and repression for the poor is the ongoing attempt to reinscribe the power of what we are told is a traditional form of authority in the former bantustans.

In fact the best historiography that we have shows that the past, far from being a realm of stable custom and lines of authority, was characterised by all kinds of diversity, ethnic and political, as well as manoeuvring and contestation within as well as between polities. Much of what is presented as 'traditional' today has been profoundly shaped by attempts by colonialism and apartheid to fix the understanding of what was customary in ways that, using the language of ethnicity, tied people to specific lines of authority and firmed up authoritarian tendencies in customary practices while actively seeking to eviscerate democratic practices.

In September 1880 Bartle Frere, the Governor of the Cape Colony, set up a commission to investigate how the colonisers should govern the colonised. Theophilus Shepstone, who had spent thirty years directing the colonial project in Natal, was a key witness. Shepstone declared that "The main object of keeping natives under their own law is to ensure control of them." Under apartheid the language of the state had to shift and the 'Bantu Authorities Act' of 1951 claimed to restore "the natural native democracy".

The ANC's position on traditional authority was always divided but since the 1950s there was a clear critique from within some influential strands in the movement. In 1984 Govan Mbeki argued that to force traditional authority on people “is not liberation but enslavement” and the UDF took a very clear position in support of elected village councils. By the late 1980s traditional authorities faced serious popular resistance in many areas and in some cases had become entirely discredited. But as Lugisile Ntsebenza argues the ANC in government, after ten years of prevarication, “ended up giving powers to traditional authorities on pretty much the same lines as its predecessor, the apartheid state.” In his estimation a key reason for this is that traditional authorities were far better organised than popular organisations or NGOs with more democratic aspirations. Today, despite some scattered sparks in the ashes, there is little sustained popular organisation in rural areas. Traditional leaders remain vastly better organised than their subjects.

A social order that had fully transcended the logic of apartheid would be one in which the former bantustans were fully incorporated into a unitary and democratic political order. It would also be a social order in which there was massive investment into these areas in which the labour of women nurtured the families that provided the basis for the migrant labour system that was the foundation of white prosperity. This would be understood as a question of justice rather than welfare.

But in some respects the political logic of the bantustan, of a separate and unequal space, is being actively re-inscribed today. The latest move in this direction is the Traditional Courts Bill that, drafted on the basis of consultation with traditional leaders rather than their subjects, aims to significantly increase the power that traditional leaders are able to wield over their subjects. It does not meaningfully confront authoritarian practices, some of them plainly gendered, that are already being legitimated in the name of a state sanctioned interpretation of tradition. Women with roots in rural areas and political views as diverse as those held by Mamphela Ramphele and Nomboniso Gasa have expressed acute concern. Gasa has even mobilised the metaphor, by way of a poem written after the Biafran war, of locusts descending on our farmsteads.

For many people, women and men, the shack settlement is the way out of the post-apartheid bantustan – the way to access to the city, find work and, in some cases, to escape the despotism of authoritarian rule legitimated in the name of tradition. This is one reason why shack settlements have become a space of acute political intensity. It is also one reason why there is often real rage against ward councillors that conduct themselves as if they were born to rule. In recent years the rural crisis, which is political and economic, has more often come to ahead in the urban shack settlement than in the rural areas.

But it would be a serious mistake to assume that the flight to the cities, and people's willingness to make their political stand in the cities, means that we should assume that holding on to the possibility of emancipation is simply, as some commentators seem to assume, a matter of posing a liberal form of modernity against custom and tradition.

Liberalism is a double edged sword. On the one hand it's affirmation of individual rights can be emancipatory. For instance it is not unusual to hear younger women confidently and effectively mobilising liberal ideas of gender equality against men and older women who sometimes use the language of tradition and culture to contain the autonomy of young women. But liberalism is also often blind to the limits of its institutions that are supposed to realise rights in practice but which, while claiming a universal reach, systemically exclude the people that most require them.

The liberal democracy to which we are committed on paper has failed many South Africans in practice. It is relatively uncontroversial to assert that it has failed many of us economically. The realities of inequality and poverty – in and out of employment – are so stark that not many would dare to deny them. It's equally uncontroversial to point out that institutions like schools, hospitals and courts remain places where gross inequalities are actively re-inscribed every day. But democracy has also failed many of us politically. Given that all citizens have the vote and, in principle, the guarantee of various rights, this is a more controversial claim. However winning rights in principle is a different thing to realising them in practice and the lived realities at the underside of our democracy are a world apart from the ringing declarations of our constitution.

The lived reality for many people is that their right to participate in political life, on their own terms and as the equals of all other people, is actively, deliberately and often violently curtailed. It is far from unusual for traditional leaders, local party structures and, in some cases, NGOs to act as if their assumption of a right to represent people that they consider to be under their authority exceeds the legal right of people to represent themselves to the point that their independent participation in political life is treated as criminal or consequent to malicious external manipulation. The legal country, as Antonio Gramsci said of Italy almost a hundred years ago, is not the real country.

And at a moment where there is considerable general alienation from liberal democracy, much of it rooted in the lived experience of its failures, and some of it taking the form of genuinely popular arguments for a return to tradition or culture, traditional leaders are well placed to legitimate the extension of their authority. But traditional leaders do not have a monopoly on customary practices and these practices can take emancipatory forms. There are, for instance, customary practices, including mechanisms for allocating land or resolving disputes, that, often appropriated in urban shack settlement governed outside of traditional authority, and sometimes reworked to change their gender dynamics, can provide poor people with access to land and some forms of justice, sometimes restorative and much more humane than the criminal justice system, in ways that the market and liberal institutions can not.

As Mahmood Mamdani has argued “For every notion of the customary defined and enforced by the state, one could find a counter notion with a subaltern currency.” The political task, he concludes, is to “reject embracing an uncompromising modernism or traditionalism” and to rather “disentangle authoritarian from emancipatory possibilities in both.” Neither a fundamentalist adherence to political liberalism nor a turn to a state sanctioned interpretation of tradition will open democracy to all. That prospect, which is remote at the moment, requires popular and democratic political empowerment that can transform institutions and modes of governance, be they in rural villages or urban communities, from below. After all democracy is the rule of the people – all of the people.

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