

Dark corners of the state we're in.

Introduction

Just after the attacks on Kennedy Road in 2009, S'bu Zikode, then President of the shack-dwellers' movement, Abahlali baseMjondolo said:

This attack is an attempt to suppress the voice that has emerged from the dark corners of our country. That voice is the voice of ordinary poor people. This attack is an attempt to terrorise that voice back into the dark corners. It is an attempt to turn the frustration and anger of the poor onto the poor so that we will miss the real enemy. ...

Our crime is a simple one. We are guilty of giving the poor the courage to organise the poor. We are guilty of trying to give ourselves human values. We are guilty of expressing our views. Those in power are determined not to take instruction from the poor. They are determined that the people shall not govern. What prospects are there for the rest of the country if the invasion of Kennedy Road is overlooked? ... Our message to the movements, the academics, the churches and the human rights groups is this: We are calling for close and careful scrutiny into the nature of democracy in South Africa.

29th September 2009.

Two years on, that call remains important: what was revealed, and what must we all learn, about 'the nature of democracy in South Africa'? This paper is a small contribution to that task. In it we outline some of what we have learned at the Church Land Programme (CLP)¹. We undertake this mindful of Jeff Guy's caution that those living outside the worlds of the poor "do not have the lived experience of what it means to be *within* them. This is not to argue that because one has the privilege to live in formal legal housing one cannot understand the lives of those in informal settlements. ... The difference however lies in the consequences – the life of the imagination is a safe and secure one – the outsider, the sympathiser does not have to take the real consequences – the consequences for example to the lives and property and comfort and security of those who suffered in the attack on Kennedy road in September 2009 and who continue to do so. It is this that makes all the difference" [Jeff Guy].

Acknowledgement

We are indebted to a small group of exceptional thinkers who joined CLP during September this year for a round-table discussion to open up some of the key aspects. Although this document reflects CLP's own thinking, we do want to acknowledge the contributions of all those who attended: Richard Pithouse, Rev. Mavuso, Gillian Hart, David Szanton, Ayanda Kota, Jeff Guy, Zodwa Nsibande, Steven Friedman, Richard Ballard, Anne Harley, Madalitso Mtine. We've benefited from their individual analyses; drawn on the material they prepared; and learned a lot from the discussion and debates between them. For all of that we are seriously grateful – but they're not responsible for what we've done with it here.

1 We should be clear that this document is not a forensic examination about what happened in the attacks. For that, the best account remains Kerry Chance's careful research paper "**The Work of Violence: A timeline of armed attacks at Kennedy Road**", *School of Development Studies Research Report*, No. 83, July 2010; available at <http://sds.ukzn.ac.za/default.php?3,6,684,4,0>. In addition, a wealth of information, statements, and commentary has been aggregated on the Abahlali website at: <http://abahlali.org/taxonomy/term/1525>.

Defend democracy

'living politics' **is** democracy properly understood, a real movement of reason and force ,
an emancipatory praxis

There remains something inherently shocking in the claim that South Africa's post-apartheid, African National Congress (ANC)-led state might sanction naked and violent aggression against the organised voice of its ordinary people – and yet, seventeen years after our celebrated 'transition to democracy', that fact is precisely the place we must begin. In a context where 'the poor' are so ubiquitously invoked to justify every noble project and programme of the state **and** 'civil society', it is surely scandalous that they are beaten back into oblivion by the very proponents of those noble projects – and yet that fact is precisely the place we must begin. For many people, here and around the world, the ANC, the post-apartheid government, and/or its associated organs of 'civil society' are still regarded with legitimacy; still seen as the vehicle for liberation – or at least of 'development'. But in the shacks of our cities, on the farms in our countryside, in rural dumping grounds ruled by chiefs, in the despondent queues of rising numbers of unemployed, the experience of the masses of the poor erodes that legitimacy, for they know with certainty by now that they do not count. And it is their consistent experience that when they organise, independently of the mastery and architecture of the State and the Party and 'civil society', to assert on their own terms that they **do** count, they are met with contempt, derision – and violence.

The history of the shack-dweller movement, Abahlali baseMjondolo (AbM), exemplifies these truths. One of its founding demands is that you must not speak for us, but with us. And this demand is a radically democratic one, not a liberal democratic one; not a mere gesture towards an empty word. The movement has always insisted on defining itself before others define it; on honouring the intelligence and politics of 'ordinary' poor people living in shacks rather than accepting the patronising tutelage of 'progressive' outsiders; and of articulating and nurturing a 'living politics' from the ground up, rather than acquiescing to a 'party politics' dictated from the top down. And from the beginning, the movement has incurred contempt, derision and violence – certainly from the state, its politicians and its police, but also from civil society and the vanguardist Left. AbM's 'living politics' is not a political posture abstracted from the real life of real people. On the contrary, it is nothing less than the praxis of dealing with that life, and of movement towards resolving its challenges in and through a radical politics where everyone counts.

For us at CLP, that 'living politics' **IS** democracy properly understood, a real movement of reason and force (as Fanon might have put it), an emancipatory praxis. Two years back when CLP hosted a public event to increase public awareness and understanding of the Kennedy Road attacks, we headlined our posters: "Democracy Under Attack!". This was not intended primarily as a call to defend the liberal 'democratic' state. What was under attack was the real democracy of the living politics of a grassroots movement – and the antagonists were precisely the nominal bastions of 'democracy' and the 'democratic' state. So, what is casually and routinely called 'democratic' is, quite simply, not. This has been made abundantly clear to CLP through our work with movements of urban and rural poor. To 'defend democracy' then, is not at all the same as defending the 'democratic' state – rather, it is fundamentally the decision to stand with those who fight for freedom. Perhaps ultimately the real importance of the 2009 Kennedy Road attacks lies in understanding the implications of that decision to stand with those act.

Perhaps the key – and certainly the most disturbing – implication is that the rights and freedoms of our liberal democracy are effectively absent, un-real, and denied to the poor. Reflecting on the lessons learned from *within* AbM, a participant at the round-table discussion put it is this way:

Our lesson is: If you are poor in this society, you do not have rights or freedom. We have these 'rights of expression' and 'free association', but Willie Mchunu says Zikode is running his own organisation. So we learn that people must not organise themselves and if they do they are a threat to government. And that is not just in Durban. In Northern KwaZulu-Natal, people are told that if they associate themselves with AbM, they will get nothing from the municipality. This is another form of attack.

Biko said, 'Black man, you are on your own.' For the poor, it is the same thing: you must not question, you must not think for yourself, you must not speak. You are on your own”.

Of course that reinforces the point that what is called democracy in South Africa is not because, as Steven Friedman puts it, “democracy is for everyone, or it is nothing”.

The perception that within this country we have 'two South Africas' is of course not uniquely held by the poor or by grassroots movements. Jeff Guy quoted Cuban leader, Fidel Castro saying in 1998 that “There are still today two South Africas which one ought not to call the 'White' one and the 'Black' one. That terminology should forever be dropped if a multiracial and united country is meant to be created. I would rather put it this way: two South Africas – the rich and the poor” (Fidel Castro, address to SA Parliament, September 1998). Similarly, Rev Mavuso commented that “there is a new status to the term ‘democracy’ where property is valued as a qualification for office”. What is essential to grapple with, is the *political* dimension of this reality. Steven Friedman agreed that there *are* two South Africas. We are familiar with the debates on social and economic exclusion. But the prior division is between the democratic and the non-democratic: there is a South Africa where people have substantial democratic rights and there is a South Africa where people have only the vote and are otherwise not heard. ... We have a national debate that, without even noticing it, defines South Africa as that 30% of people who participate in the national debate. ... Our media conflate the 30% with South African society as a whole. ... The reality that the elite defines itself as the whole of society creates a double bind for the majority of people. It reflects entrenched power relations. To shift that, marginalised people must mobilise themselves. But it takes resources to mobilise and marginalised people do not have resources. ... The grassroots reality of power in this country is very variable for the 70%. Besides the obstacles of resources etc., they are confronted by very undemocratic power holders who will fight to the death to hold their power.

In the mythology of liberal democracy, the rights and freedoms of citizens are held to be the frame within which we all work together to solve our common problems and build a common, better future. AbM's struggle has repeatedly spelt out a number of those challenges that really do need urgent and collective resolution if the harsh realities of life of the poor are to be put behind us. But, as one participant put it:

even if it was possible to do something about the legal, the economic, the environmental, the basic support services, that is, the immediate practical problems, there is something even more disturbing shadowing them – the strong suggestion that recent events show that **those who attempt seriously to confront these problems will not be allowed to do so**. That the more successful the attempt to solve the problems of poverty, the more those who hold power, or seek power, feel threatened.

Thus it is not simply that 'democracy' does not exist for the poor. It is violently denied the poor when they abandon their allocated places as passive and silent objects of others' projects, and assume instead their place as subjects of their own life. It is critical to recall that senior representatives of provincial government descended on Kennedy Road in the aftermath of the attacks announcing that what had happened was a "liberation" of the community from 'undemocratic' forces. Slandering AbM and its leadership as criminal and anti-development, they imposed a localised regime of control through party-political structures of the ANC.

Remember September

Remembering the time of those events, one participant remarked that September is Heritage Month on the official calendars: "The reed dance is on next week; King Shaka was assassinated in September; Steve Biko was killed in September. Also in September, Thabo Mbeki was recalled by the ANC. That is when the victors of Polokwane came in and John Mchunu, who started out in Inkatha, took the chair of the eThekweni ANC region. That is when we heard people say they will shoot and kill for Zuma. September 2009 is also the month of the attack on AbM. Their demands for rights, dignity and respect are met by bullets. Just days before, we were celebrating the launch of **Living Learning** at eMmause. In 2009 we were challenging the Slums Act. On September 26th, AbM was meeting the lawyers who were taking the case through the Constitutional Court. The attack took place that night. The police were called but they watched people's houses burn.

"There were three theories about the attack:

1. It was a response to the so-called curfew; a dispute between AbM and shebeen owners who were siding with criminals.
2. That it was about ethnic identity. Xhosa and Pondo people were targeted for arrest.
3. It was the ANC against AbM. Senior politicians arrived at Kennedy Road following the attack and wanted to dissolve AbM. They said they were arresting tsotsi vigilantes. They wanted to arrest S'bu Zikode.

"Thirteen people were arrested on charges of murder. They were jailed and tortured. Some got bail after four months, some only after 10 months.

"A month after the attack, AbM won its case in the Constitutional Court. This was a victory but the entire leadership was then in exile.

"At the court proceedings of those arrested after the attacks, our suspicions that the ANC organised the attack were confirmed. ANC people were bussed in, they arrived at the court and were very aggressive to AbM people. But the magistrate was angered to see people wearing red [AbM] T-shirts. And the prosecutor said that there was big pressure from the ANC government to put these people behind bars with heavy sentences.

"The intimidation made it difficult for people to be in court in solidarity with AbM.

"In court, it emerged that the prosecution witnesses did not write their own statements. Witnesses said that when they identified people, the reasons for identifying them were misconstrued. People told the court they were called to a meeting where they were singing Zulu songs. That meeting went on from 9.00 in the evening to 1.00 in the morning. Surely it is clear that only half of the truth was told in court.

"Two people died. Both were in the meeting that was called that night. What was being discussed there? They said in court that they were waiting to catch S'bu and his committee. They said in court that they were later dispersed by the police. We still have questions: who killed the two men? Why were people armed? Who called the meeting? The Pondos came back only at 3.00 that morning. Why were they arrested?"

Ruling ideas of the ruling party

the ANC-State consistently creates a 'tone' that green-lights aggression against autonomous grassroots power

Clearly the attacks, and the role of the elements of the ruling party, help illuminate our understanding of the evolving character of the ANC. Commenting on the theme of nationalism and how it features in the ANC's hegemonic project, Gillian Hart remarked on the changes that have taken place in the decade starting 2000:

2001 was a key turning point and the land occupation at Bredel was the defining moment. That is when the moral authority of the ANC cracked, creating a moment of crisis for ANC hegemony. The Landless People's Movement (LPM) then took shape and this was followed by the World Conference Against Racism where new social movements emerged. At the World Summit on Sustainable Development in 2002, the ANC was hugely embarrassed by the social movements' march and the contrast with its own march. At the 2002 Stellenbosch ANC conference, the political heavies started hitting back. Mbeki emerged triumphant at the head of a conservative ANC alignment. In July 2003, he gave his 'two economies' speech. The effective conclusion was that those in the second economy are not needed by the first, but there was a need for a social safety net. Consequently, government started increasing its funding for social services. In 2004 we see the emergence of 'movements beyond movements'. In Harrismith a local protest turned into a riot with the police killing a young person. This year the police killed Andries Tatane in Ficksburg. (Recall that in Paris, Tunis, Athens and London, it is the killing of a young person that sparks riot or revolution.)

What is the relationship between municipal protests and how the ANC moves in on protest? People are working with both 'the ballot and the brick'. Within the ANC, the Youth League has moved very powerfully into the branches, setting the scene for a very interesting generational struggle. The hegemony of the ANC is morphing into a different shape. The re-statement of state power is confronted by the attack on Luthuli House. This is a very challenging context for AbM - the movement is inserted into a situation in flux. Indeed AbM's existence and actions insert a troubling element into that flux – namely, an actually democratic praxis.

AbM does not only have problems with the ANC but with other parties too. AbM leaders in Eshowe were kidnapped by local Inkatha Freedom Party (IFP) people who then negotiated through eThekweni IFP with AbM leadership. The IFP then concluded that S'bu Zikode was a good guy and asked him to join the IFP! In iDududu, then an IFP council, they banned an AbM march.

Nonetheless the events of two years ago are certainly revealing of a deeply intolerant tendency within the ANC specifically. Ayanda Kota of the Unemployed Peoples Movement (UPM) recalled that when he was young, Black Consciousness (BC) members were chased out of Grahamstown by the ANC. Their houses were burnt, they were assaulted and some were killed. "You could not whisper your affiliation with BC at that time". There is evidence of real continuity of this intolerant strand today: the UPM were told by an ANC member that the UPM was discussed at a recent lekgotla where it was said that 'the matter would be dealt with' and a task team was formed. "Shortly thereafter, prominent people who had supported us stopped doing so. So is it confined to the local or is it about the character of the ANC – which believes it is just them who brought liberation?"

What remains a matter of debate is whether, or to what extent, the deployment or endorsement of covert violence and repression against autonomous grassroots movements is a generalised and coherent plan for the ANC nationally. In other words, was what went down in Kennedy Road two years back to be understood only or primarily in terms of local power dynamics? Certainly local grievances of local power groups (for instance shebeen owners) appear to have been mobilised to put an attacking force together. It's also true that overly conspiratorial explanations invariably grant more coherence and power the perceived enemy than they deserve (and that in turn can have the inadvertent effect of making the task of resistance seem Herculean). But even accepting that the patterns and effects of local power are crucial, important questions remain. If nothing else, participants pointed out that the ANC-State consistently creates a kind of 'tone' nationally that green-lights aggression against autonomous grassroots power: "There was a national cabinet lekgotla to discuss the response to local protests shortly before the attack. We don't know what was discussed but I wouldn't rule out some form of authorisation". That is not the same as insisting there is a coherent plan and nor does it imply that, in these matters, the ANC works off a confident and powerful strategic base! Participants noted that "it doesn't take much to make the ANC panic. But intolerance does not necessarily translate into a group of people planning local attacks in Luthuli House".

Discussing the Kennedy Road attacks in particular, one participant at the round-table argued that "we don't know how high up the authorisation or planning went - but we do know a fair bit. AbM boycotted the 2006 election. At the subsequent ANC victory rally, Bheki Cele threatened violence against them. Local journalists also quoted John Mchunu, who was making lots of money out of housing contracts, saying some alarming things". Another recalled that "some of us have been told off-the-record that Mchunu said the attack must happen but there is no hard evidence for that and we don't know if it's true". Based on what we know, what we hear, and what we see then, it would seem plausible then that provincial and local ANC leaders may have encouraged, suggested, authorised or even commissioned and planned the attacks - and even that they may have cleared it nationally. Participants noted that the same patterns of repression seem to be happening in different parts of the country; that the ANC has the same response in Grahamstown, as in Durban, as in Cape Town: they consistently argue that "Our hard won democracy is being threatened by the new movements." How much does that reflect a national project?

Civil and uncivil

But even granting that the ruling party consistently displays intolerance does not explain the particular form of the attack. The ANC and the post-apartheid government have a host of critics – within their own ranks, within its Tripartite Alliance partners, and within 'civil society' – but they are not violently attacked when they meet or protest. So the fact that an attack like this took place 15 years into 'democracy', and was then endorsed by ANC leaders as well as some nominally 'leftist' commentators and activists, begs the question: why?

Even before the wider movement AbM was formed out of the organisation and action at Kennedy Road, the response of local power holders – ANC Mayor, Obed Mlaba, ANC councillor, Yakoob Baig, and ANC appointed city manager, Mike Sutcliffe – was that this is something illegitimate. Even then, ANC councillor Baig said to S'bu Zikode: 'Who do you think you are?' They did not think that everyone has a right to participate in debate. And in the early days, when Abahlali organised the Foreman Road march, the same local power holders in Durban banned it. The movement said then that they had no legal right to do so but Sutcliffe responded, 'Yes, it is political'. So it is clear that shack-dwellers were not to be given the right to be democratic subjects. That march was not violent but it was attacked with brutal and unprovoked violence by the police.

What the elite say about the poor is what white people said about black people in the 70s: 'Someone else is making them do it'; 'They can't think for themselves'.

We have noted that this reaction is not confined to ANC areas or to KwaZulu-Natal – for example it is the same in IFP areas, and the same in Grahamstown. And it is not just about political parties. At time, the police have justified their violent response by claiming people in the movement had guns. That was a straight lie. And the media repeated the lie. Much of civil society also repeats the lie. So the problem crosses the entire elite terrain. By contrast, as the ANC narrows the ambit of formal democracy (as in the proposed Secrecy Bill), civil society defenders of rights (like the Right-2-Know campaign) are framed as those we can trust: they are presented as the 'good guys' against Zuma and the ANC (and note that this mode of representation - that sets up civil society versus the ANC - is often deeply elitist and racist).

Outside the elite terrain at grassroots level, it is only legitimate in the eyes of the state to organise as part of a political party – or perhaps as part of civil society. It is possible to be ANC and organise against the government. It is even possible to be DA and oppose government. So at the local level, the bigger and properly-political questions are not to be opened. The space is reduced to party politics because it is really about patronage. That AbM is opening questions beyond party structures is threatening. There is a psychological aspect to this. The elite has not put racism aside and the black middle-class assumes it. What they say about the poor is what white people said about black people in the 70s: 'Someone else is making them do it'; and 'They can't think for themselves'.

The hostility to organised shack-dwellers from elements of civil society and the Left seems at least partly tied to the power and currency of the claim to 'represent' movements and grassroots politics. In strikingly consistent fashion, those who gain by 'representing' rather than being subject to genuinely popular political power, paint autonomous, organised shack-dweller formations 'violent' and 'criminal'. In essence, this embodies the common reaction to poor people who think: 'Who do you think you are?'

Participants at the round-table discussion also added that "The political parties of the left have all those theories, but the theories do not speak to our daily struggles. So we've had to develop our thinking in our own space. The left comes to infiltrate, they want to tell us what to do. The political and economic theory may be useful but there is no honesty about how to work together".

Movements are very diverse and not necessarily democratic. AbM has taken particular care to be democratic. At times, it gives that priority over being 'effective'. But its claim to being democratic is dismissed in elite spaces. And that dismissal is circulated around – sometimes with more energy and bile in circles of the 'left' in civil society than anywhere else. So, what we see is not just a struggle between the ANC and civil society. Civil society is *as* invested in excluding the poor. It is not our position that 'all poor people are democrats', but the dismissive counter-assertion that they are not democratic is repeated as an article of faith across large swathes of the elite terrain. Consequently in this view, the poor are allowed the choice of going with the parties or with civil society - and whatever they say can be reduced to being about 'service delivery' because the possibility of their thinking, of an actual politics, is denied a priori.

if contempt for autonomous grassroots movements is shared across the elite terrain,
how do we think emancipatory politics?

With respect to the Kennedy Road attacks, and the subsequent AbM court victory when the state's charges were all dismissed, discussants noted that even though the court case was only one element of the broader story, opponents of AbM, especially from within the vanguardist Left, took the opportunity to write disturbing and clearly dishonest articles. These were actively and eagerly circulated over the world and presented as coming out from the South African 'left'. "How do we respond to that? Saying AbM won in court is only a part of the answer. How do we explain the role of the left here? "That they can use Gramsci as a hammer to smash the movement – that needs some explanation! We need some strategy to respond to such attacks". If democracy is about the right of everyone to participate, then there must be a rejection of the slanderous left and slanderous civil society. Equally, a movement like AbM does need allies. As yet, the fact is that only a minority of shack-dwellers are organised as Abahlali. It can't do it if it is isolated, literally 'on its own' - and that is why the slanders cannot go without challenge. Some headway was made in this regard after the acquittal of the Kennedy 12 when the Democratic Left Front (DLF) issued a public statement acknowledging that "the arrest of the Kennedy Road 12 saw a plethora of slanderous comments that sought to delegitimise AbM and the 12 comrades. The acquittal of the 12 is a call on all those who attacked them, including those on the left, to seriously reflect on their motivation and publicly apologise for their disgraceful actions" (DLF, 19 July 2011, <http://abahlali.org/node/8158>).

Nonetheless, the question that must be answered is: if contempt for autonomous grassroots movements is broadly shared across the elite terrain (and therefore tends to *include* civil society and the 'Left'), then how do we think emancipatory politics under those conditions? Michael Neocosmos² suggests it's imperative to develop new concepts for thinking the Abahlali experience of being subjected to violence in Kennedy Road and their subsequent experiences of the criminal justice system.

Neocosmos argues 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', and violence is usually used only as a last resort. Various organisations acting within this domain (including NGOs, and some social movements) 'represent' interests of various kinds (businessmen, workers, women, ethnicities, Aids sufferers etc etc) as well as the state. Within this domain of politics the state rules in a particular way and follows the precepts of the rule of law. Particularly this means that state arbitrariness is minimal, individuals have the right to rights, and state violence is deployed 'legitimately'.

"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'. Regarding the 'traditional' terrain, I do not wish to spend time on this at this stage as it is not central to our current discussions.

2 Michael was not able to join us on the day but had prepared notes that were read into the discussion. What follows are some edited extracts from those notes. These are developed at greater length in a more academic format in his paper on 'Transition, Human Rights and Violence'.

“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’ has to be constantly fought for. The organising principle of politics 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 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. 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) comes 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 operates 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!

“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.

“What the above distinctions mean is that deployment of state power and reactions/resistance to it is likely to differ in each domain. 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 equal rights of citizenship. Otherwise I do not think that the violence unleashed against Abahlali in Kennedy road can be adequately explained. 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. I am not suggesting that this will not happen in the Kennedy Road case, only that it is bound to involve politics both in uncivil and civil society if it is to have a chance of success. In order for ‘living politics’ to live it will need to be protected from ‘dead politics’, the politics of violence”.

Terrorising the voice of ordinary poor people back into the dark corners

In the terrain of uncivil, what gets unleashed against the organised poor reminds many of South Africa's past when, in the dying years of apartheid, a form of Low Intensity Conflict (LIC) was waged by the State against popular forces in an attempted Counter Insurgency project. Participants at the round-table from within the movements commented:

In 1992, the Boipatong massacre was an attack *on* the ANC. I think of this because the attack on AbM was done in the same way but now it is carried out *by* the ANC. There was a history of hostility behind it. ... This feels to me like living through the 1980s. What did the ANC learn from being the target of attack back then? Whatever some may believe and others may not believe about a 'third force', what the ANC learnt about was how to respond as State to a popular movement. They learnt the counter insurgency strategy that you hit at the heart. There is no mistaking that that is why they hit Kennedy Road. And the political leadership of the state was there with a prepared script the day after. ... It is in the un-civil terrain where you hit hard and dirty.

The language of the 'third force' was there in the attacks on AbM from the beginning of the movement's existence. It was framed in terms of nationalism and an attack from the outside. That is what links it to the racist assumption that the poor can't think for themselves - 'Someone outside must be doing it for them'.

In the terrain of the un-civil, state-sanctioned violence will often be deployed in covert forms since it is enacted beyond the rules and norms of the civil, of the rule of law, and of the formal procedures of accountable policing. This is perhaps why the events of two years ago at Kennedy Road reminded those activists close to them of the deployment of counter-insurgency (COIN) and low-intensity-conflict (LIC) strategies in the dying years of the apartheid regime. At that time, the state's violent offensive against the popular politics of the UDF was presented as 'black-on-black' violence.

Those who experienced that period saw parallels too with the consequences of these modes of repression within popular movements – the immediate reactions of confusion, internal suspicions and mistrust. All of which, then and now, had the hoped for (if ultimately failed) consequence of paralysing the movement. Participants spoke about how, in the period immediately following the attacks, meetings were convened to try to answer how and why the movement was attacked. "Some people within the movement were suspected of betraying us. It was a time of confusion". In this context, people remembered S'bu Zikode saying 'our enemy is very smart'. They continued:

"When the attack happened, it took us many months to realise who was the enemy. Soon after the attack, we didn't know who to trust. We didn't know if our own members were involved, if it was just one councillor, if it came from the level of eThekweni, or province or even national. We don't know even now". Another said that after the attack, there was real confusion for a time within the movement: "People were asking, 'Who sold us out to the ANC?' Various individuals were named. We were trying to find the enemy. But that created division and mistrust. That was intended. The attack was meant to paralyse AbM".

That brought back memories. "It reminds us of the attack on the Ndabezitha family in Richmond following the killing of Sifiso Nkabinde in 1999. It reminds us of the killing by Brian Mitchell and the links with Inkatha. It reminds us of the CCB, BOSS, the Vlakplaas unit. It reminds us of the Seven Days War in Pietermaritzburg, of the Sinyora, the Witdoeke etc. It reminds us of PW Botha and the total onslaught. ... Who is using these tactics that remind us of the 'third force' tactics that were sponsored by the apartheid government?"

Defend democracy revisited

neither humanity, nor freedom, nor democracy, are *given* to anyone

When we met together at CLP's round-table to talk about these issues, there were - and remain - areas of debate. But all agree neither humanity, nor freedom, nor democracy, are *given* to anyone. Democracy is advanced on the terrain of popular politics through collective action. And for democracy to be democratic it is for and by everyone. The same is no less true of the struggles to establish and achieve it. And if that's true, then those struggles invite the participation of everyone. As one participant put it: "For the excluded, organisation and collective action is the unshakeable basis of any politics. But there is also a role for those of us who do the pontificating", and there is a place for solidarity with concrete struggles.

Richard Ballard suggested four variables of 'nearness' or 'distance' that should help us think about forms of solidarity (and un-solidarity): namely, 1. spatial, 2. social, 3. economic and 4. political. After a fascinating discussion of these variables³, he concluded that, in fact, being near or far on any of these dimensions is *not* a good predictor of solidarity or un-solidarity! "Solidarities are not automatic" and can flow more genuinely from "a simple human capacity for empathy" than assumed closeness according to objective factors. What is actually common to real solidarity is that it is *transgressive* - even at the level of the local community this is true. In other words, it crosses some norm, some expectation of behaviour.

In discussion it was pointed out that the notion that solidarities are transgressive is opposed to the view that politics are an expression of people's objective position in society. In the latter case, there is an assumption of basic subjectivities. And the reaction against solidarity is often that it is an 'unnatural relationship'.

As has emerged clearly by now, on the 'Left', if solidarity is to be meaningful then it's also vital to clarify the principled content of any 'political nearness' because it's not just about ideology. More fundamentally it is a response to the poor thinking for themselves and asserting themselves as equals. Far too many people, on the 'left' as well, have a psychological need to sustain inequality - one discussant commented that "apartheid is dead but baasskap lives on"!

3 Ballard: Take four forms of solidarity:

1. Solidarity is expressed by common membership of AbM. It is based on political and economic closeness. Socially, the movement is more mixed with people from different backgrounds. In spatial terms, the movement started in specific places but has now stretched around the country. So this solidarity is not just 'community'.
2. Consider those who are not shack dwellers - academics, church leaders and others. This is solidarity across class and social distance. And solidarity was expressed by people on the other side of the world. For this group, there is an identification with the politics.
3. The Poor People's Alliance expresses a solidarity based on class, but across spatial and social distance.
4. Solidarity is expressed across political, social and class differences by middle class neighbours who help shack dwellers in various practical ways.

Consider four forms of un-solidarity:

1. Shack dwellers who may have taken part in the attack on AbM.
2. Social difference is expressed in the xenophobic attacks on neighbours.
3. Intra-leftist divisions means that a nominal political identity does not translate into solidarity.
4. The rich or distant may be unsympathetic and indifferent to AbM.

Light in the dark: Fantasy and the real

What is represented as the pragmatic reality within which we are allowed to think and act subjectively, is in fact a series of intertwined fantasies – and they function precisely to disallow properly subjective thought and action. For instance, not just the ANC but the entire 'national debate' framed by the elite, has not and cannot take on board the reality of wage-less life; the impossibility of creating 'decent work' and housing for all in this economy and so on.

“The elites are not talking about reality. ...

The entire national debate is based on a fantasy: that there will one day be work for all, and everyone will live in a nuclear family with a house and garden. ...

In that narrative, AbM represent a group of people who should not exist ... and this reflects a genocidal undertow in the middle classes”.

Earlier we said that what the Kennedy Road attacks may show is that “those who attempt seriously to confront these problems will not be allowed to do so” by the state-we're-in. But then that is, of course, precisely what we must do! Emancipatory politics can always and only be the praxis of the impossible possibility, the rupture with what *is*, in order to open what *could be*. The paradox is that the brightest light marking our way forward shines in democracy's darkest corners.