

The copyright of this thesis vests in the author. No quotation from it or information derived from it is to be published without full acknowledgement of the source. The thesis is to be used for private study or non-commercial research purposes only.

Published by the University of Cape Town (UCT) in terms of the non-exclusive license granted to UCT by the author.

Vanya Gastrow

GSTVAN001

**UNIVERSITY OF CAPE TOWN
FACULTY OF LAW**

The demise of revolutionary politics and the rise of terror? Assessing Hannah Arendt's hypothesis of the 'social question' in post-apartheid South Africa.

Submitted on 15 August 2011

Dissertation submitted in fulfilment of the degree of Master of Philosophy (Mphil)

Supervisor: Jaco Barnard-Naudé

The financial assistance of the National Research Foundation (NRF) towards this research is hereby acknowledged. Opinions expressed and conclusions arrived at, are those of the author and are not necessarily to be attributed to the NRF.

I hereby declare that I have read and understood the regulations governing the submission of dissertations, including those relating to length and plagiarism, as contained in the rules of the University, and that this dissertation conforms to those regulations.

Date: _____

Signed: Vanya Gastrow

ABSTRACT

This dissertation examines Hannah Arendt's account of the French and American Revolutions and explores the extent to which the South African liberation struggle, political transition and post-liberation democracy mirror her observations. For Arendt the presence of the 'social question' (ie the existence of poverty) undermined the original political goals of the French Revolution, as attention shifted from furthering public freedom to addressing the desperate needs of the poor. As a result the Revolution erupted into an 'uprising of the poor' culminating in the Reign of Terror and hence revolutionary failure. In contrast, Arendt believes that the absence of the social question in America resulted in the Revolution's successful completion in the sense that freedom was constitutionally founded. However, soon after the Revolution, attention shifted from public to private happiness giving rise to 'limited government'. This meant no more than government limited by law, as opposed to an investment of power in the people. For Arendt the lack of political engagement characterised by limited government can ultimately lead to the advent of totalitarianism.

The dissertation enquires whether and to what extent South Africa, which is burdened by severe poverty, can avoid the trappings of both limited government and uprisings of the poor. It argues that the social question encompasses the administrative task of providing poverty relief, and that politicising the social question or replacing politics with administration will not only stifle socio-economic improvement, but also eventuate in the characteristic failures of revolutionary France and post-revolutionary America. To avoid such predicaments the dissertation contends that administrative questions relating to poverty relief are therefore best resolved by bureaucrats, while underlying factors that prejudice, oppress, and exploit people from above and below are best explored in the public realm through political debate.

ACKNOWLEDGEMENTS

I am greatly indebted to my beloved partner in life Camaren Peter who consistently and unhesitatingly supported my interest in Hannah Arendt's work and whose authenticity, kindness, and inquisitive mind continually inspire me.

I would also like to thank my supervisor Jaco Barnard-Naude' whose openness towards creativity and untested ideas encouraged me to explore and venture across disciplines and into new surroundings.

CONTENTS

INTRODUCTION

PART I: HANNAH ARENDT'S THEORY

1. ARENDT'S FOUNDATIONAL THEORIES AND ANALYSIS OF THE FRENCH AND AMERICAN REVOLUTIONS

1.1. Key Arendtian concepts

1.1.1. Labour, work and action

1.1.2. The private and public sphere

1.1.3. The rise of the social

1.2. Arendt's concept of revolution

1.3. Arendt's comparison between the American and French revolutions

1.4. Revolution and the 'social question'

1.5. Distinction between rebellion of the oppressed and the uprising of the poor

2. CRITICISM / ANALYSIS OF ARENDT'S VIEWS

2.1 Arendt's critique of 'inner freedom'

2.2 Pluralist political bodies

2.3 Necessity and politics

2.4 Arendt's separation between the private and political realms

**PART II: THE APPLICATION OF HANNAH ARENDT'S THEORY TO
THE SOUTH AFRICAN LIBERATION STRUGGLE,
TRANSITION, AND POST-LIBERATION ERA**

3. THE SOUTH AFRICAN TRANSITION

- 3.1 The anti-apartheid movement in the 1980s
- 3.2 The South African negotiated settlement
- 3.3 Did the South African negotiated transition amount to an Arendtian revolution?

4. POST-LIBERATION SOUTH AFRICA

- 4.1 National politics since 1994
- 4.2 Local-level politics: public engagement within the South African National Civics Organisation (SANCO) and ANC's branches, and the emergence of service delivery protests
- 4.3 The disappearance of the revolutionary spirit? Parallels between South Africa and Arendt's 'limited government' and 'uprising of the poor'

5. AVOIDING ARENDT'S CONUNDRUM

- 5.1 Limited government versus uprisings of the poor: avoiding Arendt's conundrum
- 5.2 The relevance of Arendt's theory to socio-economic rights legal theory and practice

6. CONCLUSION

INTRODUCTION

One of Hannah Arendt's controversial assertions about revolutions is that where they break out in the context of mass poverty, they are doomed to fail as political bodies become overwhelmed by the administrative task of meeting the physical needs of the poor as opposed to establishing freedom. This causes havoc to the original political aims of revolutionary movements and eventually could result in a state of terror.¹

This dissertation attempts to explore Arendt's warning and investigate the extent of its relevance in post-liberation South Africa. Recent South African history has been marked by the establishment of one of the most advanced and comprehensive constitutions in the world. However this accomplishment has been followed by growing disillusionment over political rights, which seem to offer little comfort to vast sections of the populace afflicted by severe poverty. Using Arendt's analysis, this dissertation seeks to identify new approaches to what Arendt calls 'the social question' that reinforce and expand, rather than alienate the political principles of the country's early democracy.

Arendt's analysis is based on her study of the French and American Revolutions. For her, the presence of acute poverty in France caused the Revolution to fail, as once it became clear that political liberation did not spell liberation from poverty and destitution, the people of France rose up against the apparent hypocrisy of democratic institutions and their leaders.²

Arendt believes that when this occurred, the Revolution transformed from being a 'rebellion of the oppressed against their oppressors' into an

¹ *On Revolution*, Viking Compass edition (1965) 112.

² *Ibid* 109.

'uprising of the poor against the rich'.³ Administrative issues flooded the political realm causing it to become 'social', and newly won political freedoms became undermined by the emphasis on meeting people's biological necessities. Eventually the uprising of the poor collapsed into the rage and violence known as the Reign of Terror.⁴ According to Arendt this uprising was powerless to achieve actual poverty relief and the masses of the poor, known as '*les malheureux*' (the unfortunate) and '*les enragés*' (the enraged) eventually transformed into '*les misérables*' (the wretched) of the 19th century.⁵ For Arendt, this pattern of revolution has been followed in many subsequent revolutions, notably the Russian Revolution.⁶

Arendt's insight appears to be partially mirrored in South Africa. While social issues have always been high on the political agenda, the new democracy was characterised by an equally strong emphasis on the founding of the Constitution and the establishment of a national culture based on human rights and plurality.⁷ However, since the attainment of political liberation there is increasing emphasis amongst political leaders and followers for South Africans to be liberated once more, this time from acute poverty. This sentiment has given rise to a new era of populist 'revolutionary' politics, where social delivery is paramount, and the erosion of constitutional barriers is sometimes seen as a necessary cost for achieving economic liberation.⁸

³ *On Revolution* (note 1) 112.

⁴ Ibid 110.

⁵ Ibid 114.

⁶ Ibid 58.

⁷ For example, the Final Constitution enacted in 1996 contains various political and cultural rights including the right to dignity, equality and freedom of religion and belief, and recognises eleven official languages. Symbollic efforts were also made towards recognising diversity. For example, the new national anthem incorporated both the ANC's anthem 'Nkosi Sikilele Africa' and the apartheid government anthem 'Die Stem'.

⁸ The dropping of corruption charges by the National Prosecuting Authority against Jacob Zuma, could be seen as an example of the compromise of rule of law for the sake of political unity behind the agenda of poverty alleviation (Jacob Zuma being seen as a lynchpin for uniting the ANC, the Congress of South African Trade Unions and the South African Communist Party). See William M Gumede 'South Africa:

At the same time South Africa cannot be said to be completely mirroring the course of the French Revolution. There is no death penalty in the country, let alone state sanctioned mass executions. Furthermore, constitutionally entrenched institutions still appear to be largely sound and in tact, demonstrated by recent court decisions such as the Constitutional Court's 2011 judgment that obliges government to re-establish an independent anti-corruption unit.⁹ Arendt's observations therefore gives rise to many important questions, ranging from why South Africa's transition diverged from that of France, to whether despite its initial successes South Africa may be heading towards a similar fate.

To fully understand Arendt's observation, fundamental themes in Arendt's work will be explored and outlined. These include Arendt's emphasis on the ancient Greek distinctions between labour, work and action;¹⁰ her differentiation between the public and the private realm;¹¹ as well as her definition of revolution.¹² The dissertation will also argue that Arendt's use of the term 'social question' has a narrow meaning, and is only intended to refer to the administrative and bureaucratic question of meeting the physical needs of the poor, as opposed to all questions and matters of debate relating to poverty. The dissertation will then set out Arendt's assessment of the effects of the social question on revolution, as well as her distinction between an uprising of the poor and a rebellion of the oppressed.

The second part of the dissertation will apply Arendt's theory to the South African context. It will firstly examine the history of and ideologies behind South Africa's anti-apartheid movements, as well as the country's

Jacob Zuma and the difficulties of consolidating South Africa's democracy' (2008) 107/427 *African Affairs* 267.

⁹ *Hugh Glenister v President of the Republic of South Africa & Others* [2011] ZACC 6.

¹⁰ Hannah Arendt *The Human Condition* 2nd ed (1958) 7 to 21.

¹¹ *Ibid* 22 to 38, 50 to 68.

¹² *On Revolution* (note 1) 21 to 58.

later negotiated transition. For Arendt the key idea behind revolution is the goal of freedom in the sense of establishing a completely new form of government where freedom can dwell.¹³ Although the South African struggle itself was primarily concerned with the revolutionary goal of political freedom and the negotiated transition gave rise to a new form of government, the lack of public participation in the process of constitutional foundation meant that the revolutionary struggle was never fully completed.¹⁴

Despite this, parallels with Arendt's theory emerge, especially when it comes to post-revolutionary trends. Arendt describes that revolutions tend to give rise to what she calls 'limited government' on the one hand and 'uprisings of the poor' on the other.¹⁵ Limited government entails the retreat into private life characteristic of post-revolutionary America, while uprisings of the poor entail violent protest for the sake of improved living standards.¹⁶ This dissertation shall explore political developments in South Africa on a national and local level to assess existing and emerging similarities with Arendt's respective observations.

South Africa cannot respond to Arendt's contention by sitting back and ignoring the social question. Even Arendt recognises that access to the political realm is conditional on one's necessities of life being taken care of.¹⁷ The third part of this dissertation will therefore be dedicated to exploring ways to avoid Arendt's conundrum. In particular the study will explore ways in which South Africa can address the 'social question' without stagnating into limited government or exploding into an uprising of the poor.

¹³ *On Revolution* (note 1) 125.

¹⁴ Ibid 29: Arendt relies on Condorcet's statement 'The word "revolutionary" can be applied only to revolutions whose aim is freedom', Condorcet, *Sur le sens du mot revolutionnaire*, *CEuvres*, 1847-9, vol XII.

¹⁵ Ibid 62 and 144.

¹⁶ Ibid.

¹⁷ *The Human Condition* (note 10) 30.

PART I:

HANNAH ARENDT'S THEORY

1. ARENDT'S FOUNDATIONAL THEORIES AND ANALYSIS OF THE FRENCH AND AMERICAN REVOLUTIONS

Introduction

This chapter summarises Hannah Arendt's foundational theories in her book *The Human Condition*¹⁸ as well as her later insights regarding revolution. The foundational theories set out in *The Human Condition* inform her subsequent analysis of revolution on which this dissertation is based. It is therefore necessary to step back and understand background themes before progressing to Arendt's account of revolution itself.

Arendt's foundational theories include her distinction between labour, work and action; her distinction between the private and public realms; and her analysis of what she calls the rise of 'social'.¹⁹ These concepts shape her later views on the French and American revolutions. For instance, Arendt maintains that revolutions are predominantly inspired by and brought about through action, as opposed to labour and work.²⁰ Action requires a truly public realm to develop and thrive, where people can gather and debate political concerns relating to matters of human affairs. Revolutions as well as political realms in general are in modern times threatened by the rise of a new social realm, which emerges when private concerns and matters of bureaucracy and administration enter the public sphere and dominate public life.²¹

The Chapter then discusses Arendt's views on revolutions. Arendt holds that the essential components of revolution are the goal of freedom connected with the experience of novelty via the creation of a completely

¹⁸ *The Human Condition* (note 10).

¹⁹ *Ibid* 7 to 12, 22 to 68,

²⁰ *On Revolution* (note 1) 34.

²¹ *The Human Condition* (note 10) 38 and *On Revolution* (note 1) 90 to 91.

new form of government where freedom can dwell.²² According to Arendt, the goal of establishing of freedom does not mean merely aiming at liberation from oppression. Instead, founding freedom goes further and requires the creation of a political form of organisation, which guarantees equal access to the political realm, where citizens can debate and engage in public affairs.²³

The chapter will then contrast the American and French Revolutions. Arendt maintains that the American Revolution was successful in that it founded a lasting constitution.²⁴ This was because the American Revolution took place in the context of relative prosperity and thus freedom remained the constant goal of revolutionaries.²⁵ On the other hand the French Revolution quickly diverted from its course due to the prevalence of mass poverty in the country. As a result the French Revolution culminated in the Reign of Terror and later dictatorship under Napoleon.²⁶

To better understand the demise of the French Revolution, this chapter examines in detail Arendt's analysis of the effect of poverty and in turn the role of the 'social question' on the French Revolution. It concludes with a discussion of Arendt's distinction between a rebellion of the oppressed against their oppressors and the uprising of the poor against the rich, the former characterising the early stages of revolutions, while the latter comprises the destructive end of almost all revolutions in recent history.

²² *On Revolution* (note 1) 35.

²³ *Ibid* 118.

²⁴ *Ibid* 133.

²⁵ *Ibid* 23.

²⁶ *Ibid* 50.

1.1 Key foundational theories of Arendt

Labour, work and action

Arendt's account of the French and American Revolutions in *On Revolution*, relies on many concepts found in her earlier book *The Human Condition*. For instance, Arendt's idea of freedom, as well as her identification of the 'social question' and its role in revolution draws on *The Human Condition*'s study of freedom and the emergence of the social realm. The social question and its role in revolutions therefore cannot be properly explored without first examining Arendt's earlier concepts.

In *The Human Condition* Arendt identifies labour, work and action as being the three fundamental activities with which human beings are engaged (the *vita activa*). The term *vita activa*, originated in ancient Greece and initially meant 'a life devoted to public-political matters'.²⁷ This stood in contrast to the contemplative world of the philosopher (the *vita contemplativa*).²⁸ Arendt believes that after the disappearance of the ancient city state, the term *vita activa* lost its specifically political meaning and represented all kinds of human engagements.²⁹ Arendt relies on the concept of the *vita activa* to define the key activities of human life and explore the distinctions and interactions between them.

According to Arendt each of the three fundamental activities belonging to the *vita activa* corresponds to one of the basic conditions under which life on earth has been given to humans. The human condition corresponding to labour is the biological process of the human body, namely life itself.³⁰ Labour produces life's vital necessities, which feed the body's metabolism.

²⁷ *The Human Condition* (note 10) 12.

²⁸ *Ibid* 15.

²⁹ *Ibid* 14.

³⁰ *Ibid* 7.

Labour does not produce permanent artefacts, as its products 'are consumed almost as soon as the effort is spent'.³¹ In the modern labouring society, the ideal of the *animal labourans* (the person as a labouring animal) has shifted from appropriation of property, which maintains a worldly character, to 'the growth of wealth accumulation as such'.³²

For Arendt, the human condition of work is worldliness. Work provides a world of durable artificial 'things', which are different from natural surroundings.³³ Each individual human life is housed within the borders of the world of work, which is meant to 'outlast and transcend' human life itself.³⁴ While labour produces things that are consumed, work produces things that are used. The philosophy of *homo faber* (the person who fabricates) is therefore 'consistent utilitarianism'.³⁵

Arendt believes that to act, in its most general sense, means 'to take initiative, to begin, to set something into motion'.³⁶ For her, action occurs between people and therefore corresponds to the human condition of plurality, 'to the fact that men, not Man, live on the earth and inhabit the world'.³⁷ Most action is concerned with worldly interests, which lie between people and relate and bind them together. When individuals come together to engage in action they give rise to power, which disappears the moment they disperse.³⁸

All three activities are intimately connected to the most general condition of human existence – natality and mortality. However, Arendt holds that action is most closely connected to the human condition of natality, as

³¹ *The Human Condition* (note 10) 87.

³² *Ibid* 116.

³³ *Ibid* 136.

³⁴ *Ibid* 7.

³⁵ *Ibid* 154.

³⁶ *Ibid* 177.

³⁷ *Ibid* 7.

³⁸ *Ibid* 200.

through action people have the capacity to begin something new and give effect to the new beginning inherent in birth.³⁹

The private and public sphere

Arendt distinguishes between the public and the private sphere by drawing on themes from ancient Greek civilisation. The public sphere (epitomised by the ancient Greek *polis*) was traditionally where people would meet together to engage in human affairs via the political activities of speech and action.⁴⁰ This sphere was not only separate from, but also in 'direct opposition' to the private sphere of home and family, where people lived together because they were driven by their wants and needs, and activities were thus related to the maintenance of life.⁴¹ Activities that served solely the purpose of making a living and sustaining the life process were seen as private matters and were not permitted to enter the political realm.⁴² The public realm was therefore where people met one another as citizens and not as private persons.

According to Arendt, the ancient Greeks saw the *polis* as the realm of freedom.⁴³ However, access to the public realm of the *polis* was conditional on first mastering of the necessities of life in the household via labour, as well as owning a house, as people could not participate in the affairs of the world unless they had some location in it and were not subject to necessity.⁴⁴ Arendt therefore sees necessity as a pre-political phenomenon, a matter that needs to be tended to privately before access to the public realm is possible.

³⁹ *The Human Condition* (note 10) 9.

⁴⁰ *Ibid* 26 to 27.

⁴¹ *Ibid* 26.

⁴² *Ibid* 37.

⁴³ *Ibid* 30.

⁴⁴ *Ibid* 61 to 62.

In this private realm force and violence are justified as they were the only means to master necessity and to become free.⁴⁵

In contrast to the household, which was headed by a 'master' and thus the centre of the strictest inequality, Arendt describes that the *polis* knew only equals in the sense of living among and dealing only with one's peers.⁴⁶ This negated any form of rulership. However, this freedom came at a price as Ancient Greek political theory presupposed the existence of 'unequals' who were always the majority of the population in a city state.⁴⁷

The rise of the social

According to Arendt, the emergence of the modern age in the political form of the nation state has lessened people's direct engagement in political action. This is because members of the nation state see government, instead of citizens, as being charged with the responsibility of dealing with public affairs.⁴⁸ As a result modern communities have been transformed into societies of labourers and jobholders whose lives are centred on private interests and activities necessary to sustain life. This general detachment from public affairs has led people to confuse the purpose of political engagement and see it merely as a mechanism to forward private, as opposed to public concerns.⁴⁹

In Arendt's view the public concern with private matters has resulted in a blurring of the traditional distinction between the public and private realms.⁵⁰ The result has been the rise of a new 'social realm', which is

⁴⁵ *The Human Condition* (note 10) 31.

⁴⁶ *Ibid* 41.

⁴⁷ *Ibid* 32.

⁴⁸ *Ibid* 45 to 46.

⁴⁹ *Ibid* 35.

⁵⁰ *Ibid* 29.

neither strictly public nor private.⁵¹ In the social realm, private household concerns have emerged into the public light and usurped the space formerly reserved for political speech and action. For Arendt, this has resulted in political communities now seen in the image of a vast family called society, whose affairs need to be taken care of by 'a gigantic, nation-wide administration of housekeeping'.⁵²

Arendt believes that the expansion of society destroys the political realm as society excludes the possibility of action. This is because it tends to 'normalise' its members by expecting them to behave according to certain social rules.⁵³ In contrast, the public realm of the *polis* demanded constant distinction and was reserved exclusively for individuality. According to Arendt the final stage of the rise of the social is 'when mass society has devoured all strata of the nation and "social behaviour" has become the standard for all regions of life'.⁵⁴ Arendt warns that the most social form of government, the bureaucracy, or 'the rule by nobody', may under certain conditions give rise to the most ruthless tyrannical versions of rulership.⁵⁵

Arendt's distinction between the public (political) and private (household and administrative) realms does not mean that Arendt intends all matters relating to social and economic conditions to remain outside of the public debate, but simply that conclusive matters of administration should not dominate politics.⁵⁶ Where socio-economic circumstances arise from ongoing political injustice – such as discriminatory laws or systemic prejudices - such matters are of central concern to the public realm.⁵⁷ This is because they present differing and debateable viewpoints and ultimately

⁵¹ *The Human Condition* (note 10) 29.

⁵² *Ibid* 28.

⁵³ *Ibid* 40.

⁵⁴ *Ibid* 45.

⁵⁵ *Ibid* 40.

⁵⁶ *On Revolution* (note 1) 90 to 91.

⁵⁷ Hannah Arendt 'Reflections on Little Rock' (1959) in Peter Baehr (ed) *The Portable Hannah Arendt* (2000) a collection of Arendt's writings 239.

relate to public freedom, which for Arendt is the '*raison d'être*' of the political realm.⁵⁸ However when the political realm shifts its focus from public freedom to that of addressing people's living conditions, questions of administration inevitably cross into politics. Not only can debate and deliberation not address administrative shortcomings (for example, unlike expert administrators, political speech cannot fix infrastructure such as street lights), in the end the expansion of administrative concerns into the political realm diminishes authentic politics and its central cause of freedom.⁵⁹ Thus the blurring of administration and politics or more generally the 'public' and 'private' realms is of detriment to both administrative endeavours aimed at poverty relief, as well as political action aimed at addressing factors such as prejudice, exploitation and oppression that may give rise to social and economic deprivation.

1.2 Arendt's theory of revolution: freedom and novelty

Arendt's book *On Revolution* consists of a comparison of the American and French Revolutions and examines the way in which they unfolded and the extent to which they achieved their aims. For Arendt, the essential components of revolution are the goal of freedom connected with the experience of novelty, via the creation of a completely new form of government where freedom can dwell.⁶⁰ According to Arendt, the goal of establishing freedom does not mean merely aiming at liberation from oppression. Instead founding freedom requires the formation of a political form of organisation where citizens have equal access to and power in the political realm, and where they can thus experience public happiness via participating in public affairs.⁶¹

⁵⁸ Hannah Arendt 'What is Freedom?' in Hannah Arendt *Between Past and Future* (1961) 151.

⁵⁹ *On Revolution* (note 1) 64.

⁶⁰ Ibid 35.

⁶¹ Ibid 32.

This is because Arendt believes that to act in the public realm means to be free.⁶² Action allows one to transcend what is routine, predictable and already known, and experience freedom via engaging in spontaneity and initiating something new.⁶³ This involves the presence of other people - *doing* something as opposed to merely *willing* something necessitates the cooperation of other people.⁶⁴

For Arendt, the establishment of freedom was exemplified in the ancient Greek *polis* where citizens lived together under conditions of non-rule referred to as an isonomy.⁶⁵ She describes that in an isonomy, the absence of rulership meant that all citizens had an equal share in power in the public realm where they could experience freedom via engaging in the joys of speech-making, decision-making, and discussion in all matters relating to human affairs.⁶⁶ Because no-one ruled or was under another's command, the relationship between those in the polis was on the level of peers.⁶⁷

The establishment of such equality and freedom therefore required the formation of a human-made political space where people could come together to engage in public affairs. Arendt maintains that this awareness was evident amongst the ancient Greeks, who saw equality was not as product of nature created by virtue of birth, but rather came into existence by virtue of citizenship, which was an artificial product of human effort.⁶⁸ Correspondingly, Arendt asserts that 'the fundamental deprivation of human rights is manifested first and above all in the deprivation of a place in the world which makes opinions significant and actions effective'.⁶⁹

⁶² Hannah Arendt 'What is Freedom?' (note 58) 153.

⁶³ Ibid 151 and Margaret Canovan *Hannah Arendt: A re-interpretation of her political thought* (1992) 213.

⁶⁴ 'What is Freedom?' (note 58) 160.

⁶⁵ *On Revolution* (note 1) 30.

⁶⁶ Ibid 31.

⁶⁷ Ibid.

⁶⁸ Ibid.

⁶⁹ Hannah Arendt *The Origins of Totalitarianism* (1948) 296.

Arendt distinguishes freedom from the liberties often called civil rights, which are associated with constitutional government. She asserts that all these liberties:

'are essentially negative; they are the results of liberation but they are by no means the actual content of freedom... If revolution had aimed only at the guarantee of civil rights, then it would not have aimed at freedom, but at liberation from governments that had overstepped their powers and infringed upon old and well-established rights'.⁷⁰

Arendt therefore differentiates between struggles of the oppressed for liberation and true revolutions. This is because she believes that 'passionate hatred of masters' or in other words 'the longing of the oppressed for liberation'⁷¹ is incapable of grasping the central idea of revolution which was 'the foundation of freedom, that is, the foundation of a body politic which guarantees the space where freedom can appear'.⁷²

Arendt maintains that even where a struggle for liberation gives rise to the foundation of a constitution, it does not necessarily indicate the existence of revolution. According to her there was 'very little in form or content of the new revolutionary constitutions which was even new, let alone revolutionary'.⁷³ Limited constitutional government means merely government limited by law, instead of an investment of power in the people.⁷⁴ She states that in all European countries after the First World War and as well as many colonial countries post-independence

⁷⁰ *On Revolution* (note 1) 32.

⁷¹ *Ibid* 125.

⁷² *Ibid* 125.

⁷³ *Ibid* 142.

⁷⁴ *Ibid* 143.

'constitutions were by no means the result of revolution; they were imposed, on the contrary, after a revolution had failed, and they were, at least in the eyes of the people living under them, a sign of defeat, not of its victory. They were usually the work of experts... Their purpose was to stem the tide of revolution, and if they too served to limit power, it was the power of the government as well as the revolutionary power of the people whose manifestation had preceded their establishment'.⁷⁵

In contrast, Arendt argues that in a truly revolutionary scenario, the people constitute a new government themselves. For instance, she highlights that in America the Constitution was debated 'clause by clause' across various states in numerous town halls and assemblies.⁷⁶

Arendt believes that liberation from oppression and freedom have often been confused because revolutionaries only discover the experience of true freedom in the course of revolution via the public engagement that grows out of their demands for liberation.⁷⁷ In addition, revolution has always been concerned with both liberation and freedom, as the fruits of liberation, 'the absence of restraint and possession of "the power of locomotion"' ⁷⁸ are a necessary condition of freedom.⁷⁹ However, Arendt maintains that if only liberation were at stake it could also have been fulfilled under monarchical rulership, which could exist alongside liberties such as unrestricted press and the right to assemble.⁸⁰ Arendt's concept of freedom on the other hand necessitates the formation of an entirely new form of government that can welcome all citizens to the public realm.⁸¹

⁷⁵ *On Revolution* (note 1) 144.

⁷⁶ *Ibid* 145.

⁷⁷ *Ibid* 33.

⁷⁸ *Ibid* 32.

⁷⁹ *Ibid*.

⁸⁰ *Ibid* 33.

⁸¹ The ancient Greek model of the *polis* however was not accessible to all. Women and slaves were tasked with providing for life's necessities via labour and were thus limited to the pre-political household domain. This labour freed the master of the household from concerns relating to necessity and allowed him to enter and participate in the public realm [*the Human Condition* (note 10) 73]. The Greek model is therefore highly prejudicial and elitist. Even though it is unlikely that Arendt

Arendt also emphasises that a revolution involves a feeling of novelty, and this novelty must be connected with the idea of freedom. She states that:

‘Only where change occurs in the sense of a new beginning, where violence is used to constitute an altogether different form of government, to bring about the formation of a new body politic, where the liberation from oppression aims at least at the constitution of freedom can we speak of revolution’.⁸²

For Arendt then, revolutions are more than mere changes.⁸³ They cannot be equated with civil strife or transformations in government.⁸⁴ In her view ‘[a]ntiquity was well acquainted with political change and the violence that went with change, but neither of them appeared to it to bring about something altogether new’.⁸⁵

Arendt believes that revolution first made its appearance in the French and American Revolutions. Although antiquity was well acquainted with cyclical civil strife and political change none of these events confronted the task of beginning history anew.⁸⁶ Furthermore Arendt maintains that even the foundation of Rome was not understood as a new beginning, but rather as the restoration of Troy, which had existed before.⁸⁷ Although both the American and French Revolutions began as mere rebellions (against the abuses by the British colonial government in America or in the case of France the perceived despotism of the monarchy), the impossibility of restoration became apparent in the course of the revolutions and

intended to apply it literally, her lack of direct critique of the confinement of women to the private is concerning.

⁸² *On Revolution* (note 1) 35.

⁸³ *Ibid* 21.

⁸⁴ *Ibid*.

⁸⁵ *Ibid*.

⁸⁶ *Ibid*.

⁸⁷ *Ibid* 207 and 210.

revolutionaries became aware of the need to embark on a totally new endeavour.⁸⁸ Arendt therefore maintains that the revolutionary spirit consists of both 'the eagerness to liberate and to build a new house where freedom can dwell'.⁸⁹

Although Arendt believes that revolutions begin with violation (symbolised by legends such as the story of Cain and Abel), it seems that revolutionaries need not necessarily resort to violence themselves. Arendt states that:

'Popular revolt against materially strong rulers ... may engender an almost irresistible force even if it foregoes the use of violence in the face of materially vastly superior forces. To call this "passive resistance" is certainly an ironic idea; it is one of the most active and efficient ways of action ever devised'.⁹⁰

1.3 Arendt's comparison between the American and French revolutions

In *On Revolution* Arendt emphasises that one of the most important factors distinguishing the French from the American Revolution is that it took place in the context of mass poverty.⁹¹ In France the majority of the population were impoverished workers and peasants, while only a small percentage constituted the middle classes and aristocracy. As a result poverty, hunger and destitution played a prominent role in the way in which the French Revolution unfolded.⁹²

⁸⁸ *On Revolution* (note 1) 45.

⁸⁹ *Ibid* 35.

⁹⁰ *The Human Condition* (note 10) 20 to 201.

⁹¹ *On Revolution* (note 1) 24.

⁹² *Ibid* 23.

Arendt's use of the term 'poverty' has a specific meaning and amounts to more than just the lack of wealth. Rather for her it is a 'state of constant want and acute misery', which carries with it a 'dehumanising force'⁹³ installing a feeling of shame and humiliation into those who suffer from it. Arendt argues that poverty dehumanises as it places people under the complete command of their bodies, and thus under the dictate of necessity.⁹⁴ For her it was poverty that caused the French populace to rush to the assistance of the Revolution and thereby inspire and drive it on.⁹⁵ Arendt believes that it was this factor eventually sent the French Revolution to its doom.⁹⁶

According to Arendt the original goal of the French Revolution was the liberation from oppression and tyranny and the foundation of political freedom.⁹⁷ However, once this goal had been substantially achieved via the Declaration of the Rights of Man and the formation of the Constituent Assembly, the poor, who had joined the call for revolution, soon realised that political freedom could not be enjoyed while still being subjected to necessity.⁹⁸ The goal of the Revolution therefore changed from freedom to the liberation of people from poverty.⁹⁹

Arendt believes that the appearance of the poor - and hence necessity - in the French political scene therefore caused the new republic to be 'still born'¹⁰⁰ as 'freedom had to be surrendered to necessity, to the urgency of the life process itself'.¹⁰¹ The revolutionary government became entirely focussed on the physical welfare of the people, and sacrificed the foundation of freedom for the "rights of the Sans-Culottes", which were "dress, food and

⁹³ *On Revolution* (note 1) 60.

⁹⁴ *Ibid* 60.

⁹⁵ *Ibid*.

⁹⁶ *Ibid*.

⁹⁷ *Ibid* 65.

⁹⁸ *Ibid* 74.

⁹⁹ *Ibid*.

¹⁰⁰ *Ibid* 60.

¹⁰¹ *Ibid*.

the reproduction of their species".¹⁰² Arendt argues that this turn took place, an unleashing of rage and terror occurred.¹⁰³ The result was that neither civil liberties, let alone a space for freedom was ever founded.¹⁰⁴

In contrast, Arendt emphasises that the predicament of poverty in the sense of misery and dire need was largely absent in America prior to its revolution.¹⁰⁵ Although many Americans were poor, they did not suffer from the misery of being under the absolute dictate of their bodies.¹⁰⁶ Arendt maintains that their predicament was therefore not necessity, but rather the fact that since overcoming necessity, their lives were without consequence.¹⁰⁷ They therefore saw their problem as being political rather than social, 'it concerned not the order of society but the form of government'.¹⁰⁸ This was largely because in Arendt's view, the poor were sidelined and excluded from the light of the public realm. To illustrate her point Arendt quotes John Adams' description of the shadowy predicament of the poor, who observes that:

'The poor man's conscience is clear; yet he is ashamed... He feels himself out of the sight of others, groping in the dark. Mankind takes no notice of him. He rambles and wanders unheeded. In the midst of a crowd, at church, in the market... he is in as much obscurity as he would be in a garret or a cellar. He is not disapproved, censured, or reproached; he is only not seen...'¹⁰⁹

Arendt perceives in Adams' observation the 'conviction that darkness rather than want is the curse of poverty'.¹¹⁰ The poor in America, because they were free from extreme physical desperation, desired no more than to

¹⁰² *On Revolution* (note 1) 60.

¹⁰³ *Ibid* 99 and 110.

¹⁰⁴ *Ibid* 60.

¹⁰⁵ *Ibid* 68.

¹⁰⁶ *Ibid*.

¹⁰⁷ *Ibid* 69.

¹⁰⁸ *Ibid* 68.

¹⁰⁹ *Ibid* 69, quoting John Adams *Discourses on Davila, Works* (1851) 239 to 240.

¹¹⁰ *Ibid* 69.

be visible amongst their equal citizens in the public realm. Arendt believes that it was because of the absence of misery that Adams was able to discover the political predicament of the poor.¹¹¹ For Arendt it is striking that Adams was not moved by the misery of slavery in America. In her view this shows that 'slavery carries an obscurity blacker even than the obscurity of poverty; the slave, not the poor man was "wholly overlooked"'.¹¹²

As a result of the general absence of dire poverty, the 'social question', which Arendt describes as the 'existence of poverty'¹¹³ did not come to play a role in the American Revolution. The Revolution was never overwhelmed by the forces of necessity, with the result that it stayed its course and founded a constitutional order.¹¹⁴

Despite the absence of the social question in America and the successful completion of the Revolution, Arendt believes that the spirit of the American Revolution ultimately dissipated.¹¹⁵ This was due to many factors, including the failure to incorporate the town hall meetings and assemblies into the federal or the state constitutions.¹¹⁶ Furthermore, Arendt argues that scholarly work on the American Revolution was not of a comparable standard to that of France, with the result that the thinking behind the Revolution had faded into the background of historical accounts and remembrance.¹¹⁷ Arendt also criticises the crass materialistic culture that invaded America due to mass immigration of Europe's poor, whose primary motivation on arrival was the accumulation of material wealth and the attainment of private happiness. As a result, she maintains that when the poor in America became wealthy they did not pursue the political realm, but

¹¹¹ *On Revolution* (note 1) 69.

¹¹² *Ibid* 71.

¹¹³ *Ibid* 60.

¹¹⁴ *Ibid* 92.

¹¹⁵ *Ibid* 70.

¹¹⁶ *Ibid* 235.

¹¹⁷ *Ibid* 56 and 221.

instead 'succumbed to the boredom of vacant time'¹¹⁸ and saw the end of government as 'self preservation'.¹¹⁹ Thus in Arendt's view the revolutionary goal of freedom and public happiness disappointingly succumbed to conspicuous consumption and open display of private wealth.¹²⁰

1.4 Revolution and the 'social question'

The presence of the social question in France unleashed a chain of events during the course of the Revolution. One of the initial effects that Arendt observes was the need by revolutionary leaders, who predominantly came from the middle and upper classes, to form a common cause with their followers who suffered from the predicament of acute poverty.¹²¹ Such a task was never necessary during the course of the American Revolution, where Arendt believes the leaders of the revolution indeed 'belonged' to the people.¹²²

Arendt describes that initially the leaders of the French Revolution and their followers were united in the shared experience of being politically powerless. The leaders of the Revolution thus believed they represented the masses in a common cause to liberate the third estate from oppression and tyranny.¹²³ However, with the establishment of the Constituent Assembly, it soon became clear that political liberation spelt true liberation only for the few. The poor needed to be liberated once more, this time from necessity, which prevented them from being able to fully enjoy their newly acquired political rights.¹²⁴

¹¹⁸ *On Revolution* (note 1) 70.

¹¹⁹ *Ibid.*

¹²⁰ *Ibid.*

¹²¹ *Ibid* 74.

¹²² *Ibid.*

¹²³ *Ibid.*

¹²⁴ *Ibid.*

When this turn of events occurred, Arendt believes that the leaders of the French Revolution realised that a new effort of solidarisation was required to relate them to the cause of the poor. This came in the form of virtue, which meant having the welfare of the people in mind by identifying one's own will with the will of the people. This joint will was directed at achievement of the happiness of the many.¹²⁵

In Arendt's view the leaders of the French Revolution believed that their virtue and interest in the welfare of the people rose from their sense of compassion towards the suffering of the poor.¹²⁶ This capacity to suffer with the poor, as well as the leadership's will to raise their compassion to the highest virtue lent the leadership legitimacy.¹²⁷ However, for Arendt, bringing the passion of compassion into the political realm would eventually result in staggeringly disastrous effects. She maintains that when the passion of compassion began to dominate political discourse, leaders of the Revolution became resistant to the 'inner dialogue' of thoughts manifested in thinking and reason.¹²⁸ Instead of inner dialogue there was a suffering soul torn in two, as the particular will and interest fought to align itself with the will and interest of *le peuple toujours malheureux* (the people who are always unfortunate).¹²⁹

Arendt maintains that what may have started out as compassion in actual fact amounted to the sentiment of pity once it entered the public realm. Arendt interprets compassion as meaning to co-suffer to the extent that one is 'touched in the flesh' by the misfortune of another.¹³⁰ Compassion is therefore localised and one can only feel it towards a particular individual, not a generalised group.¹³¹ In addition, compassion, like love is mute or

¹²⁵ *On Revolution* (note 1) 74 to 75.

¹²⁶ *Ibid* 75.

¹²⁷ *Ibid*.

¹²⁸ *Ibid* 80.

¹²⁹ *Ibid*.

¹³⁰ *Ibid* 85.

¹³¹ *Ibid*.

expressed in gestures.¹³² When the leadership of the revolution therefore eloquently and publicly declared their compassion for the sufferings of the poor, Arendt believes that it was in fact the sentiment of pity that they were experiencing, namely 'to be sorry without being touched in the flesh'.¹³³ The danger in the passionate celebration of pity is that unlike compassion, pity is boundless and becomes carried away with the multitude of suffering.¹³⁴ For Arendt, when pity is taken as the spring of virtue it is capable of more 'cruelty than cruelty itself'.¹³⁵

Arendt maintains that the alternative to the sentiment of pity is the principle of solidarity. It is out of solidarity that people dispassionately establish a community of interest with the oppressed and exploited. Solidarity unites people behind shared interests such as "'the grandeur of man', or 'the honour of the human race', or the dignity of man".¹³⁶ Furthermore it engages in reason and can thus conceptualise all of humankind. Thus, unlike pity, which has a vested interest in suffering, solidarity can comprehend both the strong and the weak and can look at fortune and misfortune with an 'equal eye'.¹³⁷ It remains committed to ideas such as 'greatness, or honour, or dignity'¹³⁸ rather to sentiments and emotions.¹³⁹

Arendt describes that when 'pity-inspired virtue' was utilised as a key unifying force for the revolutionary movement, the Revolution opened the gates of the political realm to the poor and became 'social'. In other words, the Revolution:

¹³² *On Revolution* (note 1) 85.

¹³³ *Ibid.*

¹³⁴ *Ibid* 89.

¹³⁵ *Ibid.*

¹³⁶ *Ibid* 88.

¹³⁷ *Ibid* 89.

¹³⁸ *Ibid.*

¹³⁹ *Ibid* 88 to 89.

'was overwhelmed by the cares and worries which actually belonged in the sphere of the household and which, even if they were permitted to enter the public realm, could not be solved by political means, since they were matters of administration, to be put into the hands of experts, rather than issues which could be settled by the twofold process of decision and persuasion'.¹⁴⁰

As a result the pre-political rights to 'food, dress and reproduction of the species'¹⁴¹ became the ultimate end of government and power. Although social and economic matters had intruded into the public realm before the American and French Revolutions, Arendt believes that when this occurs in the context of revolution, new forces are unleashed. She states that:

'with the downfall of the political and legal authority and the rise of revolution, it was people rather than general economic and financial problems that were at stake, and they did not merely intrude into but burst upon the political domain. Their need was violent, and, as it were, prepolitical; it seemed that only violence could be strong and swift enough to help'.¹⁴²

According to Arendt, once virtue was equated with the passions, which are located in the human heart, it necessitated the display of one's innermost motives of the heart to the public.¹⁴³ For Arendt the motives of the heart are meant to be hidden as no-one can fully know or understand what their inner motives truly are.¹⁴⁴ The danger of displaying or professing these motives openly is that they turn the revealer into a hypocrite, as further ulterior motives always lie behind those professed. Hence, Arendt believes that '[t]he demand to display in public one's innermost motivation, since it demands the impossible, transforms all actors into hypocrites'.¹⁴⁵

¹⁴⁰ *On Revolution* (note 1) 90 to 91.

¹⁴¹ *Ibid* 109.

¹⁴² *Ibid* 91.

¹⁴³ *Ibid* 96.

¹⁴⁴ *Ibid*.

¹⁴⁵ *Ibid* 98.

The display of motives made people conflicted, as they sensed hypocrisy and ulterior motives within them as well as everywhere around them.¹⁴⁶ Arendt maintains that these insoluble conflicts of the human heart caused people to become murderous because they were boundless and never ending. The result, according to Arendt, was that the war on hypocrisy transformed Robespierre's dictatorship into the Reign of Terror, which became centrally characterised by the 'self-purging of its leaders'.¹⁴⁷

Arendt believes that hypocrisy is more dangerous than deceit, as unlike other vices, the hypocrite bears false witness against himself and is therefore 'really rotten to the core'.¹⁴⁸ Furthermore, it is through hypocrisy that corruption becomes apparent.¹⁴⁹ The first centre of hypocrisy and corruption was the court at Versailles.¹⁵⁰ Arendt maintains it was this corruption that gave revolutionaries the belief that the rich were corrupted by society while the poor were naturally good.¹⁵¹ However, after unmasking the corruption of the Court, the people of Paris turned against the Constituent Assembly, as they saw in its deliberations a pretence and hypocrisy no different to that of the monarchy.¹⁵²

Arendt focuses in great detail on the Greek concept of a mask as being a *persona* or a legal person.¹⁵³ While people wore certain artificial masks in public they were often very different natural persons in private. The war against hypocrisy caused the Revolution to tear off people's personas and thereby strip them of their legal personality. This spelled the end of true liberation (ie equal legal personality) in France. Human rights became based on natural necessities as opposed to permanent controls upon political power

¹⁴⁶ *On Revolution* (note 1) 97.

¹⁴⁷ *Ibid* 99.

¹⁴⁸ *Ibid* 103.

¹⁴⁹ *Ibid* 104.

¹⁵⁰ *Ibid* 105.

¹⁵¹ *Ibid* 106.

¹⁵² *Ibid* 106 to 107.

¹⁵³ *Ibid* 107.

and the *ancien* regime stood accused of 'denying people their rights of life and nature, rather than the rights of freedom and citizenship'.¹⁵⁴

In contrast to the apparent hypocrisy of the Court the *malheureux* on the streets of Paris seemed to represent the goodness of natural man.¹⁵⁵ They wore no personas, as they had always been outside of the body politic.¹⁵⁶ Arendt maintains that this emphasis on the goodness of natural man was misguided.¹⁵⁷ She explores the idea of goodness by closely analysing the works of Melville (in particular his story of *Billy Bud*) and Dostoyevski's 'The Grand Inquisitor'. Her conclusion from their work is that 'absolute goodness is hardly any less dangerous than absolute evil'.¹⁵⁸

Arendt observes how Billy Bud, by virtue of his natural innocent goodness, was not capable of engaging in the process of negotiation and persuasion and instead could only act violently when confronted by evil. For Arendt 'laws and all "lasting institutions" break down not only under the onslaught of elemental evil'¹⁵⁹ but also under the impact of absolute innocence, as absolute goodness can not make sense of laws.¹⁶⁰ This explains why the French Revolution, after eradicating the evil of the court, progressed to become a wrongdoer itself on an even more repressive scale than the monarchy. She concludes that 'goodness is strong, stronger perhaps than wickedness, but that it shares with "elemental evil" the elementary violence inherent in all strength and detrimental to all forms of political organisation'.¹⁶¹

¹⁵⁴ *On Revolution* (note 1) 109.

¹⁵⁵ *Ibid.*

¹⁵⁶ *Ibid.*

¹⁵⁷ *Ibid* 110.

¹⁵⁸ *Ibid* 82.

¹⁵⁹ *Ibid* 84.

¹⁶⁰ *Ibid* 86.

¹⁶¹ *Ibid* 87.

Arendt argues that the war against hypocrisy and the simultaneous emergence of 'natural man' on the political field, caused man-made laws to give way to natural, biological laws and the driving forces of nature and necessity.¹⁶² When the natural force of necessity was unleashed and everyone believed that only bare need was without hypocrisy, the *malheureux* transformed into the *enragés*.¹⁶³ Arendt believes that this occurred because rage is 'the only form in which misfortune can become active'.¹⁶⁴ This rage of misfortune was further stimulated by the rage of unmasked corruption, ie the rage felt by those of the Court whose masks of hypocrisy had been torn off their faces.¹⁶⁵ According to Arendt this mutual vengeance produced a continuous violence that dominated the rest of the Revolution.¹⁶⁶

For Arendt rage is not only impotent, but is the 'mode in which impotence becomes active in its last stage of final despair'.¹⁶⁷ It arose amongst the *enragés* when they could no longer bear their suffering, but at the same time could not overcome or alleviate it.¹⁶⁸ The rage of misfortune proved stronger than the rage of unmasked corruption as it arose directly from suffering.¹⁶⁹ For Arendt the strength and virtue of suffering lies in its endurance. Thus when people can no longer bear their suffering, their rage carries with it the momentum of suffering, whose force is superior and more enduring than what Arendt calls 'the raging frenzy of mere frustration'.¹⁷⁰

Arendt believes that the raging force of misfortune appears irresistible because it is fed by necessity and biological life. The *enragés* thus carried with them necessity, together with the violence used to overcome

¹⁶² *On Revolution* (note 1) 110.

¹⁶³ *Ibid.*

¹⁶⁴ *Ibid.*

¹⁶⁵ *Ibid.*

¹⁶⁶ *Ibid.*

¹⁶⁷ *Ibid* 111.

¹⁶⁸ *Ibid.*

¹⁶⁹ *Ibid.*

¹⁷⁰ *Ibid.*

necessity.¹⁷¹ The result was that 'necessity invaded the political realm, the only realm where men can truly be free'.¹⁷²

For Arendt the presence of the social question therefore brought doom to the French Revolution, as the Revolution's veneration of the suffering inherent in the predicament of poverty culminated in a rage of misfortune.¹⁷³ When this rage entered the political realm, it resulted in terror and the collapse of political institutions.¹⁷⁴ Eventually the Reign of Terror not only spelt doom to political freedom, but was also incapable of addressing the plight of the poor.¹⁷⁵ Thus, according to Arendt, after the masses of the poor (*les malheureux*) transformed into *les enragés* they were abandoned by the Revolution and became known as *les misérables* in the 19th century.¹⁷⁶ She sums therefore up as follows:

'No revolution has ever solved the "social question" and liberated men from the predicament of want, but all revolutions, with the exception of the Hungarian Revolution in 1956, have followed the example of the French Revolution and used and misused the mighty forces of misery and destitution in their struggle against tyranny and oppression. And although the whole record of past revolutions demonstrates beyond doubt that every attempt to solve the social question with political means leads to terror, and that it is terror which sends revolutions to their doom, it can hardly be denied that to avoid this fatal mistake is almost impossible when a revolution breaks out under conditions of mass poverty'.¹⁷⁷

¹⁷¹ *On Revolution* (note 1) 114.

¹⁷² *Ibid.*

¹⁷³ *Ibid* 111 and 112.

¹⁷⁴ *Ibid* 87.

¹⁷⁵ *Ibid* 114.

¹⁷⁶ *Ibid.*

¹⁷⁷ *Ibid* 112.

1.5 Uprising of the poor as opposed to rebellion of the oppressed

Arendt's above analysis leads her to distinguish between an 'uprising of the poor against the rich', as opposed to a 'rebellion of the oppressed against their oppressors'. In particular she states:

'What has always made it so terribly tempting to follow the French Revolution on its foredoomed path is not only the fact that liberation from necessity, because of its urgency, will always take precedence over the building of freedom, but the even more important and more dangerous fact that the uprising of the poor against the rich carries with it an altogether different and much greater momentum of force than the rebellion of the oppressed against their oppressors'.¹⁷⁸

Arendt's above distinction is important for an understanding of the nature of political movements. In light of her previous arguments it is clear that when Arendt speaks of a rebellion of the oppressed against their oppressors, she refers to both the struggle for liberation,¹⁷⁹ as well as the revolutionary struggle for freedom (as revolutions aim at both liberation from oppression and the constitution of freedom¹⁸⁰). She does not elaborate in detail on what kind of force a rebellion of the oppressed entails, but she suggests that it can involve violence.¹⁸¹ Violence however, is not a necessary condition of rebellion. Arendt criticises those who see revolution as fabrication, for the very reason that fabrication requires not action, but violence.¹⁸²

Furthermore, in her book *On Violence* Arendt distinguishes power from strength, force, authority and violence (adding that they are not watertight compartments).¹⁸³ Power arises when people act together in

¹⁷⁸ *On Revolution* (note 1) 112.

¹⁷⁹ *Ibid* 125.

¹⁸⁰ *Op cit* Chapter 1.2.

¹⁸¹ *On Revolution* (note 1) 35.

¹⁸² *The Human Condition* (note 10) 228.

¹⁸³ *On Violence* (1969) 44 to 46.

concert. It is therefore never the property of an individual, but of a group, and remains in place only so long as members of a group stay together. In contrast, Arendt explains that *strength* designates a property inherent in a singular person or object; *authority* is vested in offices (such as teacher and pupil), and its hallmark is unquestioning recognition by those who are asked to obey; and lastly, *violence* is distinguished by its instrumental character, as the instruments of violence are able to multiply the natural strength of individuals.¹⁸⁴

For Arendt, regimes have at times collapsed without the need for rebels to utilise violence at all. For instance, she explains that sometimes a regime's power disintegrates to such an extent that not even the police or army will support it, resulting in non-violent transfer of government.¹⁸⁵ Furthermore, in India, rebellion based on passive resistance was successful, as according to Arendt the British government was hesitant to substitute power with violence, due to the possible backlash it would suffer in respect of its domestic power.¹⁸⁶ Therefore rebellions of the oppressed often do, but need not, resort to violence.

When violence is utilised in the course of a rebellion it appears controlled and tactical, as it stems from deliberation and consent. It is disinterested, non-absolutist, motivated by a passion for justice¹⁸⁷ and guided by the same principles that guide action such as solidarity and 'the dignity of man'.¹⁸⁸ Furthermore, because actors tend to be oppressed themselves and hence truly 'belong to the people', they are not required to profess their virtue.¹⁸⁹ As a result there is less of an atmosphere of hypocrisy and suspicion. The forces unleashed during a rebellion the oppressed therefore do not culminate in terror, as not only is terror in direct conflict with the

¹⁸⁴ *On Violence* (note 183) 44 to 46.

¹⁸⁵ *Ibid* 48 to 49.

¹⁸⁶ *Ibid* 53 to 54.

¹⁸⁷ *Ibid* 24.

¹⁸⁸ *On Revolution* (note 1) 88.

¹⁸⁹ *Op cit* Chapter 1.4.

guiding principles and political aims of action, but rebellions of the oppressed are not steeped in hypocrisy which lead to a desire to purge.¹⁹⁰

When Arendt speaks of an uprising of the poor against the rich she means the uprising of those stricken with acute poverty and subject to biological necessity against those freed from necessity and the institutions perceived to represent them. Arendt describes the force involved in such an uprising as the rage of misfortune, which is ignited by hypocrisy¹⁹¹ and unleashed when people can no longer endure their suffering.¹⁹²

When the rage of misfortune is let loose during the breakdown of authority that accompanies revolution, it gives rise to violence and terror. This is because according to Arendt, when administration cannot or fails to address the direct needs of the poor, people can only free themselves from necessity through violence by seizing sustenance directly from those who possess it.¹⁹³ She believes the force of raging misfortune is inspired by vengeance and gives rise to purges, terror and bloodshed, irrelevant of achievement.¹⁹⁴ For Arendt violence arising from rage is swift and immediate, as it does not rely on speech and argument.¹⁹⁵

Arendt concludes that in the context of mass poverty revolutions shift their focus to 'liberation from necessity' not only because necessity is more urgent than freedom, but even more importantly because uprisings of the poor against the rich have a 'different and much greater *momentum of force* than a rebellion of the oppressed'¹⁹⁶ Arendt does not provide any further elaboration as to why such 'momentum of force' is greater, but from reading

¹⁹⁰ Op cit Chapter 1.4.

¹⁹¹ *On Violence* (note 183) 65.

¹⁹² *On Revolution* (note 1) 111.

¹⁹³ *Ibid* 114.

¹⁹⁴ *Ibid* 110.

¹⁹⁵ *On Violence* (note 183) 63.

¹⁹⁶ *On Revolution* (note 1) 112 (my emphasis).

her account, my interpretation is that the rage emanating from long endured physical suffering¹⁹⁷ overshadows the more controlled and disinterested passion for public freedom.

Conclusion

This chapter began by outlining basic Arendtian theories such as labour, work and action; the public and private realm; and the rise of the social. It thereafter focussed on Arendt's analysis of the role of the 'social question' in revolutions. In doing so, the chapter set out Arendt's account of how the French and American Revolutions were initiated, starting out as a rebellion against oppression and then emerging into a revolution for the sake of freedom.¹⁹⁸ However unlike America, the French Revolution rapidly unravelled after political freedom had been substantially attained, becoming an uprising of the poor against the rich and culminating in the Reign of Terror.¹⁹⁹

Arendt maintains that the failure of the French revolutionaries was their attempt to use political means to solve the social question.²⁰⁰ For Arendt the poverty in France was the result of scarcity and therefore would have been best resolved via effective administration.²⁰¹ Instead, the issue of dire poverty was brought into the public realm destroying its political nature and turning it away from its initial goal of political freedom.²⁰²

The following chapter explores critiques and analyses of Arendt's theories, in order to highlight any gaps in her understanding, as well as address and attempt to clarify various interpretations of her work.

¹⁹⁷ Op cit chapter 1.4.

¹⁹⁸ Ibid.

¹⁹⁹ Ibid.

²⁰⁰ Ibid.

²⁰¹ Ibid.

²⁰² Ibid.

2. CRITICISM AND ANALYSIS OF ARENDT'S VIEWS

Introduction

This chapter explores interpretations and analyses of Arendt's theory. It firstly examines Arendt's dismissal of the concept of 'inner freedom' in light of Steve Biko's emphasis on inner consciousness as a force behind revolution and political change.

Second, the chapter examines the feasibility of plurality in the political realm, in contexts of extreme racial or other prejudice. It again turns to the thought of Steve Biko, who argues for separate political forums for members of oppressed groups and those of the elite.

Third, the chapter considers Arendt's relegation of necessity as being pre-political. Given the diversity of condition and mindset across all income groups in South Africa, it is simplistic to classify all individuals who are desperately poor as incapable of engaging in true political action.

In conclusion, the chapter will explore Arendt's strict separation between the private and public realm, which is the bane of many of her critics. The chapter shows that Arendt's distinction is not as clear-cut as it initially seems. Arendt seems to change gear on many occasions, revealing that the core of her theory is that the distinction between what should be public and private rests on the type of deliberation taking place, as opposed to set taxonomies (such as labour, gender, race, poverty etc).

2.1 Arendt's critique of 'inner freedom'

Arendt views freedom as the ability to act. This necessitates admission to the public realm and participation in public affairs.²⁰³ Freedom is thus not located in isolated contemplation or in a secure private life. She criticises the idea of 'inner freedom', which she defines as 'the inward space into which men may escape and feel free'.²⁰⁴ Arendt describes such freedom as politically irrelevant as it involves a retreat from the world into one's self, under the misguided notion that 'one can be a slave in the world but still be free'.²⁰⁵ For her, quite simply, 'the phenomenon of freedom does not appear in the realm of thought at all'.²⁰⁶ Arendt therefore believes that philosophy has distorted the idea of freedom by 'transposing it from its original field, the realm of politics and human affairs in general, to an inward domain, the will'.²⁰⁷

On first glance, Arendt's analysis of freedom appears to conflict with black consciousness theorists such as Steve Biko, who emphasise inward processes as being crucial to attaining political freedom.²⁰⁸ For Biko, writing in South Africa in the 1970s, '[m]aterial want is bad enough, but coupled with spiritual poverty it kills'.²⁰⁹ Following this argument, effective participation in the public realm is impossible as long as people are still mentally oppressed.²¹⁰ Biko criticises the way that the 'black man' in South Africa had lost his sense of true humanity.²¹¹ He illustrates this by describing that '[in] the privacy of his toilet his face twists in silent condemnation of white society

²⁰³ *On Revolution* (note 1) 32.

²⁰⁴ 'What is freedom?' (note 58) 146.

²⁰⁵ *Ibid* 147.

²⁰⁶ *Ibid* 145.

²⁰⁷ *Ibid*.

²⁰⁸ Steve Biko 'We Blacks' (undated) in Aelred Stubbs (ed) *I write what I like* (1978) a selection of Biko's writings 29.

²⁰⁹ *Ibid* 28.

²¹⁰ *Ibid* 28 to 29.

²¹¹ *Ibid* 28.

but brightens up in sheepish obedience as he comes out hurrying in response to his master's impatient call'.²¹²

Biko warns that if 'one's aspiration is whiteness, but his pigmentation makes attainment of this impossible, then that person is non-white',²¹³ as opposed to being 'black'. For Biko the 'black man' had to learn to take pride in himself and be reminded of:

'his complicity in the crime of allowing himself to be misused and therefore letting evil reign supreme in the country of his birth. This is what we mean by the inward looking process. This is the definition of Black Consciousness'.²¹⁴

Despite apparent contrasts in opinions regarding 'inner' aspects of freedom, earlier essays by Arendt written in the 1940s seem to indicate that Arendt and Biko's thinking is in fact very consistent. This is because both she and Biko seem to reflect an awareness of the need for individual 'consciousness' as a prerequisite to effective political action amongst oppressed groups. In these early essays, Arendt identifies most European Jews (pre- and during the Second World War) as comprising 'social pariahs' or 'social *parvenus*' and praises those few Jews who preferred the status of 'conscious pariahs'.²¹⁵

For Arendt conscious pariahs are:

'those bold spirits who tried to make of the emancipation of the Jews that which it really should have been – an admission of Jews as

²¹² Biko 'We Blacks' (note 208) 28.

²¹³ Steve Biko 'The definition of black consciousness' (1971) in Stubs (note 208) 48.

²¹⁴ Biko 'We Blacks' (note 208) 29.

²¹⁵ Hannah Arendt 'We refugees' (1943) in Ron H Feldman (ed) *The Jew as pariah: Jewish identity and politics in the modern age* (1978) 65 to 66.

Jews to the ranks of humanity, rather than a permit to ape the gentiles or an opportunity to play the *parvenu*.²¹⁶

Following the ideas of activist and theorist Bernard Lazare, Arendt sets out that the solution to the precarious position of European Jews before the Second World War and later in exile, lay in becoming conscious of and rebelling against their pariah status. She states that:

'in contrast to his unemancipated brethren who accept their pariah status automatically and unconsciously, the emancipated Jew must awake to an awareness of his position and, conscious of it, become a rebel against it – the champion of an oppressed people. His fight for freedom is part and parcel of that which all the downtrodden of Europe must needs wage to achieve *national and social liberation*'.²¹⁷ (my emphasis)

Arendt therefore also emphasises 'consciousness' as vital to emancipation, and that playing the *parvenu* or in Biko's view the 'non-white' in the political realm, can in fact lead to more prolonged oppression.

When Arendt criticises 'inner freedom' she therefore cannot be referring to *consciousness* of one's social and political oppression and the process of consciously rebelling against it. It seems that by 'inner freedom' she instead has in mind the philosophical tradition of contemplation and theorisation as an end in its self.

Arendt however does not draw enough on her idea of the 'conscious pariah' in her later essay 'What is freedom?' as well as her account of political action in *On Revolution*. Without being conscious of one's history and context of oppression one cannot effectively participate in the public realm and engage in debate on one's own terms. Consciousness is

²¹⁶ Hannah Arendt 'The Jew as pariah: a hidden tradition' (1944) in Feldman (note 215) 68.

²¹⁷ Ibid 76.

therefore crucial aspect to experiencing freedom in the public realm. Arendt's conception of freedom would have therefore greatly benefited from her earlier insights.

2.2 Pluralist political bodies

Biko criticises the idea that the political realm necessitates complete pluralism²¹⁸. For him, political action is sometimes more genuine when individuals from oppressed groups meet and organise themselves separately from members of oppressor groups.²¹⁹

For instance, Biko argues that black South Africans in the 1970s could not effectively engage in political action with their white counterparts. This was because white views and opinions would always dominate given the general superiority complexes of white South Africans coupled by the general inferiority complexes of black South Africans.²²⁰ Mixed forums could therefore perpetuate oppressive and prejudicial views and discourses.²²¹

For Biko, the physical presence of people interacting together can amount to nothing more than a smoke screen if the psychological conditioning of the participants themselves is not taken account of.²²² Biko therefore argues for black students to create their own political forums, as a way of developing and growing black consciousness through creating opportunities for black students to harness their own agency.²²³

²¹⁸ Steve Biko 'SASO – It role, its significance' (1969) in Stubs (note 208) 3 to 8

²¹⁹ Ibid.

²²⁰ Steve Biko 'Black souls in white skins?' (1970) in Stubs (note 208) 24.

²²¹ Steve Biko 'Letter to SRC presidents' (1970) in Stubs (note 208) 11.

²²² Ibid.

²²³ Ibid 12.

This does not mean that Biko is against authentic integration. He states that:

'Does this mean I am against integration? If by integration you understand a breakthrough into white society by blacks, an assimilation and acceptance of blacks into an already established set of norms and code of behaviour set up and maintained by whites, then YES I am against it...

If on the other hand by integration you mean there shall be free participation by all members of a society, catering for the full expression of the self in a freely changing society as determined by the will of the people, then I am with you'.²²⁴

Biko defines 'black' broadly. For him the term is not based on pigmentation, but encompasses all individuals who are discriminated against by law or tradition and who identify themselves as 'a unit in the struggle towards the realisation of their aspirations'.²²⁵ He sees 'black' as encompassing oppressed individuals from all race groups, and is critical of South Africans who identify themselves in terms of tribal or apartheid-based racial categories.²²⁶

For Arendt, the political realm necessitates the coming together of equals on the level of peers.²²⁷ Arendt would therefore also likely reject 'integrated' student organisations that reaffirm white patronage and black inferiority. However, it is unclear whether Arendt would support Biko's emphasis on separate black student representation, given her strong dislike of interest-based politics.²²⁸ She leaves the question open in *On Violence*, where she notes that the lack of Black Power co-operation was a bitter disappointment to white rebels, adding:

²²⁴ Biko 'Black souls in white skins?' (note 220) 24.

²²⁵ Biko 'The definition of black consciousness' (note 213) 48.

²²⁶ Ibid 52.

²²⁷ Op cit chapter 1.1.2.

²²⁸ Op cit chapter 1.4.

'Whether it was wise of the Black Power people to refuse to play the role of the proletariat for 'disinterested' leaders of another colour is another question'.²²⁹

Arendt therefore fails to explore how oppressed groups can best engage in action in situations where 'plural' political groups are substantively unequal. Biko indirectly and implicitly explores the gap in Arendt's theory and suggests an approach whereby oppressed groups engage separately in political action with the eventual aim of authentic integration.²³⁰ Although the exclusion of individuals on bases such as a lack of legal or traditional discrimination may give rise to less diverse opinion and the risk of absolutist thinking, the alternative would be to have no effective forum for black students at all. Biko's approach therefore appears the better of the two sub-optimal options.

2.3 Necessity and politics

Arendt argues that individuals cannot engage effectively in political action when they are subject to necessity.²³¹ Being subject to necessity does not mean to be merely poor, but rather to be so desperate that one is suffering physically and on the verge of starvation.²³² Arendt believes that people under such conditions cannot act politically as they are slaves to their bodily functions, which are 'more compelling than violence'.²³³ Because of this, Arendt argues that they are unable to engage disinterestedly in public affairs or remain committed to principles that inspire political action.²³⁴ Instead, the appearance of the poor in the light of the public realm alters its nature so that it becomes concerned with matters that can only be solved via

²²⁹ *On Violence* (note 183) 24.

²³⁰ Biko 'Black souls in white skins?' (note 220) 24.

²³¹ *Op cit* chapter 1.1.2.

²³² *Op cit* chapter 1.3.

²³³ *On Revolution* (note 1) 63.

²³⁴ *Ibid.*

administration, not politics.²³⁵ This results in the shrinkage of the political realm and a turn away from the goal of freedom in favour of bureaucracy and administration aimed at promoting wealth and abundance.²³⁶

Arendt's analysis of the condition of the poor is highly simplistic. Involvement in action is of utmost importance for individuals who exist at the level of necessity. This is because individuals need to fully understand the complex reasons for and causes of their situations, so that they can not only find means to address their dilemmas, but also gain consciousness and properly negotiate the world across class and income barriers. Excluding the desperately poor from the political realm may increase the risk of uprisings in the form of the Reign of Terror, precisely because they lack exposure to diverse opinions, as well as platforms to gain consciousness by engaging in speech and deliberation relating to matters of public concern.

Furthermore, necessity cannot be defined merely by reference to bodily needs. Even Arendt states that 'affluence and wretchedness are only two sides of the same coin; the bonds of necessity need not be made out of iron, they can be made out of silk.'²³⁷

Even amongst the most desperately poor, levels of social cohesion and support can be such that members' ability to engage in disinterested political action far exceeds that of members of middle and upper income groups, many of whom live individualistic, consumerist lives, sheltered by the isolated structure of the nuclear family. Arendt's view that the desperately poor, because they are subject to necessity are hence unable to effectively engage in political action is hence simplistic and unattuned to the diversity in condition and mindsets found amongst individuals across all classes.

²³⁵ Op cit chapter 1.1.3 and 1.4.

²³⁶ Ibid.

²³⁷ *On Revolution* (note 1) 139.

2.4 Arendt's separation between the private and political realms

Of great concern to almost all her critics is Arendt's consistent emphasis on the separation between the private and political realms.²³⁸ Arendt emphasises that household and administrative concerns should remain private and be dealt with by individuals themselves or by a body made up of independent experts.²³⁹ On the other hand, worldly matters of public concern belong in the public political realm.²⁴⁰ Such matters are inspired and guided by broad principles, as opposed to particular interests and have as an ultimate aim the goal of freedom.²⁴¹

Part of the difficulty with Arendt's analysis is that she is never very clear as to what exactly private and public concerns encompass. Terms such as 'household' and 'worldly' matters are very vague. It also appears that by attempting to categorise the contents of each realm, some of her arguments become contradictory. Finally, it seems that her views regarding the divide also seem to change over time.

Arendt initially attempts to categorise public and private concerns in *The Human Condition*. Here she emphasises that household matters, including matters related to labour and women, belong in the private realm. When these private interests enter the public realm, politics and government is transformed into a social 'nation-wide administration of housekeeping'.²⁴² She controversially claims that:

²³⁸ Albrecht Wellmer 'Arendt on Revolution' in Dana Villa (ed) *The Cambridge Companion to Hannah Arendt* (2001) 232, Jeremy Waldron 'Arendt's constitutional politics' also in Dana Villa (ed) *The Cambridge Companion to Hannah Arendt* 206 and Maurizio Passerin d'Entrevies *The Political Philosophy of Hannah Arendt* (1994) 62.

²³⁹ Op cit chapter 1.1.2 and 1.4.

²⁴⁰ Op cit chapter 1.1.2.

²⁴¹ *On Revolution* (note 1) 89.

²⁴² *The Human Condition* (note 10) 28.

'The fact that the modern age emancipated the working classes and the women at nearly the same historical moment must certainly be counted among the characteristics of an age which no longer believes that bodily functions and material concerns should be hidden'.²⁴³

However, a year later in her highly contentious essay 'Reflections on Little Rock'.²⁴⁴ Arendt seems to add a nuance to her strict division. Her analysis shows that certain issues may in fact have both a private and public aspect. For example, she maintains that marriage can be seen as a private household matter. However, if marrying one's chosen spouse brings one in conflict with the law (for instance in the case of interracial or gay marriage), the issue becomes a political matter, relevant for public debate and action.²⁴⁵

In *On Revolution*, Arendt's focus narrows in on the question of how to alleviate severe poverty. She argues that conquering 'the existence of poverty', or what she calls the 'social question'²⁴⁶ cannot be solved via politics and is instead a private household matter best left to administrative experts. For instance, she states that during the course of the French Revolution, the political realm:

'was overwhelmed by the cares and worries which actually belonged in the sphere of the household and which, even if they were permitted to enter the public realm, could not be solved by political means, since they were matters of administration, to be put into the hands of experts, rather than issues which could be settled by the twofold process of decision and persuasion'.²⁴⁷

Analysts have therefore often interpreted Arendt as maintaining that all issues relating to poverty have no place in the political realm at all.²⁴⁸ Arendt

²⁴³ *The Human Condition* (note 10) 41.

²⁴⁴ (note 57) 231.

²⁴⁵ *Ibid* 239.

²⁴⁶ *On Revolution* (note 1) 60.

²⁴⁷ *Ibid* 90 to 91.

²⁴⁸ Karin A Fry *Arendt: a Guide for the Perplexed* (2009) 106 to 107.

would probably agree with this interpretation. However her account of the 'social question' in *On Revolution* seems to equate the term to the conclusive administrative question of delivering sustenance to the desperately poor, as opposed all social, economic and political dimensions of poverty.

This seems apparent from Arendt's reasoning. She repeatedly links the social question to the tasks of management and administration, stating that 'the fatal mistake of the councils has always been that they themselves did not distinguish clearly between participation in public affairs and administration or management of things in the public interest'.²⁴⁹ She argues that it is problematical when political leaders or activists take responsibility over management and administration, as political strengths such as personal integrity, trustworthiness and capacity for judgment often fail at administrative duties.²⁵⁰

Furthermore, Arendt's description of political action suggests that deliberative issues regarding exploitation can enter the public realm. Arendt maintains that poverty can arouse the political principle of solidarity out of which individuals can 'establish a community of interest with the oppressed and exploited'.²⁵¹ Thus debate regarding exploitation that is unrelated to managerial and administrative processes could fall outside of the definition of the social question in the strict sense and be admissible in the public political realm.

Arendt also states that the social question 'must not be equated with the lack of equality of opportunity or the problem of social status'.²⁵² According to her, these questions played no role in the downfall of the French Revolution, as 'only the predicament of poverty, not individual

²⁴⁹ *On Revolution* (note 1) 273.

²⁵⁰ *Ibid* 274.

²⁵¹ *Ibid* 88 to 89.

²⁵² *Ibid* 72.

frustration or social ambitions, can arouse compassion' (as for her, compassion led to the fall of the French Revolution).²⁵³ Although Arendt believes that the desire for social mobility is problematical and should be distinguished from the desire for freedom, issues such as social exclusion and prejudice are clearly located outside of the administrative realm and are distinct from the social question.²⁵⁴ This seems to indicate once again that Arendt's use of the term 'social question' is far narrower than often thought and does not include more systemic and debateable components of poverty.

Arendt's reflections on Marx's thought in *On Revolution* also indicate that certain types of deliberations relating to poverty can belong in the political realm.²⁵⁵ Arendt describes how in his early writings Marx spoke of the predicament of poverty in political categories of oppression and exploitation by a 'ruling class' that enforced its will over the poor via violence.²⁵⁶ For Arendt, there is nothing outrageous about this view. She believes that poverty can be the result of political factors such as exploitation, evident in slave economies and violent expropriations during early capitalism.²⁵⁷ By inference, Arendt seems to concede that poverty can have political dimensions that fall within the political realm. What she has a problem with is rather Marx's insistence that all poverty is purely the result of political exploitation and violence, and argues (albeit simplistically and inaccurately)²⁵⁸ that poverty in revolutionary France and Russia was the result of scarcity.²⁵⁹ Her fear is that the politicisation of scarcity can lead to terror and destroy the political realm.²⁶⁰

²⁵³ *On Revolution* (note 1) 73.

²⁵⁴ *Ibid* 72 to 73.

²⁵⁵ *Ibid* 60 to 66.

²⁵⁶ *Ibid* 62.

²⁵⁷ *Ibid*.

²⁵⁸ Although it is well known that there was a miniature ice-age at the time of the French Revolution giving rise to food shortages (especially since the French were slow to adopt the potato as a dietary staple), Arendt's view does not consider how the excesses and corruption of the aristocracy and the church (under the protection of oppressive laws) played a role in the existence of poverty in France.

²⁵⁹ *On Revolution* (note 1) 63.

²⁶⁰ *Ibid* 62.

What is even more problematic for Arendt than the assumption that all poverty springs from oppression, is Marx's later reversal of the above insight, where instead of seeing economic conditions as the outcome of oppression, he sees 'oppression as caused by economic factors'.²⁶¹ As a result, his view that man-made violence comprises the cause of necessity is later inverted so that necessity itself amounts to violence.²⁶² For Arendt, this inversion culminates in the:

'most pernicious doctrine of the modern age, namely that life is the highest good, and that the life process of society is the very centre of the human endeavour. Thus the role of revolution was no longer to liberate men from the oppression of their fellow men, let alone found freedom, but to liberate the life process of society from the fetters of scarcity so that it could swell in a stream of abundance. Not freedom, but abundance became the now the aim of revolution'.²⁶³

For Arendt, poverty itself does not amount to violence, but instead is the result of oppression, exploitation, violence and/or scarcity amongst other factors.²⁶⁴ Following this analysis, poverty can be seen in political terms and fall within the political realm, in the event that it arises from genuine oppression, exploitation, and/or violent expropriation (a more recent example could be loss of land caused by forced removals of black South Africans carried out by the apartheid regime). In this way it is related to the shared world and concerns public freedom. However for Arendt the bare fact of poverty alone in the form of scarcity does not equate to political oppression, and the technical processes of alleviating it cannot be achieved by deliberation in the political realm.

Later in life Arendt shows far more flexibility regarding the division between the public and political realms. When asked by Mary McCarthy at a

²⁶¹ *On Revolution* (note 1) 64.

²⁶² *Ibid.*

²⁶³ *Ibid.*

²⁶⁴ *Ibid* 62 to 63.

conference in 1972 what the difference between the political and the social realm was, Arendt answered that public and political issues are those issues which are debatable and cannot be solved with certainty, unlike administrative issues that can be conclusively settled.²⁶⁵ She goes on to explain that the question of whether adequate housing demands integration is a political question, while the factual need of adequate housing itself is a social issue. She further claims that seemingly 'private' or 'social' concerns such as education, health or urban problems can have a political side to them (much like her analysis in 'Reflections on Little Rock').²⁶⁶ Thus Arendt's approach seems to change over time so that it eventually contradicts her earlier emphasis on subject matter taxonomies, which restricted gender and labour issues to the private realm.

However, Arendt fails to realise the extent of debate that can exist over 'seemingly private' matters. Manners in which to allocate resources and even the factual need of adequate housing itself can be topics of debate. Arendt's weakness is that she fails to properly emphasise the underlying basis of her contention, namely that the political realm is an environment for a certain type of deliberation as opposed to a realm that deals with an exclusive set of delineated issues.

Arendt's wariness of labour, gender and poverty taxonomies may stem partially from her general dislike of interest-based politics. Because difference of opinion is integral to debate and sifting of ideas in the political realm, Arendt finds interest-based politics limiting. Although individuals can be bound in solidarity behind certain broad principles that inspire action, being bound behind one interest alone is inadequate. For Arendt, group

²⁶⁵ Fry (note 248) 109 referring to Mervyn Hill *Hannah Arendt: the recovery of the public world* (1979) St Martin's Press, New York 317 to 318.

²⁶⁶ Ibid.

formation falls within the social, not the political domain.²⁶⁷ Arendt argues that 'no formation of opinion is possible where all opinions are the same'.²⁶⁸

Although inconsistent and confusing, Arendt's distinction between the private, social and public realms is not as clear-cut as sometimes described (by others²⁶⁹ as well as herself). It seems as though certain gender, labour and economic issues can fall within Arendt's public and political realms, provided they are debatable, inspired by a broader principle (as opposed to a particular interest), related to the shared world and have the ultimate aim of public freedom.

In light of the above analysis, it seems that many criticisms of Arendt's account of the private and public realms are misplaced. For instance, Maurizio Passerin d'Entreves argues that Arendt's designation of economics as pre-political ignores the crucial question of economic power and exploitation.²⁷⁰ Quoting Sheldon Wolin,²⁷¹ he emphasises that economy is a structure of power, and not merely about work, productivity and property. Certain economic systems can result in inequality becoming increasingly greater and more exploitative and sophisticated. Furthermore, many of the struggles for social equality have been decisive in enlarging our conception of citizenship.²⁷² Andrew Schaap similarly emphasises that Arendt's theory excludes the discussion of historical aspects of needs, or the fact that needs might be contingent.²⁷³

²⁶⁷ Peter Baehr, introduction to *The Portable Hannah Arendt* (note 57) xxxvi. Also see 'Reflections on Little Rock' in *The Portable Hannah Arendt* (note 57) 238 to 239.

²⁶⁸ *On Revolution* (note 1) 225.

²⁶⁹ Wellmer (note 238) 232 and Waldron (note 238) 206.

²⁷⁰ Maurizio Passerin d'Entreves (note 238) 62.

²⁷¹ Ibid referring to Sheldon Wolin 'Hannah Arendt: Democracy and the Political' 60 (1983) *Salmagundi* 9 to 10.

²⁷² Passerin d'Entreves (note 238) 62.

²⁷³ Andrew Schaap 'The politics of need' in Andrew Schaap, Danielle Celermajer & Vrasidas Karalis (eds), *Power, Judgment and Political Evil: In Conversation with Hannah Arendt* (2010) 164.

However, by following the crux of Arendt's argument, many of the above issues would fall within the political realm. Whether discussion relates to private or public spheres depends not on whether or not it relates to economics and poverty, but rather on the type of discussion taking place. If discussion concerns merely agreed upon needs and planning arrangements for welfare implementation (such as installing traffic lights or distributing social grants), it would fall outside of politics. However, where debate is inspired by general principles and relates to matters such as exploitation, citizenship, and power structures, it may well be political in Arendt's view.

Despite his critique of Arendt's strict distinction between private and political matters, Passerin d'Entreves recognises that some form of investigation is necessary when it comes to the intersection between the political and the economic.²⁷⁴ He agrees with Nancy Fraser that the enlargement of the political realm to include the 'social question' must be accompanied by a qualitative enquiry into how to prevent the political from being 'overrun by instrumental reason and reduced to administration'.²⁷⁵ I would argue that although far from clearly stated and set out, key themes in this regard are already implicit in Arendt's work. Concepts such as equality, solidarity, principle, disinterest, debate, opinion and freedom are some mechanisms suggested by Arendt to keep the political intact from the expansion of 'the social' or in other words administration, into the political realm.

In particular, Arendt's distinction between the public and private realms offers incredibly original insight into resolving the social question (which is a central concern of the dissertation). Her theory shows that poverty can be addressed in the public/political realm through debate

²⁷⁴ Passerin d'Entreves (note 238) 62 to 63.

²⁷⁵ Ibid 63 quoting Nancy Fraser 'The French Derridans: Politicising deconstruction or deconstructing the political' 33 (Fall 1984) *New German Critique*.

regarding the very foundations of social conditions that is inspired by broad principles and aimed at public freedom. Through this, new perspectives on people's dilemmas and appropriate strategies of action can be brought to light via the exchange of ideas and opinions. On the other hand Arendt proposes that the discussion of non-debateable questions of administration (ie the 'social question') is a futile exercise in the political realm and is best resolved by independent experts and administrators. Arendt therefore holds a deep concern for the social question, yet one that is cautious of governance views that tend to blur or ignore the distinction between political and administrative dimensions of poverty and their respective realms of address.

Conclusion

Arendt's bold assertions regarding freedom, plurality, necessity and the private and public domains contain much value. However, she sometimes ignores important subtle questions in the process of putting her theory across. For instance questions regarding 'consciousness' are left out of her account of freedom, and her taxonomic distinctions are sometimes not well explained. This unfortunately has resulted in her views sometimes being completely dismissed or swept aside. For example, Albrecht Wellmer describes Arendt's attempt to concretise a distinct political and private realm as 'the great weakness of her political theory'²⁷⁶ and in his essay on 'Arendt's constitutional politics', Jeremy Waldron avoids examining her distinction between the public and private realm altogether.²⁷⁷ This chapter shows that Arendt's distinction between the private and political realms is not only highly complex and weighted with import insights, but is central to any thorough analysis of Arendt's constitutional politics.

²⁷⁶Wellmer (note 238) 232

²⁷⁷Waldron (note 238) 206.

The following part of this dissertation will apply Arendt's observations to the South African anti-apartheid struggle and the country's subsequent political transition. It will explore notions of freedom and politics prior to and post liberation, and in particular examine the role the social question has played throughout. Finally, recommendations shall be made as to how South African citizens and courts should best analyse the predicament of poverty, which despite liberation, has remained a persistent and growing dilemma in the country.

PART II:**THE APPLICATION OF ARENDT'S THEORY TO THE
SOUTH AFRICAN LIBERATION STRUGGLE AND
POST DEMOCRACY ERA**

3. THE SOUTH AFRICAN TRANSITION

Introduction

This chapter describes the popular liberation struggle that took place in South Africa in the 1980s and early 1990s. It then explores the negotiations between the African National Congress and the National Party government that eventually culminated in the 'negotiated settlement' and the enactment of the South African Constitution in 1996. It will be contended that these events brought the South African transition within the scope of Arendt's analysis of revolutionary struggle, as they reflected the overall goal of freedom, as well as the notion of novelty in the sense of founding a new form of government that comprises a distinct break from the past. However, the centralised character of the constitutional negotiations ultimately failed to live up to Arendt's description of revolutionary foundation.

3.1 The anti-apartheid movement in the 1980s

The anti-apartheid movement went through various phases and took many forms. However during its final stages in the 1980s and early 1990s, the movement was characterised by the coming together of diverse groups and organisations under the banner of the United Democratic Front (UDF).²⁷⁸ The UDF was not based on individual membership, but comprised a front for various affiliated organisations. At its peak it encompassed about 700 affiliates that represented up to two million individuals.²⁷⁹ Its opposition took the form of mass mobilisation and protest in the form of marches, boycotts,

²⁷⁸ Tom Lodge, *All, here, and now: Black politics in South Africa in the 1980s* (1991)

34.

²⁷⁹ Ibid.

strikes, political funerals, mass meetings and the creation of 'parallel institutions' under the strategy of 'people's power'.²⁸⁰

The UDF was originally formed in 1983 in protest against the government's plans to reform its policy of influx control and enact a constitution that would provide for a tricameral government consisting of white, Indian and coloured representatives.²⁸¹ White representation would be given disproportionate weight, while black voters would be unrepresented.²⁸² However from its inception, the UDF linked immediate goals to a broader struggle. For instance, at the UDF's launch function in Mitchell's Plain, Frank Chikane urged South Africans to fight against the government's reform proposals in order to destroy the apartheid system and 'put up a government by the people, where the people shall govern according to their will'.²⁸³

At the time of the formation of the UDF, the African National Congress (ANC) was banned and largely driven into exile. As a result it had been unable to effectively organise mass public support within South African territory.²⁸⁴ In contrast, the South African government initially allowed the UDF some leeway to call meetings and organise protests.²⁸⁵ The UDF therefore quickly became a home to many ANC supporters in the country who were unable to express their views and engage in political action under the banner of the ANC.²⁸⁶ The UDF likewise allied itself with and sought direction from the ANC, which it believed was the rightful heir to the South African parliament.²⁸⁷ At the same time not all bodies affiliated to the UDF

²⁸⁰ Jeremy Seekings *The UDF: A history of the United Democratic Front in South Africa 1983-1991* (2000) 313.

²⁸¹ Lodge (note 279) 47.

²⁸² Seekings (note 280) 2.

²⁸³ Ibid 58 quoting Frank Chikane on the day of the launch of the UDF, 20 August 1983.

²⁸⁴ Ibid 5.

²⁸⁵ Ibid 34.

²⁸⁶ Ibid 23.

²⁸⁷ Ibid 24.

were allied to the ANC, as the front drew on support from varied stakeholders opposed to the apartheid regime.²⁸⁸

The structure of the UDF was initially very decentralised and non-hierarchical. It comprised three levels of leadership, namely local, regional and national. National leadership was made up of representatives from various regional bodies, and regional bodies operated as umbrella structures for numerous affiliated organisations, such as political circles, women's groups, sports clubs, religious organisations, student groups, ethnic and cultural groups, civic organisations, youth groups, labour unions and 'other' groups such as media organisations and detainee action groups.²⁸⁹ Affiliates were therefore autonomous organisations and movements, as opposed to subordinate branches.²⁹⁰ As a result, a great deal of impetus came from the grassroots up, and 'leaders' were often unable to control much of what was happening amongst citizens on the ground.²⁹¹ Jeremy Seekings states that the role of the UDF was mainly that of informing local political mobilisation, providing inspiration and facilitating contact between activists from different areas, and that 'until 1986 most direct co-ordination was provided by individual affiliates or by forums separate from the UDF's own structures'.²⁹²

Non-racialism and cultural tolerance were central tenants of the UDF, which emphasised unity amongst South Africans from all walks of life, evident in its slogan 'the UDF unites, Apartheid divides'.²⁹³ The UDF also crossed class boundaries by encompassing working class affiliates such as labour unions and township civic organisations to middle class groups such

²⁸⁸ Seekings (note 280) 49.

²⁸⁹ Ibid 15 and 60, and Lodge (note 278) 34.

²⁹⁰ Seekings (note 280) 15.

²⁹¹ Michael Neocosmos 'Civil society, citizenship and the politics of the (im)possible: rethinking militancy in Africa today' (November 2009) 1:2 *Interface* 301.

²⁹² Seekings (note 280) 18 to 19.

²⁹³ Ibid 71.

as the Mowbray Interracial Group and Jews for Justice.²⁹⁴ Despite this, UDF affiliates themselves were often divided along class, race, ethnic, religious and gender lines.²⁹⁵ For instance, black townships would form separate congresses to coloured townships. Women often joined women's groups and white students would join organisations such as the Cape Youth Congress.²⁹⁶ Nevertheless, although affiliates were not always completely mixed or demographically representative, UDF structures encouraged collaboration between distinct affiliates, and thereby enabled many actors to identify with fellow activists from other backgrounds.²⁹⁷

Because the UDF wished to bring together as many diverse organisations as possible to oppose the Apartheid regime, it did not have a clearly set out ideology. For instance, Keith Gottschalk argues that:

'The UDF kept its principles as few as possible, so as to have a broad alliance of all groups and organisations opposed to apartheid and minority rule. Any organisation could affiliate provided it supported non-racialism, a united South Africa, and did not collaborate with apartheid institutions. It avoided adopting any economic policy so as not to divide socialist and capitalist opponents of racism'.²⁹⁸

As a result UDF affiliates organised around different and varied immediate goals. Some affiliates aimed to rid communities of corrupt government councillors, whereas others protested against Bantu education, while still others, such as trade unions, sought better working conditions and wages for labourers. However, as diverse as these goals were, involvement in the UDF raised people's awareness of the common broader national struggle of opposing the Apartheid government. This was evidenced by the

²⁹⁴ Keith Gottschalk, 'United Democratic Front, 1983-1991: rise, impact and consequences' in Ian Liebenberg, Fiona Lorton & Bobby Nel et al (eds) *The Long March: the story of the struggle for liberation in South Africa* (1994) 190.

²⁹⁵ Ibid 193.

²⁹⁶ Ibid.

²⁹⁷ Seekings (note 280) 59 and 61.

²⁹⁸ Gottschalk (note 294) 192.

local affiliates practice of conducting the struggle on two levels, in which they 'would organise around local immediate problems on the first level and then tie their organisation into a national body to challenge the broader problems on the second level'.²⁹⁹

A key strategic framework of the UDF was 'people's power'. People's power meant weakening the government through mass action such as strikes, consumer boycotts and withholding rent.³⁰⁰ Immediate causes of 'people's power' campaigns included improved education, the departure of troops from neighbourhoods, opposition to segregated store entrances and non-racial municipal councils.³⁰¹ Affiliates were also urged to set up parallel structures to deal with municipal issues such as street cleaning and rubble removal, as well as set up informal courts to deal with crime and domestic issues.³⁰²

People's power in the form of street and area committees was pioneered by Matthew Goniwe in Cradock in 1983.³⁰³ Street committees organised residents meetings on a street-by-street basis, and when necessary consulted with area committees.³⁰⁴ These structures quickly spread across the Eastern Cape and other provinces.³⁰⁵ Although methods of self help such as administering municipal tasks and deciding over local disputes already existed in many townships and rural areas,³⁰⁶ UDF leaders strengthened the organisational strategy and conceptual thinking of these

²⁹⁹ Lodge (note 278) 52 quoting Zwelakhe Sisulu 'The herald of a new era' *Sowetan*, 24 August 1983 at 5.

³⁰⁰ Seekings (note 280) 169

³⁰¹ Lodge (note 278) 80.

³⁰² Seekings (note 280) 169.

³⁰³ Lodge (note 278) 74 to 75.

³⁰⁴ Janet Cherry 'Hegemony, democracy and civil society: political participation in kwazakele township' in Glenn Adler, Jonny Steinberg *From comrades to citizens: the South African civics movement and the transition to Democracy* (2000) 108

³⁰⁵ Seekings (note 280) 143.

³⁰⁶ Ibid 170.

bodies and brought them under the fold of the UDF.³⁰⁷ Under the influence of the UDF, street committees linked their disparate struggles to broader political causes and co-ordinated campaigns, such as rent and consumer boycotts, were also conducted with the aim of weakening the apartheid system as a whole.³⁰⁸

However, 'people's power' was also often characterised by intimidation and brutal violence. For example, many street committees intimidated or punished those not adhering to boycotts.³⁰⁹ Furthermore, although many 'people's courts' were influenced by traditional knowledge and often used mediation and conciliation to peacefully resolve conflicts, there were many cases of harsh punishments including beatings and murder meted out.³¹⁰ It also became common for many UDF youths to use burning tyres to kill councillors and suspected informers, a practice that became known as 'necklacing'.³¹¹ This resulted in 672 people being killed between 1984 and 1987, almost half of whom were necklaced.³¹² Clashes occurred not only between UDF affiliates and individuals perceived as being spies, but also between the UDF and rival movements such as the Inkatha Freedom Party and the Azanian Peoples' Organisation.³¹³ These events, as well as thousands of detentions weakened the morale of the movement and public opinion towards it.³¹⁴

Raymond Suttner maintains that coercion was most frequent in areas where UDF groups operated as isolated factions and without broad based community support.³¹⁵ On the other hand, where 'representatives from a

³⁰⁷ Seekings (note 280) 170.

³⁰⁸ Ibid 134.

³⁰⁹ Lodge (note 278) 82.

³¹⁰ Ibid 138.

³¹¹ Ibid 97.

³¹² Gottschalk (note 294) 194.

³¹³ Ibid 194 to 195.

³¹⁴ Lodge (note 278) 99.

³¹⁵ Raymond Suttner 'Review: The UDF period and its meaning for contemporary South Africa' (September 2004) 30:3 *Journal of Southern African Studies* 697.

wide range of sectors determined action on behalf of, and in consultation with, the community' the use of coercion was rare.³¹⁶ Likewise Suttner believes that community courts would often unleash violence and abuse when they lacked broad based community involvement.³¹⁷ Where communities were part of such structures, conflicts tended to be resolved through mediation.³¹⁸

Although the UDF often failed to provide effective leadership when it came to reigning in many of its members who were set on unleashing violence,³¹⁹ it did not publicly support violence and placed a great deal of emphasis on political education in this regard.³²⁰ This was largely motivated by the fact that the UDF aimed to cripple the apartheid regime by isolating it and placing pressure on it through the growth of people's power, as opposed to the ANC's emphasis of military take-over of the state.³²¹

Through the practice of people's power the UDF became aware that the notion of popular government did not rely purely on the transfer of government at some distant point in the future, but could be immediate. A commentary in *Isizwe* magazine celebrated that:

'It is true that the fullest consolidation of people's power is still in the future. It is true that control over central state power is the key to many things... Nevertheless, the building of people's power is something that is already beginning to happen in the course of our struggle. It is not for us to sit back and merely dream of the day that the people shall govern. It is our task to realise that goal now.'³²²

People's power led UDF members to envision an alternative form of

³¹⁶ Suttner (note 315) 697.

³¹⁷ Ibid.

³¹⁸ Ibid.

³¹⁹ Lodge (note 278) 82.

³²⁰ Seekings (note 280) 158.

³²¹ Ibid 173 to 4.

³²² Ibid 171 quoting 'building people's power' *Isizwe* (March 1986) 2.

democracy. Street committees, people's courts and similarly organised trade union structures would help to build a democratic system based on popular participation.³²³ In 1987 UDF activist, Murphy Morobe set out the tenets of the struggle as follows:

'Our democratic aim... is control over every aspect of our lives, and not just the right (important as it is) to vote for a central government every four to five years... When we say that the people shall govern, we mean at all levels and in all spheres, and we demand that there be real, effective control on a daily basis'.³²⁴

In 1986 the government imposed a second state of emergency across South Africa, which was unprecedentedly harsh and detrimentally affected the ability of the UDF to operate.³²⁵ The UDF could no longer rely on mass meetings as a forum for decision-making and mobilisation, and many key leaders were held in detention.³²⁶ As a result many UDF structures collapsed and the front relied on trade unions and church leaders to keep its momentum alive during the period from 1986 to 1988.³²⁷ Although the UDF began reenergising again in 1989, by formally allying with the Congress of South African Trade Unions (COSATU) and forming the Mass Democratic Movement, negotiations between the government and the ANC were underway, and in 1990 the ANC was unbanned and Nelson Mandela was released from prison.³²⁸ When this occurred it became unclear what the role of the UDF would be in future.³²⁹ In addition, many UDF leaders were quickly

³²³ Seekings (note 280) 170.

³²⁴ Raymond Suttner 'Legacies and meanings of the United Democratic Front (UDF) period for contemporary South Africa' in Cheryl Hendricks and Luazi Lushaba (eds) *From National Liberation to Democratic Renaissance in Southern Africa* (2005) 63 to 64 quoting Murphy Morobe 'Towards a people's democracy: The UDF view' 40:1 (1987) *Review of African Political Economy*.

³²⁵ Lodge (note 278) 87.

³²⁶ Seekings (note 280) 196 to 197.

³²⁷ Gottschalk (note 294) 191.

³²⁸ Seeking (note 280) 261.

³²⁹ Ibid 284.

absorbed into ANC leadership position, thus weakening the UDF even further.³³⁰

As a result, in March 1991 the National General Council of the UDF met for the first time since 1985 and took a decision to disband the Front.³³¹ A completely new organisation called the South African National Civics Organisation (SANCO) would be formed to co-ordinate mobilisation between civic bodies.³³² While ANC branches would focus on political issues, civic bodies would focus their attention on 'bread and butter' developmental issues.³³³ Very few UDF leaders took up positions in SANCO, which was lead by mainly former critics of, or those sidelined by the UDF.³³⁴ Suttner believes that in retrospect the decision to disband the front was regrettable.³³⁵ He maintains that at the time there was a mislead belief amongst many UDF leaders that the UDF was merely a 'curtain raiser' before the main team (the ANC) arrived on the field.³³⁶ He believes that many participants viewed their achievements too modestly and did not realise that in the UDF they had gone beyond what had been practiced by the ANC in the 1950s, and had brought something completely new into the political arena.³³⁷

Numerous leaders and affiliates of the UDF sought to attain economic emancipation for South Africa's poor. This is evident in the Freedom Charter, which the UDF formally adopted as a 'guiding document' in 1987.³³⁸ The Freedom Charter had been drafted by the Congress of the People, made up of the African National Congress (ANC), the South African Indian Congress,

³³⁰ Seekings (note 280) 284.

³³¹ Ibid 280.

³³² Ibid 21.

³³³ Glenda Daniels 'Beyond protest politics' (July/August 1991) *Work in Progress* 13 and Seekings (note 280) 21.

³³⁴ Seekings (note 280) 283.

³³⁵ Suttner (note 315) 699.

³³⁶ Ibid 699 to 700.

³³⁷ Ibid 700.

³³⁸ Ibid 215.

the South African Congress of Democrats and the Coloured People's Congress and was adopted by 3000 delegates in Kliptown on 26 June 1955.³³⁹ Prior to its adoption, provincial Joint Consultative Committees carried out months of preparatory work, holding meetings in towns and villages in order to gather demands for incorporation onto the Charter and arrange the election of delegates.³⁴⁰ In line with this leaflets were distributed calling for local and provincial societies, clubs, churches, trade unions and other organizations to join as 'partners in the congress of the people committee'.³⁴¹ The Charter includes various provisions under the following titles:

'The people shall govern!
 All national groups shall have equal rights!
 The people shall share in the country's wealth!
 The land shall be shared among those who work it!
 All shall be equal before the law!
 All shall enjoy equal human rights!
 There shall be work and security!
 The doors of learning and culture shall be opened!
 There shall be houses, security and comfort!
 There shall be peace and friendship!'³⁴²

However, despite the clear articulation of economic emancipation in the Freedom Charter, consensus over the extent of economic emancipation and the form it should take was uncertain and fragmented.³⁴³ In contrast, there appears to be complete agreement amongst UDF leaders and affiliates regarding their opposition to political oppression and the establishment of a

³³⁹ Michael Blake and Martin Jansen *50 years of the Freedom Charter: a cause to celebrate?* (October 2005) 2.

³⁴⁰ Ibid.

³⁴¹ Ibid.

³⁴² Ibid iv to vi.

³⁴³ Gottschalk (note 294) 192.

democratic non-racial society.³⁴⁴ For instance the UDF Declaration of 1983 calls simply for broad and united opposition to the apartheid government and committing members to a free, non-racial and democratic South Africa.³⁴⁵ This shows that, while economic conditions may have instigated many protests, the UDF was primarily organised around political and public freedom.

To the extent that the UDF concerned itself with alleviating economic conditions, it saw this as going hand in hand with political rights and democracy. At no point did UDF leaders or affiliates appear to emphasise economic and social equality at the expense of democracy and political freedoms. The South African anti-Apartheid struggle was therefore primarily political, and where emphasis was placed on economic emancipation, such emancipation rested on political human rights and political freedoms first being attained and entrenched.

3.2 The South African negotiated settlement

Democracy in South Africa did not come about through force, but via a sensitive process of negotiations between the African National Congress (ANC) and the National Party (NP) led government.³⁴⁶ This does not negate the negotiated settlement from reflecting revolutionary elements. In fact Arendt's notion of freedom linked to a sense of novelty (which according to her were central elements of revolution)³⁴⁷ was evident throughout South Africa's peace process.

³⁴⁴ Seekings (note 280) 54 to 55.

³⁴⁵ Ibid.

³⁴⁶ Peter N Bouckaert 'The negotiated revolution: South Africa's transition to a multi-racial democracy' in (1997) 33 *Stan. J. Int'l L* 375.

³⁴⁷ Op cit chapter 1.2.

There are many factors that led to the liberation of South Africa eventually taking a peaceful path. Firstly mass public protest within the country had made many parts of the country almost ungovernable pressuring the government to enter into dialogue.³⁴⁸ Furthermore, international condemnation and sanctions were weakening the country's economy.³⁴⁹ The government's anti-communist rationale for maintaining power also lost wind in the 1980s, as Russian policies embraced democratic reforms under the policies of Glasnost and Perestroika.³⁵⁰ The collapse of the Berlin wall in 1989 further indicated that a Russian backed communist take over was unlikely.³⁵¹ On its side the ANC realised that it would take a very long time to ever overthrow the Apartheid regime via military force, if even possible.³⁵² Both parties therefore decided to negotiate a peaceful transfer of power, which culminated in the 1994 elections and the enactment of the Interim and Final Constitutions.

Several different forms of negotiations emerged in the mid-1980s, all reflecting a changed attitude amongst sectors of the white mainstream towards the ANC. Firstly senior members of business met with the exiled ANC leadership in Lusaka, Zambia in 1985, followed a few weeks later by members of the official opposition party, the Progressive Federal Party (PFP), led by Frederick van Zyl Slabbert.³⁵³ The organizers of these meetings had become impressed by the mass public support for the ANC displayed during the 1980s uprisings and concerned about the failure of the apartheid regime to consider any viable democratic options despite

³⁴⁸ Bouckaert (note 346) 379 to 380.

³⁴⁹ Ibid.

³⁵⁰ Daniel R. Kempton 'Africa in the age of Perestroika' (3rd quarter 1991) 38:3 *Africa Today* 9.

³⁵¹ Steven Mufson 'South Africa 1990' (1990/1991) 70:1 *Foreign Affairs* 124.

³⁵² Daniel Lieberfeld 'Contributions of a semi-official pre-negotiation initiative: Afrikaner-ANC meetings in England, 1987-1990' (1997) *United States Institute of Peace* 3.

³⁵³ Daniel Lieberfeld 'Evaluating the contributions of track-two diplomacy to conflict termination in South Africa, 1984-90' (May 2002) 39:3 *Journal of Peace Research* 363.

increasing international denunciation and economic disinvestment.³⁵⁴ At the meeting with the PFP leadership, the ANC declared that although they were not prepared to negotiate with the government at that time, they did not rule out negotiations at a later stage.³⁵⁵ Both groups believed that one of the prerequisites to negotiations would be the unconditional release of Nelson Mandela and all political detainees.³⁵⁶

Representatives from other white South African groupings soon followed suit. In 1986 Professor Pieter de Lange, the then leader of the Afrikaner Broederbond, met with Thabo Mbeki of the ANC in New York, and informed Mbeki that the Broederbond believed that a peaceful solution to the conflict needed to be achieved by 1990.³⁵⁷ In 1987 Van Zyl Slabbert and his colleague Alex Boraine (who had both resigned as members of parliament) went on to organize several further meetings with the ANC including a highly publicized meeting in Dakar, Senegal in 1987 between a number of prominent white (and mainly Afrikaans) South Africans and leaders of the ANC.³⁵⁸ The peaceful and conciliatory nature of these meetings revealed a new atmosphere of tolerance and solidarity towards the foundation of freedom in South Africa.

At around the same time the NP began subtly reaching out towards the ANC. In November 1985, just after the two initial Lusaka meetings, Kobie Coetzee, the Minister of Justice met with Nelson Mandela in a Cape

³⁵⁴ Howard Barrell *Conscripts To Their Age: African National Congress Operational Strategy, 1976-1986* (Dphil thesis, University of Oxford 1993), available at <http://www.nelsonmandela.org/omalley/index.php/site/q/03lv02424/04lv02712/05lv02713.htm>, date accessed 7 June 2011.

³⁵⁵ Colin Eglin, TRC Submission (20 August 1998) available at www.justice.gov.za/trc/special/party1/dp.htm, date accessed: 14 May 2011.

³⁵⁶ Ibid.

³⁵⁷ Thabo Mbeki 'May the groot krokodil, PW Botha, rest in peace!' (November 2006) 6: 43 *ANC Today*, available at <http://www.anc.org.za/docs/anctoday/2006/at43.htm>, date accessed 15 May 2011.

³⁵⁸ Lieberfeld (note 353) 363.

Town hospital where he was recovering from a medical operation.³⁵⁹ This led to further meetings and discussions between the senior members of the apartheid government and Mandela, and communication between him and the ANC in exile were relaxed.³⁶⁰

NP communication with the ANC was further broadened in November 1987, when it initiated indirect communication with ANC members in exile in the form of meetings in England between the ANC members and a University of Stellenbosch professor Willie Esterhuyse and some of his colleagues from the same University.³⁶¹ The group reported back to the government's National Intelligence Agency, who sought through these meetings to discover how the ANC would respond to various possible scenarios that could arise through government actions such as the release of Govan Mbeki or Nelson Mandela.³⁶²

While such interactions were being carried out, Mandela's conditions of incarceration were again further eased by his 1988 transfer to a private cottage at Victor Verster Prison in Paarl where he was permitted to hold meetings with members of the UDF.³⁶³ In July 1989 Mandela eventually met the state president PW Botha at his presidential office. Although it was more of a courtesy visit, with no matters of substance being discussed, it reinforced the political direction both organisations were moving towards.³⁶⁴ It thereby became increasingly apparent that peaceful means could be used to effect major democratic change in South Africa.

³⁵⁹ Allister Sparks *Tomorrow is another country* (1994) 24.

³⁶⁰ Ibid 25 and 36.

³⁶¹ Lieberfeld (note 353) 365.

³⁶² Ibid referring to ANC 'Report of a Meeting Held in England on 1st and 2nd November 1987' (1987) located at the Mayibuye Centre Archive, University of the Western Cape.

³⁶³ Max du Preez 'Explaining the miracle' in Karin Pampallis (ed) *Turning Points in History book 6: Negotiation, Transition and Freedom* (2004) 27.

³⁶⁴ Sparks (note 359) 54.

However, although some apartheid laws were relaxed in the 1980s and the government seemed more open to talks with the banned ANC, the apartheid government simultaneously oversaw intense military operations in neighbouring countries as well as Angola in the 1980s, in which thousands of people were killed.³⁶⁵ In 1986 it also implemented a highly oppressive state of emergency, which resulted in thousands of political activists including leaders of the UDF being detained, with many being tortured or killed.³⁶⁶ Thus although in some ways the government took on a less hard-line approach towards some opposition leaders, it refused to dismantle brutal components of the apartheid system or propose any real substantial change towards genuine democracy.

The inability of the government to carry out any radical changes led to Botha losing popularity within his party. Thus when he suffered a stroke in January 1989 he was replaced by FW De Klerk on 2 February 1989.³⁶⁷ Although Botha had no desire to resign, De Klerk was eventually appointed president on 14 September 1989 with the hope that he would carry out much needed changes.³⁶⁸

Such change eventuated on 2 February 1990, when De Klerk surprised the nation during his opening of parliament address by unbanning the ANC, the South African Communist Party and the Pan Africanist Congress and announcing the unconditional release of Nelson Mandela as well as other political prisoners.³⁶⁹ On 11 February 1990, Mandela was famously released from Victor Verster Prison and many ANC and PAC members in exile began returning back to the country.³⁷⁰

³⁶⁵ Baines, Gary 'Breaking rank: Secrets, silences and stories of South Africa's cross border wars' (May 2007) 4th Global Conference on War, Virtual War and Human Security, Budapest 2 to 3.

³⁶⁶ Seekings (note 280) 3.

³⁶⁷ du Preez (note 363) 30.

³⁶⁸ Ibid.

³⁶⁹ Sparks (note 359) 120

³⁷⁰ du Preez (note 363) 33.

Progress towards negotiations took a solid step forward in May 1990, when the NP and the ANC met at the President's official residence, Groote Schuur, and reached an agreement called the Groote Schuur Minute, in which the NP agreed to review its security legislation and bring an end to the state of emergency. In return, the ANC agreed to assist in quelling violence and reviewing its armed struggle. In addition, a working group was appointed to look into the provision of amnesty for political offences and the further release of political prisoners.³⁷¹ In August 1990 another meeting was convened, which resulted in the Pretoria Minute where the ANC unilaterally suspended the armed struggle.³⁷² Although in one sense these concessions represented a positive move towards peaceful negotiations, they also reflected an increasing centralization of power within the struggle movement. UDF structures came to play less of a role in the strategic decisions of the ANC, which seemed to arise from key figures within its leadership.³⁷³

During the course of 1990, the NP held four provincial congresses, to develop thinking around possibilities for a constitutional dispensation.³⁷⁴ Once the party had worked out its preferred constitutional structure based on group rights and which effectively enabled representatives from the 'minority backgrounds' to veto legislation³⁷⁵, its next challenge involved envisioning how a constitution would be negotiated and enacted.³⁷⁶ In January 1991 Mandela addressed this issue by calling for an all-party conference to negotiate an interim constitution.³⁷⁷ Thereafter an elected constituent assembly would negotiate and draft a final constitution.³⁷⁸ This proposal was

³⁷¹ du Preez (note 363) 33.

³⁷² Sparks (note 359) 124.

³⁷³ Op cit chapter 3.1.

³⁷⁴ Sparks (note 359) 125.

³⁷⁵ Ibid 126.

³⁷⁶ Ibid 128.

³⁷⁷ Ibid 129.

³⁷⁸ Ibid.

endorsed by the ANC's NEC in August 1991.³⁷⁹

Shortly thereafter a peace conference was convened to address growing conflict between ANC and IFP supporters³⁸⁰ - further provoked by the activities of a government-backed third force.³⁸¹ The National Peace Convention took place in September 1991,³⁸² and brought together various representatives from churches, 'independent' homeland governments, traditional leaders, trade unions, business, the media and diplomatic corps.³⁸³ It culminated with the signing of the National Peace Accord by 27 political and trade union organizations, which created formal peacekeeping structures in South Africa operating on local, regional and national levels.³⁸⁴ Signatories were obliged to abide by specified codes of conduct aimed at reducing violence, intimidation and fear and fostering a new climate conducive to democracy where fundamental rights were respected.³⁸⁵ On a local level, more than 260 Local Peace Committees were established and thousands of individuals trained in conflict resolution.³⁸⁶ This reflected a dramatic change in culture from the apartheid government's brutal policing approaches towards a climate of peaceful mediation of disputes and emphasis on human rights.

Just after the signing of the National Peace Accord, multilateral negotiations were entered into by various political organisations at the

³⁷⁹ Sparks (note 359) 129.

³⁸⁰ Ibid.

³⁸¹ Peter Bouckaert 'South Africa: The negotiated transition from apartheid to nonracial democracy' in Greenberg & Barton et al (eds) *Words over war: Mediation and arbitration to prevent deadly conflict* (2000) 251.

³⁸² Chris Spies 'South Africa's National Peace Accord: its structures and functions' *Conciliation Resources Website* (2002) available at <http://www.c-r.org/our-work/accord/public-participation/southafrica-structures-functions.php>, date accessed 7 June 2011.

³⁸³ Ibid.

³⁸⁴ Ibid.

³⁸⁵ Ibid.

³⁸⁶ Ibid.

Conference for a Democratic South Africa (CODESA) in December 1991.³⁸⁷ Despite its uncertain ending arising from disagreement between De Klerk and Mandela,³⁸⁸ the parties signed a 'declaration of intent' towards the creation of a 'united, non-racial and non-sexist state [and] multiracial democracy'.³⁸⁹ This declaration reflected an acceptance amongst the diverse parties of the central aims of the struggle. However the UDF's emphasis on mass participation and 'people's power' seems to have lagged in order of priority.

CODESA negotiations resumed in May 1992 (known as CODESA II). During the course of negotiations the ANC made a concession to the government by agreeing to negotiate a list of basic principles, which would be binding on the Final Constitution.³⁹⁰ As a result argument broke out as to what exactly these binding principles should be. Further disagreement also surfaced between the ANC and the National Party regarding the size of majority required by the National Assembly to adopt the final constitution.³⁹¹ No consensus could be reached and the meeting was adjourned.

Just after the collapse of CODESA II, 49 ANC supporters were killed during a massacre allegedly carried out by IFP assailants, supported by the government's security forces.³⁹² As a result the ANC broke off all negotiations and called for mass action. However, this led to further spiralling of violence culminating in the Bisho massacre in early September 1992, where gunmen acting on behalf of the Ciskei government shot and killed 28 ANC marchers in the Ciskei capital of Bisho.³⁹³

³⁸⁷ Sparks (note 359) 130.

³⁸⁸ TRH Davenport *The Transfer of Power in South Africa* (1998) 10 referring to Mandela *Long Walk* 588 to 9.

³⁸⁹ Timothy D Sisk *Democratisation in South Africa: the elusive social contract* (1995) 205.

³⁹⁰ Sparks (note 359) 134.

³⁹¹ Davenport (note 388) 13.

³⁹² Ibid.

³⁹³ Sparks (note 359) 151.

The ANC's heightened awareness of the risk of spiralling bloodshed as a result of mass action influenced it to return to the negotiating table with the NP. This decision was made easier by the fact that Roelf Meyer, the minister of constitutional development, and Cyril Ramaphosa, the ANC's chief negotiator, had developed a close friendship since 1991.³⁹⁴ This had enabled them to hold secret meetings with one another several times a week during the period that negotiations had been suspended.³⁹⁵

A further major breakthrough occurred in October 1993, when Joe Slovo, the chairman of the Communist Party, published a settlement proposal in the *African Communist* journal.³⁹⁶ After some heavy debate the ANC adopted these proposals in late November.³⁹⁷ In his article, Slovo suggested the formation of a power-sharing government on the basis of proportional representation for a fixed number of years. He also recommended a general amnesty for political offences and an offer of job security to the mainly white civil service.³⁹⁸ Slovo believed that when evaluating a possible settlement agreement, the focus should be on the acceptability of the package as a whole, not on minor details.³⁹⁹ He reasoned that his suggested compromises on major policy positions were permissible:

'because they will not permanently block the advance to democracy. They are conducive to a positive breakthrough in the negotiation process because they address, in a principled way, some of the basic fears and insecurities of our adversary and its constituency'.⁴⁰⁰

³⁹⁴ Sparks (note 359) 3 to 4.

³⁹⁵ Ibid 179 to 180.

³⁹⁶ Joe Slovo 'Negotiations: what room for compromise?' in (3rd quarter 1992) *African Communist* 36.

³⁹⁷ Bouckaert (note 346) 393 to 4.

³⁹⁸ Ibid.

³⁹⁹ Ibid.

⁴⁰⁰ Ibid 393 referring to Slovo (note 396) 36.

Further secret talks between the ANC and NP culminated in a Cape Town meeting between 10 and 12 February 1993 where an accord was reached that in essence reflected the proposals set out by Slovo.⁴⁰¹

Once the National Party and the ANC had substantially agreed to all terms of the transition, they attempted to obtain other political parties' agreement. In May 1993 they accordingly organised multi-party negotiations known loosely as the Multi Party Negotiating Process,⁴⁰² where 26 parties jointly worked out the details of the transition.⁴⁰³ On 18 November 1993 the parties completed the drafting of the text of the Interim Constitution.⁴⁰⁴

Although the negotiations from 1990 to 1994 involved various political parties, many key debates and political decisions took place in secluded 'bosberaads' and secret meetings.⁴⁰⁵ Furthermore, although the Interim Constitution was drafted in a multi-party context and debate most likely occurred within political parties, the public generally had almost no direct role in it's drafting.⁴⁰⁶ This was to haunt the legitimacy of the Constitution in later years.

The Interim Constitution was enacted by the NP-led government and came into force on 27 April 1994, the day of the first non-racial elections, which saw Nelson Mandela being elected as state president.⁴⁰⁷ South Africans across the country excitedly welcomed the new era in South African

⁴⁰¹ Sisk (note 389) 223.

⁴⁰² Ibid 225.

⁴⁰³ Jeremy Sarkin 'The drafting of South Africa's Final Constitution from a human-rights perspective' (Winter 1999) 47:1 *The American Journal of Comparative Law* 68.

⁴⁰⁴ Sparks (note 359) 194.

⁴⁰⁵ Ibid 186.

⁴⁰⁶ Vivien Hart 'Democratic constitution making' (July 2003) 107 *United States Institute of Peace Special Report* 8.

⁴⁰⁷ Sarkin (403) 68.

history, with millions enthusiastically turning out to vote at election stations, and large crowds gathering a few days later on the Union Building lawns to celebrate Mandela's inauguration.⁴⁰⁸

The Interim Constitution provided for a five-year coalition government known as the Government of National Unity where executive power would be shared with minority parties on a proportional basis.⁴⁰⁹ Powers were assigned to three levels of government to ensure regional and local representation in addition to national representation.⁴¹⁰ A joint sitting of a House of Assembly made up of 400 members and a Senate made up of 90 members (ten from each province) would form a Constitutional Assembly, which would draft a final constitution within two years.⁴¹¹ The Final Constitution would require a two-thirds majority of the Constitutional Assembly for its adoption, and was required to be in line with the 34 fundamental principles decided during the Kempton Park negotiations and included in the Interim Constitution.⁴¹²

The Final Constitution was drafted between May 1994 and October 1996, and came into force on 4 February 1997.⁴¹³ Although negotiations were at times held behind closed doors, there was also a public participation process at several stages of the negotiations.⁴¹⁴ This was elicited through extensive awareness raising efforts in the form of television and radio programs, newsletters and constitutional workshops. When the draft text was published for public comment in November 1995 more than five million copies of the text were distributed that month.⁴¹⁵ These efforts elicited much response, with the Constitutional Assembly receiving over 1.7 million

⁴⁰⁸ Sparks (note 359) 226 to 228.

⁴⁰⁹ Ibid 194 to 5.

⁴¹⁰ Constitution of the Republic of South Africa Act 200 of 1993 ('The Interim Constitution') chapters 6, 9 and 10.

⁴¹¹ Ibid chapter 5

⁴¹² Sparks (note 359) 194 to 5.

⁴¹³ Sarkin (note 403) 70 and 75.

⁴¹⁴ Ibid 70.

⁴¹⁵ Ibid 71.

submissions, comprising mainly petitions, during the first phase of the drafting process from May 1994 to May 1996.⁴¹⁶

During the certification process before the Constitutional Court from May to September 1996, interest groups and individuals lodged objections to clauses ranging from collective bargaining, to property and abortion rights.⁴¹⁷ Eventually a revised text was certified on 4 December 1996 and signed into law by Nelson Mandela on 10 December 1996.⁴¹⁸

The negotiation process therefore eventually gave rise to political stability and democracy in South Africa. Throughout the various stages of negotiations, a desire for freedom and a sense of novelty was present. Whether or not this amounted to a fully completed revolution will be discussed in the next section.

3.3 Did the South African negotiated transition amount to an Arendtian revolution?

There are many different definitions of revolution. This thesis relies on Arendt's account of revolution when assessing the transition in South Africa. For Arendt, the central elements of revolution are the goal of freedom combined with the phenomenon of novelty, which she explains as:

‘the notion that the course of history suddenly begins anew, that an entirely new story, a story never known or told before, is about to unfold...’⁴¹⁹

⁴¹⁶ Sarkin (note 403) 70.

⁴¹⁷ Ibid 73.

⁴¹⁸ Ibid 76.

⁴¹⁹ *On Revolution* (note 1) 28.

Arendt distinguishes her views on revolution from those of Karl Marx who she believes was:

‘so much more interested in history than in politics and therefore neglected, almost entirely, the original intentions of the men of the revolutions, the foundation of freedom, and concentrated his attention, almost exclusively, on the seemingly objective course of revolutionary events’.⁴²⁰

According to Arendt, Marx's emphasis on historical events in France - where the ruling aristocracy was overthrown and replaced by leaders representing the peasant and labouring classes - led him to model revolution on class conflict.⁴²¹ In particular he saw revolution as the emancipation of a working class from the perceived oppression of a ‘ruling class’ that through violence forced the poor into lives of toil and hardship.⁴²² In contrast, Arendt focuses on the initial goals and intentions of revolutionary actors and finds that instead of economic and labour concerns, the revolutionaries on both sides of the Atlantic were inspired by the goal of freedom.⁴²³

Arendt believes that although class displacement became the central aim of revolutionaries during the collapse of the French Revolution, it never arose as a critical factor during the course or aftermath of the American Revolution.⁴²⁴ This was because the American settler population had achieved general prosperity and high living standards well before the outbreak of the Revolution.⁴²⁵ As a result freedom remained the consistent goal of American revolutionaries.⁴²⁶ For Arendt, the flooding of the political realm with economic concerns, the decimation of the aristocracy and the eventual collapse of the Constituent Assembly in France in fact signaled the

⁴²⁰ *On Revolution* (note 1) 61.

⁴²¹ *Op cit* chapter 2.4.

⁴²² *On Revolution* (note 1) 63.

⁴²³ *Op cit* chapter 1.2.

⁴²⁴ *Op cit* chapter 1.3.

⁴²⁵ *Ibid.*

⁴²⁶ *On Revolution* (note 1) 92.

premature ending of the French Revolution.⁴²⁷ This is a far cry from Marx who, in Arendt's opinion, saw this course of events as a central feature of revolution.⁴²⁸

Arendt claims that Marx's theory has resulted in all subsequent analyses of revolution following the course of the French Revolution, as nothing of comparable quality has ever been written about the American Revolution, causing it to be overlooked.⁴²⁹ She laments that:

'The sad truth of the matter is that the French Revolution, which ended in disaster, has made world history, while the American Revolution, so triumphantly successful, has remained an event of little more than local importance'.⁴³⁰

If one relies on Arendt's account of revolution, it becomes clear that the South African liberation struggle was revolutionary. The mass popular activism of the 1980s closely reflected the diverse public engagement that emerged in the town hall meetings of the American Revolution and the popular clubs and societies of revolutionary France.⁴³¹ For example, during its foremost years from 1983 to 1986, UDF action was predominantly driven from below. People met with one another in local committees and forums and organized demonstrations, boycotts and strikes largely through their own initiative, with the UDF providing supplementary inspiration and coordination.⁴³²

Like their earlier counterparts, UDF affiliates embraced plurality, non-partisanship and non-racialism under the slogan 'the UDF unites, Apartheid

⁴²⁷ Op cit chapter 1.4 and 1.5.

⁴²⁸ *On Revolution* (note 1) 64 and 65.

⁴²⁹ Ibid 61.

⁴³⁰ Ibid 56.

⁴³¹ Op cit chapters 1.2 and 3.1.

⁴³² Op cit chapter 3.1.

divides'.⁴³³ Although many groups were divided on racial, geographical and religious lines, the UDF facilitated communication and integration between them, and much mass action involved the cooperation of people of different class, racial, religious and ethnic groups.⁴³⁴ Discussion was predominantly political in nature, as the desire for political freedom inspired heated debate regarding local and national issues.⁴³⁵ This diversity of interests is captured by Jeremy Seekings, who notes that:

'The loose form [of the UDF] represented a choice on the part of the UDF's founders, an acknowledgement of the fragmentation, vulnerability and diversity of South Africa's extra-state opposition. But it also ensured tension, as issues of strategy, accountability, direction and character were addressed through ongoing debate and conflict, and could never be resolved conclusively'.⁴³⁶

What also clearly emerges from accounts of the anti-apartheid movement is that the South African liberation struggle first and foremost aimed at the achievement of political freedom. Although there were differing views regarding socio-economic policies, there was little dispute over the necessity of political freedom for South Africans of all backgrounds and race groups.⁴³⁷ Even Communist Party leader, Joe Slovo, was open to compromise on any such issues that would not in any way 'permanently block a future advance to non-racial democratic rule in its full connotation'.⁴³⁸

Like Arendt's observation of American revolutionaries who 'discovered the charms of freedom via the public engagement which liberation demanded of them',⁴³⁹ the South African activists' desire for liberation from oppression similarly transformed into a desire to fully constitute freedom. While some

⁴³³ Op cit chapter 3.1.

⁴³⁴ Ibid.

⁴³⁵ Ibid.

⁴³⁶ Seekings (note 280) 16.

⁴³⁷ Op cit chapter 3.1.

⁴³⁸ Slovo (note 396) 36.

⁴³⁹ *On Revolution* (note 1) 33.

envisioned this taking place through the enactment of a completely new source of law, others believed in a full participatory democracy, and like Arendt, began to question the effectiveness of mere representative democracy.⁴⁴⁰

Thus for activists in the 1980s liberation and the replacement of white leadership with black leadership would not be enough. Instead, they aimed at the establishment of a completely new system of government that would usher in a new beginning in South African history.⁴⁴¹ A new ethos of tolerance and reconciliation emerged, as it became clear that freedom would never materialise in an environment where ingrained intolerance, prejudice and hatred were not addressed.⁴⁴² This awareness eventually led to negotiations being entered into with the apartheid government.⁴⁴³

This ethos of tolerance and negotiation is reflected in the Lusaka and Dakar meetings where *verligte* Afrikaners such as Frederick Van Zyl Slabbert eagerly formed close bonds with ANC leaders in exile.⁴⁴⁴ Simultaneously it impacted on apartheid officials who opened channels with the imprisoned Nelson Mandela and later entered into deliberations with the ANC, many forming genuinely close relationships with one another such as the friendship between Roelf Meyer and Cyril Ramaphosa.⁴⁴⁵ New institutions such as the National Peace Accord also reflected the belief of antagonistic parties coming together by strengthening grassroots campaigning for peaceful resolution of conflict.⁴⁴⁶ This spirit of tolerance and deliberation with various stakeholders eventually culminated in the enactment of the Interim Constitution in 1994 and the Final Constitution in 1996.

⁴⁴⁰ Op cit chapter 3.1.

⁴⁴¹ Op cit chapter 3.1 and 3.2.

⁴⁴² Op cit chapter 3.2.

⁴⁴³ Ibid.

⁴⁴⁴ Ibid.

⁴⁴⁵ Ibid.

⁴⁴⁶ Ibid.

For many theorists, the fact that the ANC negotiated a settlement with the NP negates any possibility of revolution having taken place in South Africa, as revolution is seen as not involving political compromise, but rather the complete overthrow of a previous elite.⁴⁴⁷ However, negotiation itself is not in any way indicative of revolutionary failure. In fact Arendt sees negotiation as essential to effectively constituting freedom. This is because, for Arendt, freedom is experienced through engaging in public affairs with a plurality of individuals on the level of peers.⁴⁴⁸ Constituting a space where genuine freedom can appear therefore requires the cooperation of diverse groups, to ensure that it does not become a realm where one interest group dominates all others.

Arendt demonstrates this through her analysis of the drafting of the American Constitution. She emphasizes that the foundation of freedom that followed the war of independence, did not involve violence, but rather was 'made by men in common deliberation and on the strength of mutual pledges'.⁴⁴⁹ As a result of this deliberation, state representatives mutually consented to a system of federal government with balances of power between the judiciary, legislature and executive.⁴⁵⁰

For Arendt the theme of foundation through mutual consent is reflected in the myth of the founding of Rome. She reasons that it was possibly because of the association between the 'arbitrariness inherent in all beginnings, and human potentialities for crime',⁴⁵¹ that the Romans decided not to derive their descendance from Romulus, who had slain Remus, but from Aeneas. According to Roman mythology Aeneas had invaded Italy and entered into war. However Arendt describes that the outcome was not 'victory and departure for one side, extermination and slavery and utter

⁴⁴⁷ Moeletsi Mbeki 'Can South Africa's conflicts be solved by negotiations?' in Gordon Naidoo (ed) *Reform and revolution: South Africa in the nineties* (1991) 45.

⁴⁴⁸ Op cit chapter 1.2 and 2.1.

⁴⁴⁹ *On Revolution* (note 1) 213.

⁴⁵⁰ Ibid 200.

⁴⁵¹ Ibid 209.

destruction for the others, but “both nations, unconquered, join treaty forever under equal laws” and settle down together...⁴⁵²

Arendt contrasts foundation through negotiation with the extremities of the French Revolution, where the rise of the Jacobin faction led to a centralization of power under Robespierre.⁴⁵³ This turn stifled open debate and led to the general liquidation revolutionary groups and societies in France.⁴⁵⁴ For her the French Revolution therefore amounted to a failure, as the ultimate end of revolution, namely ‘freedom and the constitution of a public space where freedom could appear’, was never achieved.⁴⁵⁵

Like the American revolutionaries, the ANC and its allies had always emphasized that the struggle was not for sake of absolute domination of one group over another, but rather for a democracy in which all South Africans would feel equal and included.⁴⁵⁶ Therefore the rejection of certain groups from negotiations, even if only a minority, conflicted with their ultimate purposes. This sentiment is evident in Nelson Mandela’s Rivonia Trial speech in April 1964 where he emphasised that:

‘I have fought against white domination, and I have fought against black domination. I have cherished the ideal of a democratic and free society in which all persons live together in harmony and with equal opportunities’.⁴⁵⁷

This spirit is also reflected in the organizational culture of both the ANC and the UDF. Nelson Mandela stated at the same trial speech that:

⁴⁵² *On Revolution* (note 1) 209.

⁴⁵³ *Ibid* 240 to 241.

⁴⁵⁴ *Ibid* 246.

⁴⁵⁵ *Ibid* 60 and 255.

⁴⁵⁶ *Op cit* chapter 3.1.

⁴⁵⁷ Nelson Mandela, address given to the Transvaal Provincial Division of the Supreme Court of South Africa on 20 April 1964 (the ‘Rivonia Trial’), available at <http://www.news24.com/NelsonMandela/Speeches/FULL-TEXT-Mandelas-Rivonia-Trial-Speech-20110124>

'from its inception the ANC was formed and built up, not as a political party with one school of political thought, but as a Parliament of the African people, accommodating people of various political convictions, all united by the common goal of national liberation'.⁴⁵⁸

This UDF similarly celebrated its diverse affiliates and the opening up of the political realm to not only the majority, but all South Africans, through statements such as:

'The reason for the existence of the UDF is to help the various sections of the public to learn to live together, to move towards a democratic society with all participation'.⁴⁵⁹

Finding mutually acceptable solutions through negotiation and consultation with white minority groups was therefore fully in line with the struggle movements' political aspirations. The entering into negotiations therefore does not signal a surrender of any of the anti-apartheid movement's core ideals.

Although the above emphasis on inclusionism was central to the ANC's goals, what distinguished the South African negotiations from those of the American Revolution was that the ANC became engaged in discussions with representatives of an oppressive state, while in America negotiations occurred between victorious allied states, not between them and their former colonial rulers. However, it must be kept in mind that the South African liberation struggle was not between a colonised population and its colonizers. Instead the struggle was against a system of government developed by white South African citizens residing in the country, the majority being Afrikaners who no longer identified with former colonial governments. Negotiations regarding the institution of freedom therefore necessitated the inclusion of

⁴⁵⁸ Mandela (note 457).

⁴⁵⁹ Seekings (note 280) 159 quoting the *Weekend Post*, 6 April 1985.

white constituencies, who unlike colonial settlers, had few affinities towards foreign territories and generally identified South Africa as their homeland.

Negotiating with one's oppressor in the context of revolution is also not unprecedented. The French Constituent Assembly, which lasted from 1789 to 1791 comprised representatives from the aristocracy and the clergy, as well as the third estate (the commoners), who together negotiated and drafted the Declaration of the Rights of Man and the Citizen (1789) and the first French constitution (1791), the main documents of the Revolution.⁴⁶⁰ For Arendt the premature end of the Revolution came not at the formation of the Constituent Assembly, but the collapse of the Assembly and the rise of the Jacobin faction led by Robespierre.⁴⁶¹

However, although the anti-apartheid struggle was clearly revolutionary, and negotiations are not in any way symptomatic of revolutionary failure, the foundation of South Africa's Interim and Final Constitutions was severely flawed. In particular, the most significant factor indicating the premature ending of South African revolutionary aspirations was the decision taken by the UDF to disband in early 1991.⁴⁶² As a result of this decision, CODESA I and II, and the Multi Party Negotiating Process where the Interim Constitution was drafted, were conducted in the absence of the movement which most exemplified Arendt's concept of revolutionary struggle.

The talks became a platform for more hierarchical political parties to reach agreement, none of which resembled the broad horizontal structures of

⁴⁶⁰ Francois Furet *The French Revolution 1770 - 1814* (1996) 73 to 76 and Steven Kreis 'The French Revolution: the moderate stage 1789 to 1792' (13 May 2004) *The History Guide website* available at www.historyguide.org/intellect/lecture12a.html, date accessed 8 August 2011,

⁴⁶¹ Op cit chapters 1.3, 1.4 and 1.5.

⁴⁶² Op cit chapter 3.1.

the UDF.⁴⁶³ Although the ANC supported the establishment of the South African National Civic Organisation (SANCO) in 1992, SANCO chose to abstain from politics and saw its role as primarily 'developmental'.⁴⁶⁴ In any case, SANCO represented a much narrower constituency (township civic organisations) as opposed to the interests of all South Africans more broadly.⁴⁶⁵

As a result of the disbandment of the UDF, there was no effective body in South Africa that could co-ordinate popular involvement in the drafting of the Interim Constitution. Random and disorganised popular engagement is of little to no value to constitutional drafters, and can even create open hostility, as participants lack an organized and legitimate forum in which to achieve understanding of differing opinions. As a result, political parties chose to negotiate the Interim Constitution themselves with no engagement with opinions arising from widespread public popular deliberation.⁴⁶⁶

To make up for the absence of public engagement, the government launched a public participation program during the drafting of the Final Constitution, where public awareness was raised using television, pamphlet and radio advertisements and education campaigns (using slogans such as 'you've made your mark now have your say').⁴⁶⁷ However, this was a largely contrived and centralized attempt at public participation, rather than a genuine effort to derive the Constitution from the public spirit of the local actors who led the struggle. First of all the campaign was in a sense *ex post facto*, as the constitutional principles had already been drafted and most essential terms agreed upon.⁴⁶⁸ Furthermore most so-called participation came in the form of one-way public 'submissions' to the Constitutional

⁴⁶³ Op cit chapter 3.2.

⁴⁶⁴ Op cit chapter 3.1.

⁴⁶⁵ Ibid.

⁴⁶⁶ Op cit chapter 3.2.

⁴⁶⁷ Sarkin (note 403) 71.

⁴⁶⁸ Op cit chapter 3.2.

Assembly, which were 'processed' by six theme committees, or through lodgment of 'objections' to the Constitutional Court.⁴⁶⁹ Thus the public participation 'program' did not involve South Africans speaking and debating with each other, but instead set up narrow bureaucratic channels through which grassroots expression could be 'processed' (and likely packaged) to a small inner circle of leaders who now had appropriated 'people's power'.

Privately furnished submissions by individuals or interest groups, do little in terms of 'sifting' opinions through debate and persuasion, nor bringing people together as equals into the public realm where they can be seen and heard. For Arendt, such dynamics characterized the town hall debates during the drafting of the American Constitution, and were essential components to successfully founding the Constitution and thereby completing the Revolution.⁴⁷⁰ A comparable process had initially been envisioned by UDF activists such as UDF publicity secretary Murphy Morobe who stated in 1987 that:

'The creation of a democratic South Africa can only become a reality with the participation of millions of South Africans in the process - a process which has already begun in the townships, factories and schools of our land'.⁴⁷¹

However such an eventuality did not come to fruition in South Africa, and the foundation of the South African Constitution was therefore left flawed and incomplete.

For Arendt, the founding of a constitution symbolizes the completion of a revolution,⁴⁷² and therefore one could say that what was left of the South African revolution came to an end on 27 April 1994 when the Interim

⁴⁶⁹ Sarkin (note 403) 71.

⁴⁷⁰ Op cit chapters 1.1.2, 1.2 and 1.3.

⁴⁷¹ Suttner (note 324) quoting Murphy Morobe (note 324).

⁴⁷² Op cit chapter 1.2.

Constitution came into force. Although the Final Constitution was enacted a few years later, it did not differ fundamentally from the Interim Constitution and was rather the outcome of a parliamentary procedure utilized to denote full formal and legal legitimacy to the constitutional democracy. The Final Constitution was therefore vital to solidifying the initial breakthrough made by the Interim Constitution.

However, although built on faulty foundations, much of the revolutionary spirit was incorporated into the Interim Constitution. Its provisions bore testimony to the institution of freedom, such as the right to vote, freedom of speech, the right to equality, freedom of assembly, demonstration, picket and petition, and freedom of association.⁴⁷³ It also established 'chapter 9' state institutions to support constitutional democracy including the Public Protector, the South African Human Rights Commission and the Electoral Commission.⁴⁷⁴ Freedom was furthermore supported by checks and balances in respect of power, such as the separation of executive, legislative and judicial powers and institution of three tiers of government on local, regional and national levels.⁴⁷⁵

The institution of freedom in South Africa was closely connected to the notion of novelty. The election of the ANC government and the enactment of the Interim Constitution, symbolized a decisive break from a past, which had been characterized by racial polarization and hatred. In place of a tyrannical and unaccountable government based on parliamentary sovereignty, a new regime based on constitutional supremacy materialised, in which the executive and legislature could no longer act without any limits to their power. For the first time in the modern political history of South Africa all races, ethnicities and backgrounds would be equally recognised and valued by the law and state institutions. This sense of novelty was experienced by millions of South Africans on the day of South Africa's first elections and

⁴⁷³ The Interim Constitution (note 410) chapter 2.

⁴⁷⁴ Ibid chapter 8.

⁴⁷⁵ Ibid chapters 6, 9 and 10.

Nelson Mandela's inauguration.⁴⁷⁶

The Interim Constitution testifies to this novelty. Its text affirms the sense of a new beginning, its the final chapter stating:

'This Constitution provides a historic bridge between the past of a deeply divided society characterised by strife, conflict, untold suffering and injustice, and a future founded on the recognition of human rights, democracy and peaceful co-existence and development opportunities for all South Africans, irrespective of colour, race, class, belief or sex... With this Constitution and these commitments we, the people of South Africa, open a *new chapter* in the history of our country'.⁴⁷⁷ (emphasis added)

Arendt maintains that in nearly all European countries after the First World War, as well as in many colonial countries that won their independence after the Second World War:

'constitutions were by no means the result of revolution; they were imposed, on the contrary, after a revolution had failed, and they were, at least in the eyes of the people living under them, a sign of defeat, not of its victory. They were usually the work of experts... Their purpose was to stem the tide of revolution, and if they too served to limit power, it was the power of the government as well as the revolutionary power of the people whose manifestation had preceded their establishment'.⁴⁷⁸

Although South Africa did emerge from a revolutionary struggle with a seemingly limited government, the country's transition to democracy was far more revolutionary than the imposed constitutional transitions referred to by Arendt. Most South Africans did not perceive the Constitution as being forced or coerced upon them, but instead saw its institution as an essential component of liberation and freedom. This is reflected by the enthusiastic

⁴⁷⁶ Op cit chapter 3.2.

⁴⁷⁷ The Interim Constitution (note 410), the preamble.

⁴⁷⁸ *On Revolution* (note 1) 144.

public response to the government's participation programme during the drafting of the Final Constitution.⁴⁷⁹ The struggle movement had at no point accepted defeat during the course of negotiations, evident by the fact that millions of South Africans were attuned to the multi-party discussions and ready to turn to mass action, in the event that insufficient progress was made. This in fact occurred after the collapse of CODESA II,⁴⁸⁰ and may well have been repeated had it not been for the willingness of parties to return in good faith to the negotiating table.

Furthermore, neither the Interim nor the Final Constitutions were predominantly the product of experts, but rather the result of mutual consent of representatives of in the Multi Party Negotiating Process and the Constitutional Assembly, often after painstaking debate.⁴⁸¹ This deliberation was supported by the ANC members and allies such as the SACP, as well as groups within the white conservative establishment, such as members of the National Party and the Freedom Front.⁴⁸²

Far from being interpreted as a sign of defeat, the enactment of the Interim Constitution was embraced across the country. It was not enacted in order to stem the tide of revolution, but rather represented the culmination of the tide itself. However the unfortunate absence of authentic public participation in its craftsmanship meant that when revolutionary struggle came to an end, the Interim Constitution that it produced was defective, not necessarily in content but foundationally. Thus, while the struggle in South Africa was revolutionary, and the foundation of the Interim Constitution was characterized by freedom and novelty, South Africa did not experience a fully completed revolution. As opposed to the term 'revolution', which the struggle and foundation in South Africa in fact so closely resemble and almost achieved, the transition in South Africa has henceforth been perceived far

⁴⁷⁹ Op cit chapter 3.2.

⁴⁸⁰ Ibid.

⁴⁸¹ Ibid.

⁴⁸² Ibid.

less enigmatically as a 'settlement'. This should not be put down to the fact that anti-apartheid leaders negotiated with the NP, but rather due to the fact that the new constitution was not essentially founded by the 'people'.

Conclusion

Applying Arendt's analysis, South Africa experienced a revolutionary struggle in the 1980s and early 1990s. However the struggle was never fully completed due to the centralised and secretive manner in which the Interim Constitution was drafted. For Arendt, once a revolutionary struggle succeeds in founding a constitution and thereby completing the revolution, the task of citizens from thereon forwards is that of remembering the 'revolutionary spirit' and ensuring its survival into the future.⁴⁸³ The following chapter will therefore examine how successful South Africa has been in ensuring the survival of the revolutionary spirit of the anti-apartheid struggle. In so doing, the chapter will explore the influence that the presence of 'social question' has had in shaping South African public discourse and political realm.

⁴⁸³ *On Revolution* (note 1) 126.

4. POST-LIBERATION SOUTH AFRICA

Introduction

This chapter focuses on two themes in post-liberation South Africa. First it examines the course of events on a national level that culminated in the ascendancy of Jacob Zuma to the South African presidency in April 2009. Secondly, the chapter will focus on the state of local-level political action by exploring the establishment of the South African National Civic Organisation (SANCO) as a representative body of township civic organisations, the current state of the ANC's branches, and service delivery protests that have emerged in recent years. The chapter will conclude by assessing the extent to which the revolutionary spirit of the liberation struggle has remained alive and whether any parallels can be drawn with Arendt's description of the outcomes of the French and American Revolutions.

4.1 National politics since 1994

The ANC was elected into power in 1994 under the presidency of Nelson Mandela. At the same time, representatives of the Congress of South African Trade Unions (COSATU), the UDF and the South African Communist Party (SACP) were elevated to senior positions in the cabinet, due to their key roles in the struggle. For instance, Jay Naidoo, the first Secretary General of COSATU was made Minister without Portfolio, Joe Slovo, the General Secretary of the SACP was made Minister of Housing, and UDF leaders such as Trevor Manuel, Valli Moosa and later Terror Lekota were also appointed as ministers in the cabinet.⁴⁸⁴ Thabo Mbeki and FW De Klerk were both appointed as deputy presidents until 1996 when De Klerk withdrew

⁴⁸⁴ South African Government Information 'former leaders (since 1994)' available at <http://www.info.gov.za/leaders/former/index.html>, date accessed 10 August 2011.

from the government of national unity and Thabo Mbeki remained as executive deputy president.⁴⁸⁵

Jay Naidoo, as Minister without Portfolio, was tasked with implementing the Reconstruction and Development Programme (RDP), which had been developed over a period of several years by key intellectuals and policy makers within the Mass Democratic Movement, then encompassing the ANC, SACP, SANCO and COSATU.⁴⁸⁶ Its aim was to link 'growth, human resource development, reconstruction, redistribution and reconciliation'⁴⁸⁷ through broad infrastructure projects that would focus on 'creating and enhancing existing services in the electricity, water, telecommunications, transport, health, and education and training sectors'.⁴⁸⁸

The RDP possessed a fund of R2.5 billion to be spent on reconstruction and development programmes at local, regional and national levels.⁴⁸⁹ The fund was accessible not only to government departments but also to non-governmental organisations (NGOs) in order to prevent development programmes from becoming too 'top-down', and encourage participation and direct control by people on the ground.⁴⁹⁰ Furthermore it emphasised creativity and integration of projects across different sectors. Naidoo gives the example of a Department of Water Affairs and Forestry programme to eradicate alien invasive plants.⁴⁹¹ The programme managed to make an impact in a vast range of sectors by recovering scarce water, creating jobs and conserving biodiversity. It furthermore also contributed to

⁴⁸⁵ South African Government Information (note 484).

⁴⁸⁶ Ben Turok *From the freedom Charter to Polokwane: The evolution of the ANC economic policy* (2008) 75.

⁴⁸⁷ Jay Naidoo *Fighting for Justice: a lifetime of political and social activism* (2010) 234.

⁴⁸⁸ Ibid.

⁴⁸⁹ Turok (note 486) 90.

⁴⁹⁰ Ibid 76 and 77.

⁴⁹¹ Naidoo (note 487) 242.

skills development, environmental awareness and community organisation.⁴⁹²

However, from its inception the RDP encountered numerous complications. Firstly the RDP office did not have its own departmental structure, and was instead located in the Office of the President.⁴⁹³ An RDP cabinet committee was set up at national level, but similar provincial structures did not materialise in most provinces, and uncertainty developed over overlap of functions.⁴⁹⁴ Confusion also arose at the local level over the status and role of Local Development Forums, which were intended to assist in implementing RDP programmes,⁴⁹⁵ but never eventuated due to disagreements within the alliance.⁴⁹⁶

In his autobiography Jay Naidoo provides personal insight into perceived weaknesses of the RDP and factors that led to its early closure.⁴⁹⁷ He found that because the fund was comprised of funding which would otherwise have gone directly to departments tasked with developmental projects, clashes of interest regularly arose. Ministers often resented needing to obtain funding approval from Naidoo for projects being run in their departments and preferred having more autonomy.⁴⁹⁸ According to Naidoo, another setback was the lack of viable plans submitted to him by government departments. He states that 'I was reluctant to throw money at the problems I saw. My experience in building unions revolved around knowing what the impact of our work was'.⁴⁹⁹ He furthermore felt that the RDP had

⁴⁹² Naidoo (note 487) 242.

⁴⁹³ Turok (note 486) 91.

⁴⁹⁴ Ibid.

⁴⁹⁵ William Gumede 'Modernising the African National Congress: the legacy of president Thabo Mbeki' in Peter Kagwanja and Kwandiwe Kondlo (eds) *The State of the Nation: South Africa 2008* (2009) 40.

⁴⁹⁶ Ibid 93.

⁴⁹⁷ Naidoo (note 487) 237 to 252.

⁴⁹⁸ Ibid 239 and Turok (note 486) 91 and 92.

⁴⁹⁹ Naidoo (note 487) 237.

marginalised civil society through its own arrogance and lack of engagement, which in hindsight he felt had been a mistake.⁵⁰⁰

On 28 March 1996, Naidoo states that he was called to Mandela's office briefly after returning from a trip to India and informed:

'The Government of National Unity is coming to an end. We've made a decision. We are closing down the RDP offices because we need to make certain changes in the cabinet. De Klerk is leaving the government. I am appointing you as the minister of Posts, Telecommunications and Broadcasting'.⁵⁰¹

Naidoo was not consulted before the decision was made, nor does he believe that any comprehensive reasons were given for shutting down the programme merely 23 months after it had been launched.⁵⁰² Naidoo maintains that although there were many challenges facing the RDP, there should have been proper discussion across the alliance before the decision was taken to close the programme down.⁵⁰³ With the elevation of Mbeki in government, Naidoo and others perceived the encroachment of a centralised and hierarchical culture more typical of ANC exile structures, with little room open for debate and difference.⁵⁰⁴

From then on Naidoo describes that ministers operated in 'silos' and there was little communication between departments.⁵⁰⁵ Instead of interacting with one another, cabinet members began to centre around Mbeki as apparent heir to the presidency. For Naidoo:

⁵⁰⁰ Naidoo (note 487) 238.

⁵⁰¹ Ibid 250.

⁵⁰² Ibid.

⁵⁰³ Ibid.

⁵⁰⁴ Ibid 251.

⁵⁰⁵ Ibid.

'We were falling back on the old construct of an all-knowing and powerful executive government in which the people were passive and uniformity of opinion would be the norm'.⁵⁰⁶

Raymond Suttner depicts a similar picture, claiming that from 1994 the ANC as an organisation was relatively insignificant in developing policies, which were instead developed by ministers and their advisors.⁵⁰⁷

The RDP was replaced by the Growth, Economic and Redistribution policy (GEAR), which had been drafted in secret by a group of economists appointed by Minister of Trade and Industry, Alec Irwin.⁵⁰⁸ The fact that the process had excluded all ANC structures and members of the tripartite alliance caused great outrage. Naidoo states that when members of the tripartite alliance caught word of the new policy development, Mandela and Irwin relented and agreed to call an alliance meeting to canvass the new strategy.⁵⁰⁹ However at subsequent meetings Naidoo felt there was little room for discussion and debate, resulting in many key activists feeling like the policy was being 'rammed down their throats'.⁵¹⁰

The aim of GEAR was to stabilise the economy, by decreasing South Africa's debt and encouraging foreign investment in order to create more jobs (ie the hope for a 'trickle down effect'). The fear was that if this were not done South Africa would lose its independence and end up having to approach international bodies such as the IMF and World Bank with 'begging bowl in hand'.⁵¹¹ Although Naidoo believes that such policies were needed at the time, given the state of the economy, he argues that they should have been

⁵⁰⁶ Naidoo (note 487) 251.

⁵⁰⁷ Suttner, Raymond 'The Zuma Era - Its Historical Context and the Future' (2009) 41:2 *African Historical Review* 41 to 42.

⁵⁰⁸ Naidoo (note 487) 253

⁵⁰⁹ Ibid 254.

⁵¹⁰ Ibid 255.

⁵¹¹ Mark Gevisser *Thabo Mbeki: the dream deferred* (2009) 254 to 255 quoting Joel Netshitenzhe (Mbeki's head of policy) 'There is virtue in strength and certainty' *Sunday Times* (4 April 2004).

properly discussed by the cabinet, alliance leaders as well as through a summit before being introduced.⁵¹² The ethos of consultation, debate and deliberation across various sectors, seemed to be waning, and with it the public spirit of the revolutionary struggle.

The closure of the RDP fueled resentment that had been brewing amongst prominent alliance members who felt sidelined by Mbeki. Although Mbeki had successfully persuaded COSATU's Mbhazima Shilowa and the SACP's Charles Nqakula to adopt the position of GEAR, he had sidelined their more radical critics such as Zwelinzima Vavi and Blade Nzimande.⁵¹³ When Nquakula and Shilowa were ousted in 1998 and 1999 by Nzimande and Vavi respectively, Mbeki found that key alliance partners were openly hostile towards him. However, instead of mending bridges Mbeki chose to isolate them even further, often failing to show up at meetings or consult with alliance structures on matters of policy before decisions were taken.⁵¹⁴ Because of Mbeki's inaccessibility, many alliance members approached the Deputy President Jacob Zuma about their problems, who was more available and sympathetic than the President.⁵¹⁵

Simultaneously during this period, increasing allegations of government corruption emerged. In 1999 Patricia de Lille of the Independent Democrats drew attention to documents she received suggesting that widespread corruption had taken place during the course of an arms deal finalised that year, which had involved the purchase of R30 billion worth of weaponry (although it later emerged that the deal eventually cost South African tax payers double that amount⁵¹⁶). Evidence supplied to De Lille

⁵¹² Naidoo (note 487) 255.

⁵¹³ Gevisser (note 511) 251

⁵¹⁴ Suttner (note 507) 42 and Gevisser (note 511) 251.

⁵¹⁵ Chitja Twala 'The African National Congress Youth League's role as the "kingmaker": A moment of post-Polokwane blues?' (December 2009) 34:3 *Journal for Contemporary History* 161.

⁵¹⁶ Gevisser (note 511) 257 referring to P Holden *The Arms Deal in your Pocket* (2008) Jonathan Ball, Johannesburg 26 to 28.

indicated that three payments of R500,000 had been made on 20 January 1999 by warship supplier Thyssen-Krupp to the ANC, to the Nelson Mandela Children's Fund and to the Community Development Foundation, a Mozambican charity associated with Mandela's wife Graca Machel.⁵¹⁷

Mbeki did not seem interested in taking action. For instance Andrew Feinstein, an ANC MP on the parliamentary Select Committee on Public Accounts (SCOPA) alleges that Mbeki blocked his attempts to set up a multiparty agency to investigate the arms deal.⁵¹⁸ This led to Feinstein resigning from parliament in 2001.⁵¹⁹ Mbeki also intervened when it came to other allegations of corruption, for instance he controversially fired Vusi Pikoli, the National Director of Public Prosecutions, after he issued an arrest warrant for the National Commissioner of Police, Jackie Selebi for alleged corruption. A High Court later found Selebi guilty of accepting bribes from prominent drug lord Glen Agglioti.⁵²⁰

It soon emerged that corruption had ostensibly reached the level of the Deputy President after it came to light that Zuma's business advisor, Shabir Shaik had apparently used his relationship with Zuma to further both his and Zuma's financial interests. Judge Hilary Squires of the Durban High Court later found Shaik guilty of corruption and bribery, due to overwhelming evidence supporting the state's claim of there being a 'generally corrupt'

⁵¹⁷ Andrew Feinstein 'Bright Hopes Betrayed' *Mail and Guardian* 10 January 2007, available at <http://www.guardian.co.uk/commentisfree/2007/jan/10/somethingisrotten>, date accessed 20 June 2011.

⁵¹⁸ Gevisser (note 511) 257 referring to A Feinstein *After the Party* (2007) Jonathan Ball, Johannesburg.

⁵¹⁹ Gevisser (note 511) 257.

⁵²⁰ Franz Wild and Mike Cohen 'Former Interpol Chief Jailed for 15 Years in South African Corruption Case' *Bloomberg News*, 3 August 2010, available at <http://www.bloomberg.com/news/2010-07-02/interpol-s-former-chief-found-guilty-of-corruption-by-south-africa-court.html>, date accessed 20 June 2011.

relationship between Zuma and Shaik.⁵²¹ Squire's judgment was later unanimously upheld by a bench of five judges at the Supreme Court of Appeal, who similarly remarked that the evidence presented to the court established a 'mutually beneficial symbiosis' between Shaik and Zuma.⁵²² The Constitutional Court later denied Shaik leave to appeal his corruption convictions on the grounds that Shaik had no prospect of success.⁵²³

As a result of Squires' judgment Mbeki 'released' Zuma from his responsibilities as Deputy President on 14 June 2005.⁵²⁴ Mbeki's decision brought to light the rift between him and key individuals within the tripartite alliance, with many in the alliance believing that Zuma was a victim of a conspiracy coordinated by Mbeki.⁵²⁵ COSATU lambasted the President's decision on the basis that Zuma had not been found guilty by a court of law.⁵²⁶ It issued a statement stating *inter alia*:

'COSATU is outraged by the calls that the Deputy President resign or be fired by the President... We stand firmly by the Deputy President in this hour of need and join the growing chorus of the progressive forces to defend his integrity in the face of a clear political onslaught'.⁵²⁷

⁵²¹ Sapa 'Shaik, Zuma relationship corrupt' *Mail and Guardian Online* 1 June 2005, available at <http://mg.co.za/article/2005-06-01-shaik-zuma-relationship-corrupt>, date accessed 20 June 2011.

⁵²² MS Prabhakara 'Twist in Zuma Saga' *Hindu on Net*, 16 to 29 December 2006, available at <http://www.hinduonnet.com/fline/fl2325/stories/20061229000606500.htm> date accessed 20 June 2011.

⁵²³ Sapa 'Shabir Shaik's final appeal dismissed' *Politics Web*, 3 October 2007, available at <http://www.politicsweb.co.za/politicsweb/view/politicsweb/en/page71619?oid=83494&sn=Marketingweb+detail>, date accessed 10 August 2011.

⁵²⁴ John Allen 'President Mbeki Relieves Deputy President Zuma of Post' *All Africa.com* 14 June 2005, available at <http://allafrica.com/stories/200506140114.html>, date accessed 20 June 2011.

⁵²⁵ Suttner (note 508) 43.

⁵²⁶ COSATU 'Statements on Shabir Shaik Judgment' *Cosatu Website* 6 June 2005, available at <http://www.cosatu.org.za/show.php?ID=1133>, date accessed 20 June 2011.

⁵²⁷ *Ibid.*

Zuma was formally charged for corruption soon after the outcome of Shaik's High Court judgment. As a result the National Working Committee (NWC) accepted Zuma's offer to withdraw from party activities.⁵²⁸ However, the National General Council of the ANC (NGC), which comprised delegates from the ANC branches, defied the NWC's decision and reinstated Zuma, allowing him to participate in ANC engagements.⁵²⁹

Zuma faced further legal problems when later in the year he was charged with raping a 31 year-old woman who was the daughter of a close colleague and regarded Zuma (aged 63) as her 'uncle'.⁵³⁰ Although Zuma was subsequently acquitted of the charge, the trial raised questions over Zuma's moral discretion. For instance Zuma's testimony revealed that he held highly chauvinistic perceptions of women, reasoning that as a Zulu man he was obliged to 'satisfy' the complainant because of the way she had dressed and seated herself that evening.⁵³¹

Zuma's behaviour outside of the court was also worrying. He remained silent while his supporters engaged in aggressive and abusive acts, such as chanting 'burn the bitch', and at one point burning an effigy of Zuma's rape accuser in front of the court.⁵³² Zuma answered the crowd by singing *Lethu Mshini Wami* (bring me my machine gun), a song which apart from associations with violence also has strong sexual connotations (the machine gun symbolising a phallus and the bullets representing ejaculation).

⁵²⁸ Ralph Mathekga 'The ANC "Leadership Crisis" and the age of populism in Post-Apartheid South Africa' in Julien Pretorius (ed) *African politics: beyond the third wave of democratisation* (2008) 140.

⁵²⁹ Ibid.

⁵³⁰ Jonathan Clayton 'He was Mandela's heir. Now he's accused of raping woman who called him Uncle' *The Times* 7 March 2006, available at <http://www.timesonline.co.uk/tol/news/world/article738228.ece>, date accessed 10 August 2011.

⁵³¹ Gevisser (note 511) 325.

⁵³² Shireen Hassim 'Democracy's Shadows: Sexual Rights and Gender Politics in the Rape Trial of Jacob Zuma' (2009) 68:1 *African Studies* 68.

Suttner describes that Zuma's movements, while singing the song, could also be interpreted to mimic a sexual act, thus symbolising masculine virility and in Suttner's view a re-enactment of the alleged rape.⁵³³

The SACP and COSATU however, continued to throw their support behind Zuma, and were joined by the ANC Youth League (ANCYL) and ANC Women's League. Many leaders in the left strongly felt that they represented the interests of the poor and working classes in the 'National Democratic Revolution', which had as its end the liberation of the poor from poverty.⁵³⁴ Mbeki's '1996 class project' in contrast was believed to be an elite endeavor aimed at securing the interests of the white and BEE minorities.⁵³⁵ Mbeki was suspected of attempting to sabotage alliance interests by abusing state institutions to ensure that Zuma could not be president and thereby preventing the left from gaining access to power.⁵³⁶ For instance, the fact that Zuma had not been initially charged alongside Shaik for them evidenced a political plot to denigrate his character.⁵³⁷ When charges were eventually brought against Zuma, alliance leaders maintained that he was being charged too late, which also evidenced a conspiracy.⁵³⁸

The SACP, COSATU and ANCYL rallied around Zuma, inviting him to address policy conferences and other important events while snubbing

⁵³³ Suttner (note 507) 44.

⁵³⁴ Blade Nzimande, Speech to the NUMSA 8th National Congress 'Defend and advance a radical national democratic revolution' *SACP website* 14 October 2008, available at <http://www.sacp.org.za/main.php?ID=2981>, date accessed 9 July 2011.

⁵³⁵ Blade Nzimande, Address to the 5th Central Committee of COSATU 'Lets close ranks to defeat the "new tendency" and its "vanguard" populist demagoguery' *SACP website* 28 June 2011, available at <http://www.sacp.org.za/main.php?ID=3428>, date accessed 10 July 2011.

⁵³⁶ COSATU (note 526).

⁵³⁷ *Ibid.*

⁵³⁸ Zwelinzima Vavi 'COSATU respects judicial independence' *Politicsweb* 20 August 2008, available at <http://www.politicsweb.co.za/politicsweb/view/politicsweb/en/page71654?oid=100900&sn=Detail>, date accessed 7 July 2011.

Mbeki.⁵³⁹ These rallies and public meetings increasingly adopted violent language. In addition to Zuma's now infamous song '*leth'umshini wam*', leaders such as ANCYL President Julius Malema threatened to 'kill for Zuma' and Zwelinzima Vavi of COSATU repeated the same statement.⁵⁴⁰ At the same time ANC leaders including Jacob Zuma increasingly relied on biblical analogies to describe the party, proclaiming the ANC to be God's chosen party, with the tripartite alliance being compared to the 'holy trinity' and Zuma to 'Jesus Christ'.⁵⁴¹

The leadership battle between Zuma and Mbeki came to a crossroads at the ANC's 52nd National Conference in December 2007 in Polokwane. Representatives from ANC branches across the country voted out Mbeki and his allies out of power in favour of Zuma and his key supporters at a ratio of about 40 percent for Mbeki's camp to 60 percent for Zuma's camp. Anger towards Mbeki resonated from the conference crowds who indicated the soccer signal for 'substitute the player' and interrupted the speeches of pro-Mbeki speakers.⁵⁴²

The conference represented a crushing blow for Mbeki's political career in South Africa – a blow from which he never recovered. The following year Zuma and his allies who now packed the ANC's National Executive Committee recalled Mbeki as President of the South Africa after a

⁵³⁹ Somadoda Fikeni 'The Polokwane moment and South Africa's democracy at the crossroads' (2009) in Kagwanja and Kondlo (note 495) 163.

⁵⁴⁰ Zwelinzima Vavi, Press statement (untitled) *Politicsweb* 23 June 2008 available at <http://www.politicsweb.co.za/politicsweb/view/politicsweb/en/page71654?oid=92558&sn=Detail>; Sapa '“We are prepared to kill for Zuma”- ANCYL' *Politicsweb* 17 June 2008, available at <http://www.politicsweb.co.za/politicsweb/view/politicsweb/en/page71627?oid=92007&sn=Detail>, both sites accessed on 10 August 2011.

⁵⁴¹ Sapa 'Zuma is suffering like Jesus did' *IOL* 1 December 2008, available at: <http://www.iol.co.za/news/politics/zuma-is-suffering-like-jesus-did-1.427460>, date accessed 20 June 2011; and Sapa 'Malema on warpath' in *The Citizen* 15 May 2011, available at <http://www.citizen.co.za/citizen/content/en/citizen/elections-2011?oid=194590&sn=Detail&pid=33>, date accessed 20 June 2011.

⁵⁴² *Mail and Guardian online* 'Our world turns' 21 December 2007, available at <http://mg.co.za/article/2007-12-21-our-world-turns>, date accessed 20 June 2011.

court judgment suggested that he had politically interfered with Zuma's prosecution (this decision was later overturned by the Supreme Court of Appeal).⁵⁴³

Mbeki was replaced by ANC Secretary General Kgalema Motlanthe as President of the country, and thereafter ceased to be a visible player in South African politics. In response to Mbeki's sacking, eleven ministers resigned and a new splinter party called the Congress of the People (COPE) was formed.⁵⁴⁴ Although initially perceived as a possible threat to the ANC hegemony, infighting within the party eventually led to its increasing demise, with the party receiving merely just over two percent of votes in the 2011 municipal elections.⁵⁴⁵

Throughout this period Zuma's court case battled on, with Zuma attempting to evade trial through various technicalities. Charges were initially set aside after a High Court denied the NPA a postponement, but the NPA thereafter reinstated the charges.⁵⁴⁶ Although the High Court subsequently ruled the reinstitution of charges unlawful, this decision was overturned by the Supreme Court of Appeal.⁵⁴⁷

⁵⁴³ Roger Southall 'Thabo Mbeki's fall: The ANC and South Africa's democracy' *Open Democracy website* 14 October 2008, available at <http://www.opendemocracy.net/article/thabo-mbekis-fall-the-anc-and-south-africas-democracy>, date accessed 10 August 2011.

⁵⁴⁴ Pierre de Vos 'Eleven ministers resign!' *Constitutionally Speaking* 23 September 2008, available at <http://constitutionallyspeaking.co.za/eleven-ministers-resign>; and Party launched for 'all S Africa' *BBC News* 16 December 2008, available at <http://news.bbc.co.uk/2/hi/africa/7785021.stm>, both sites accessed 10 August 2011.

⁵⁴⁵ Sapa 'Lekota expels Shilowa from Cope' *Mail and Guardian Online* 8 February 2011, available at <http://mg.co.za/article/2011-02-08-lekota-expels-shilowa-from-cope>, Independent Electoral Commission 'IEC releases final local government elections results' *IEC website* 22 May 2011, available at <http://www.elections.org.za/content/new.aspx?id=1850>, both sites accessed 10 August 2011.

⁵⁴⁶ Sapa 'Mpshe: Zuma decision not an acquittal' *Mail and Guardian Online* 6 April 2009 available at <http://mg.co.za/article/2009-04-06-mpshe-zuma-decision-not-an-acquittal>, date accessed 10 August 2011.

⁵⁴⁷ Ibid.

The NPA landed a serious blow institutionally when the Zuma-led ANC government formally abolished the Scorpions on 23 October 2008, with very little concern for public criticism and outcry.⁵⁴⁸ A new investigative body known as the 'Hawks' was established within the Department of Police.⁵⁴⁹ Eventually on 6 April 2009, the National Prosecuting Authority dropped all 16 charges against Jacob Zuma due to an intercepted telephone conversation supplied by Zuma's lawyer, which had been legally made by the National Intelligence Agency.⁵⁵⁰ The conversation was between Leonard McCarthy, the head of the Scorpions (the NPA's special investigative unit), and the former National Director of Public Prosecutions, Bulelani Ngcuka, discussing the timing of charges laid against Zuma (ie to lay them before or after the ANC's 2007 national conference in Polokwane), for the apparent purpose of giving Mbeki a political advantage.⁵⁵¹ The announcement of the withdrawal of charges was made by the acting head of the NPA, Mokothedi Mpshe, who stressed that the withdrawal had nothing to do with the substantive merits of the case, but rather due to an abuse of process.⁵⁵²

That month, national elections were held, which saw Zuma being voted in as President of South Africa, and his supporters filling in key cabinet posts. Zuma's cabinet represented a mixture of backgrounds. On the one hand, several members of left-leaning movements became ministers. For instance Blade Nzimande of the SACP became Minister of Education, and

⁵⁴⁸ Wendell Roel 'Parliament: Scorpions will be dissolved' *Mail and Guardian Online* 30 July 2008 available at <http://mg.co.za/article/2008-07-30-parliament-scorpions-will-be-dissolved>, date accessed: 10 August 2011.

⁵⁴⁹ 'Hawks or Scorpions? Will the fight against political corruption succeed?' *In The News.co.za* 12 July 12, available at 2009<http://www.inthenews.co.za/2009/07/12/hawks-or-scorpions-will-the-fight-against-political-corruption-succeed/>, date accessed 10 August 2011.

⁵⁵⁰ Moketedi Mpshe 'Why I decided to drop the Zuma charges - Statement by the National Director of Public Prosecutions on the matter S v Zuma and others' *Politicsweb* 6 April 2009, available at <http://www.politicsweb.co.za/politicsweb/view/politicsweb/en/page71619?oid=124273&sn=Detail>, date accessed 20 June 2011.

⁵⁵¹ Ibid.

⁵⁵² Ibid.

Ebrahim Patel formerly of COSATU became Minister of Economic Affairs. On the other hand business tycoon Tokyo Sexwale became Minister of Human Settlements, black economic empowerment businessman and former ANCYL leader Fikile Mbalula became Minister of Sport and Recreation and GEAR mastermind, Trevor Manuel, became Minister in the Presidency for the National Planning Commission, a similar role as that played by Jay Naidoo under the RDP.⁵⁵³

These moves collectively seemed to suggest that despite the common depiction of Zuma as having left leaning persuasions, Zuma's economic stance appears more or less in line with Mbeki's. This is backed up by his leadership history, where like Mbeki, Zuma resigned from the SACP in 1990 and supported Mbeki's economic policies including GEAR up until his 'release' by Mbeki.⁵⁵⁴ Members of the institutionalised left that supported Zuma therefore seem to have done so more out of frustration with Mbeki than their support for Zuma's economic persuasions.

In any event, Mbeki's economic policies had already begun to shift leftward as early as 2004, with the notion of 'developmental state' being adopted in 2005 as well as interventions such as the Accelerated and Shared Growth Initiative for South Africa and the Joint Initiative for Priority Skills Acquisition, all of which required increased state expenditure in development and redistributive projects.⁵⁵⁵ This was followed by a land summit held in 2006 to explore ways of increasing the rate of land redistribution in the country.⁵⁵⁶ The notion of the 'developmental state' was later endorsed by Mbeki's detractors at the 2007 Polokwane Conference and used as the basis

⁵⁵³ Phumza Macanda 'South Africa's Zuma moves Manuel to powerful new role' *Reuters* 10 May 2009, available at <http://www.reuters.com/article/2009/05/10/us-safrica-zuma-cabinet-idUSL945939420090510>, date accessed 10 August 2011.

⁵⁵⁴ Raymond Suttner 'The Jacob Zuma Rape Trial: Power and African National Congress (ANC) Masculinities' (2009) 17:3 *Nordic Journal of Feminist and Gender Research* 231.

⁵⁵⁵ Fikeni (539) 57.

⁵⁵⁶ *Ibid.*

of the 2009 national election manifesto.⁵⁵⁷ This shows it was not so much Mbeki's policies, but rather his leadership style and alienation of alliance members that angered the party political left.

It seems that Zuma's more consultative and open approach drew what Vavi has described as a coalition of 'the walking wounded' towards him.⁵⁵⁸ Through Zuma, sidelined leaders such as Vavi and SACP chairperson Blade Nzimande, could gain access to the leverages of power that Mbeki had previously denied them, and play a greater input on policy decisions. Zuma's apparent openness also appealed to poor and marginalized South Africans who felt that through his rural and traditional upbringing as well as his apparent persecution by Mbeki, Zuma could identify with their predicaments.⁵⁵⁹ This appeal further encouraged Zuma's backers amongst the institutionalised left, who saw that Zuma had the charisma to harness popular support and thereby unseat Mbeki as president of the ANC and South Africa.

The last two years since the 2009 election have not seen any dramatic change in the South African government's economic policy. However there appears to be an erosion of certain institutions and sectors vital to public freedom. First the government has overseen a programme to militarise the police for the stated purpose of improving crime prevention. In line with this programme the commissioner of police Bheki Cele has repeatedly called on the police to use 'maximum force' and to not hesitate to 'shoot to kill'.⁵⁶⁰ This policy appears to have led to three-fold increase in alleged police brutality,

⁵⁵⁷ Gumede (note 495) 57, Gevisser (note 511) 325 and 342.

⁵⁵⁸ Zwelinzima Vavi 'A dissonance in the Zuma choir' *The Star*, 28 October 2005 quoted by Gevisser (note 511) 325.

⁵⁵⁹ John Appolis and Dale McKinley 'South African election: Zuma elite will maintain ANC's pro-capitalist course' *Links International Journal of Socialist Renewal* 20 April 2009, available at: <http://links.org.au/node/1002>, date accessed 10 August 2011.

⁵⁶⁰ Sapa 'Cele stands by "shoot to kill"' *News 24* 29 July 2009, available at: <http://www.news24.com/Africa/News/Cele-stands-by-shoot-to-kill-20090729>, date accessed 7 July 2011.

with the Independent Complaints Directory records indicating that since 2001/02 the number of assault investigations has trebled from 255 to 920 in 2009/10, attempted murder have gone up over from 43 in 2001/02 to 325 in 2009/10, and fatal shooting investigations went up from 281 in 2005/06 to 524 in 2009/10.⁵⁶¹ At the same time the government has become highly antagonistic towards the media and is currently proposing legislation that will see journalists face up to 25 years in prison for the leaking, possession or publication of classified government information even when there is a compelling public interest such as exposing corruption or maladministration.⁵⁶²

The ANC and its alliance partners have furthermore begun adopting racist reasoning, language and behaviour, conflicting with its earlier emphasis on racial tolerance and diversity. Its president Julius Malema controversially refused to refrain from publicly singing an old struggle song containing the lyrics 'shoot the boer'.⁵⁶³ He complained that there was too high a proportion of 'minority' (ie coloured and Indian) ANC leaders in the government's economic departments and verbally abused a BBC journalist describing him as a 'bloody agent' with 'rubbish in his pants' and having a 'white tendency'.⁵⁶⁴

⁵⁶¹ *IOL news* 'Cele's brutal force' 20 March 2011, available at <http://www.iol.co.za/news/south-africa/cele-s-brutal-force-1.1044575>, date accessed 25 June 2011.

⁵⁶² Brendan Boyle 'ANC refuses to budge on anti-media law' *Times Live* 29 May 2011, available at <http://www.timeslive.co.za/local/article1090641.ece/ANC-refuses-to-budge-on-anti-media-law>, date accessed 10 June 2011.

⁵⁶³ Sapa (note 540).

⁵⁶⁴ Sapa 'Where are the black economics ministers, asks Malema' *Polity.org* 6 Aug 2009, available at <http://www.polity.org.za/article/where-are-the-black-economics-ministers-asks-malema-2009-08-06>, date accessed 20 June 2011; and Abdul Milazi 'Malema kicks out a BBC reporter calling him a "bastard" and a "bloody agent"' *Times Live* 8 April 2010, available at <http://blogs.timeslive.co.za/common-dialogue/2010/04/08/malema-kicks-out-a-bbc-reporter-calling-his-a-bastard-and-a-bloody-agent/>, date accessed 20 June 2011.

Furthermore, ANC member Jimmy Manyi, argued while employed as director-general of Labour, that too many coloureds lived in the Western Cape, and ANC Chairperson for the Nelson Mandela Bay Metropole, Nceba Faku recently told crowds that black people who voted for white people should be chased into the sea.⁵⁶⁵ The ANC's reaction to racially divisive behaviour has been luke warm, at best. For instance, Malema was not required to apologise to the BBC journalist, and Faku's statements were played down on the basis that media had misconstrued his remark.⁵⁶⁶

Another development since attainment of democracy in South Africa appears to be a growing culture of conspicuous consumption in the country. This is epitomized by flamboyant businessmen such as Kenny Kunene, who in 2010 infamously threw himself a R700,000 birthday party where sushi was served off naked women's bodies.⁵⁶⁷ However, such a culture has also spread to non-business sectors. Early indications of political leaders embracing materialism were evident in the ANCYL's close relationship to deceased mining tycoon Brett Kebble.⁵⁶⁸

More recently, however, the Minister of Co-operative Governance and Traditional Affairs Sicelo Shiceka reportedly spent R335,000 flying first class

⁵⁶⁵ *IOL news* 'Cosatu condemns Manyi coloured comments' 25 February 2011, available at <http://www.iol.co.za/business/business-news/cosatu-condemns-manyi-coloured-comments-1.1032553>, date accessed 20 June 2011; and *Times Live* 'Blacks voting for whites should be driven to sea: ANC leader' 20 May 2011, available at <http://www.timeslive.co.za/Politics/article1078295.ece/Blacks-voting-for-whites-should-be-driven-to-sea--ANC-leader>, date accessed 1 July 2011.

⁵⁶⁶ *Mail and Guardian* 'ANC: Malema decision "not a light ruling"' 21 May 2010, available at <http://mg.co.za/article/2010-05-12-anc-malema-decision-not-a-light-ruling>, date accessed 26 June 2011; and Rochelle de Kock 'Faku grilled by ANC bosses' *PE Herald* 27 May 2011, available at <http://www.peherald.com/news/article/1517>, date accessed 15 June 2011.

⁵⁶⁷ Amukelani Chauke 'All about Kenny Kunene' *Times Live* 3 February, available at 2011/www.timeslive.co.za/entertainment/article889634.ece/All-about-Kenny-Kunene, date accessed 24 July 2011.

⁵⁶⁸ *Fin24* 'Kebble, ANCYL link 'criminal' 7 March 2006, available at <http://www.fin24.com/Companies/Kebble-ANCYL-link-criminal-20060307>, date accessed 10 August 2011.

with his personal assistant to Switzerland to visit his girlfriend in prison, and paid R32,000 in taxpayers money to hire a limousine to drive him from his hotel to the prison.⁵⁶⁹ Moreover, ANCYL leader Julius Malema has been seen sporting a Breitling watch valued at R250,000,⁵⁷⁰ as well as attending glamorous parties where he reportedly orders expensive whiskeys and champagnes.⁵⁷¹ Many members of government hold directorships or interests in private companies, while simultaneously working full time as state officials. For example, Public Service and Administration Deputy Minister Ayanda Dlodlo has declared directorships in 18 companies, and Kwazulu-Natal treasury head Sipho Shabalala has been accused of laundering bribes through a company owned by him and his wife.⁵⁷²

However, although there are indications that democracy in South Africa is being undermined by government measures that seem to hamper public freedom, as well as growing materialism amongst political leaders, South Africa's political system still appears fundamentally free and fair. For instance, the country's 2009 and 2011 national and municipal elections ran peacefully and smoothly. Furthermore, the judiciary still seems robustly independent, evident in the recent Constitutional Court decision that the 'Hawks' special investigation unit under the Department of Police, was not

⁵⁶⁹ Mzilikazi wa Afrika and Stephen Hofstatter 'Minister splurges public money' *Times Live* 10 April 2011, available at <http://www.timeslive.co.za/Politics/article1011021.ece/Minister-splurges-public-money>, date accessed 25 July 2011.

⁵⁷⁰ Thanduxolo Jika 'This is how Juju rolls!' *City Press* 24 July 2011 p5.

⁵⁷¹ Bienne Huisman 'Malema's 'mahala' boozing spree at the Met' *Sunday Times* 2 June 2011, available at <http://news.za.msn.com/article.aspx?cp-documentid=156061443>, date accessed 25 July 2011.

⁵⁷² Caiphus Kgosana 'MPs' riches revealed' *Times Live* 5 November 2010, available at <http://www.timeslive.co.za/local/article746047.ece/MPs-riches-revealed>, date accessed 24 July 2011 and Paddy Harper 'Who pays the piper?' *City Press* 24 July 2011 p26.

sufficiently independent from potential political interference.⁵⁷³ Corporal punishment has also been outlawed, as well as the death penalty.⁵⁷⁴

Currently the country appears relatively politically stable and basic standards of living seem to have improved over the last decade. For example, a 2007 Stats SA Community Survey shows that the percentage of households living in formal dwellings rose from 65 percent in 1996 to 70 percent in 2007. Households with access to piped water increased from 84 percent in 2001 to 88 percent in 2007, and the use of electricity as the main energy source for lighting increased from 57 per cent in 1996 to 80 percent in 2007.⁵⁷⁵ Social grants have also risen from 2.5 million beneficiaries in 1999 to 13 million in 2009.⁵⁷⁶

This does not mean that the South African political scene shall remain more or less the same, with one tarnished, yet moderate leadership replacing another as in most established democracies. Drastic policies are being called for by the ANC's Youth League, on a wave of despondency felt by impoverished youth who are still awaiting the economic benefits promised by the ANC when it came to power in 1994. The central policy of the ANCYL is for the nationalisation of South African mines, banks, energy production, telecommunications and white owned land without compensation.⁵⁷⁷ In order to achieve this, they have called for an amendment of the Constitution to

⁵⁷³ *Glenister* case (note 9)

⁵⁷⁴ *Country Data* 'South Africa – a country study' May 1996, available at <http://www.country-data.com/cgi-bin/query/r-12074.html>, date accessed 10 August 2011.

⁵⁷⁵ Lehohla, Pali 'The RDP Commitment: What South Africans say' (2007), report by Statistics South Africa, South Africa.

⁵⁷⁶ Michael Appel 'Poverty in South Africa is declining' *SouthAfrica.info* 2 October 2008, available at <http://www.southafrica.info/about/social/poverty-021008.htm> and Gabi Khumalo 'Millions benefit from social grants' *SouthAfrica.info* 6 July 2009 available at <http://www.southafrica.info/about/social/grants-060709.htm>, both sites accessed on 25 July 2011.

⁵⁷⁷ ANC Youth League, Discussion document for the ANC Youth League 24th National Congress titled a 'Clarion call to economic freedom fighters: programme of action for economic freedom in our lifetime' (April 2011) 10 to 11.

bring it in line with the provisions of the Freedom Charter,⁵⁷⁸ which state *inter alia* that:

'[t]he national wealth of our country ... shall be restored to the people; [t]he mineral wealth beneath the soil, the banks and monopoly industry shall be transferred to the ownership of the people as a whole; [and] [t]he land shall be shared among those who work it!'.⁵⁷⁹

These calls indicate that South Africa may well be headed towards a more radical economic and political era should measures aimed at poverty alleviation not bear timeous fruit.

4.2 Local level politics: public engagement within the South African National Civics Organisation (SANCO) and the ANC's branches, and the emergence of service delivery protests

An outline of political events on a national level is insufficient to obtain a clear picture of the political status of South Africa. It is furthermore necessary to examine the nature of the South African public realm itself, not just at the leadership level, but also at the grassroots.

Recent ANC leadership appears to be more open to consultation and deliberation with representatives of popular structures,⁵⁸⁰ which on the surface seems to align more closely with Arendt's emphasis on public participation. However, the increased role of grassroots representatives in government decision-making is not enough to comprise evidence of widespread public action. What Arendt emphasises is horizontal public

⁵⁷⁸ ANC Youth League 'The outcomes of the ANC 3rd National General Council' *ANCYL website*, 30 September 2010, available at

<http://www.ancyl.org.za/show.php?id=6213>, date accessed 26 July 2011.

⁵⁷⁹ The Congress of the People 'The Freedom Charter' 26 June 1955, Kliptown.

⁵⁸⁰ Ralph Mathekga (note 528) 131 and 139.

participation in genuine *politics*. It is therefore important to explore the nature and content of the popular structures which have gained national influence.

As mentioned in the previous chapter⁵⁸¹ the UDF was disbanded in 1991 leaving thousands of civic organizations across the country without effective regional and national coordination. As a result South African National Civic Organisation (SANCO) was formed in March 1992 to represent local civic interests in respect of government development projects in a non-partisan manner. Previously autonomous civic groups became 'branches' of SANCO, and SANCO therefore took on the role of overseeing street and ward committees across the country.⁵⁸² SANCO's policy set out that members should no longer concern themselves with political issues, which were seen as belonging within the realm of ANC branches.⁵⁸³ SANCO's Gauteng leader explained the situation as follows in 1997:

'Sanco's focus is no longer the direction of agitating against the government, as was the case in the past; we tend to focus more on community development as our main objective, and in this regard we are primarily looking at housing, standard of housing, ...local government... to assist our people, to guide them, to try and educate them to understand the functions of local government, ...(and) public safety issues.'⁵⁸⁴

SANCO therefore did not become involved in negotiating the constitutional transition and formulating the new government's structures.⁵⁸⁵ Instead it focused on technical processes regarding development and

⁵⁸¹ Op cit chapter 3.1.

⁵⁸² Jeremy Seekings 'After Apartheid: Civic organizations in the "New: South Africa' in Glenn Adler and Jonny Steinberg (eds) *From Comrades to Citizens: The South African Civics Movement and the Transition to Democracy* (2000) 205.

⁵⁸³ Ibid 207.

⁵⁸⁴ Elka Zuern 'Continuity in Contradiction? The Prospects for a National Civic Movement in a Democratic State: SANCO and the ANC in Post-Apartheid South Africa' in Ballard, Habib, & Valodia (eds) *Globalisation, Marginalisation & New Social Movements in post-Apartheid South Africa* (2006) 5.

⁵⁸⁵ Seekings (note 582) 208.

delivery on the ground.⁵⁸⁶ Neocosmos notes that the new bureaucratic role of the civics transformed them into 'interests groups', reflecting 'the aspirations of a narrow constituency defined by the division of labour (urban communities)'.⁵⁸⁷

Apart from losing their previous political role, civics under the leadership of SANCO also lost influence in the 'development' arena. ANC branches and local government offices increasingly took up local delivery issues and had access to greater resources.⁵⁸⁸ SANCO also became involved in ANC campaigning during elections, and members were often rewarded with jobs in government.⁵⁸⁹ This caused SANCO to lose many strong and effective leaders. Although SANCO's policy of non-partisanship initially required such leaders to resign from the organisation to take up government positions, it eventually reversed this rule and permitted the 'wearing of two hats' in order to retain its membership.⁵⁹⁰ As a result SANCO and ANC leaders often were the same person and SANCO members known not to be ANC supporters became marginalized.⁵⁹¹ This affected the ability of SANCO to hold government to account. A regional SANCO leader described the conflict of interests as follows:

'How will a Sanco leader, who also holds the position of councilor, conduct himself if he is called on to lead a march of residents against the local authority? Who will he lead the march against – himself?'⁵⁹²

⁵⁸⁶ Seekings (note 582) 217.

⁵⁸⁷ Michael Neocosmos 'From people's politics to state politics aspects of national liberation in South Africa 1984 - 1994' (1996) 15,3 *Politeia*, available at <http://www.unisa.ac.za/dept/press/politeia/153/neocosm.html>, date accessed 20 June 2011.

⁵⁸⁸ Seekings (note 582) 209.

⁵⁸⁹ Zuern (note 584) 7.

⁵⁹⁰ Ibid 11.

⁵⁹¹ Seekings (note 582) 209.

⁵⁹² Zuern (note 584) 12.

In research conducted for the African Centre for Migration and Society in Cape Town's Philippi and Khayelitsha townships, certain residents indicated that SANCO's association with the dominant party prohibited the discussion of controversial and difficult questions at street committee meetings. For instance, a Khayelitsha resident argued that:

'There is a need to educate the youth about who they are, where they come from, why they are in their situation and how to get out of it... Street committees don't talk about these things, but only about money. They are connected to political parties and people in power don't want to talk about these things... Street committee leaders have a face, but they are not the ones leading the community because they have their bosses'.⁵⁹³

The absorption of SANCO representatives into the ANC has furthermore led to a situation where residents not affiliated to the dominant political party have been excluded from effectively participating in SANCO forums. A resident from Nyanga township in Cape Town reported:

'Anything community orientated in Nyanga is one way or the other a disguised sub-division of the ANC from your SANCO, ward committees, and street committees. If you are not known to be an ANC person then you can't really partake... I participated initially, but I found it to be more of a frustration because it's almost as if I was being earmarked, identified as one of those no good stone throwers... I would have to speak almost like a lunatic really, just standing up and saying what I have to say because if I raise my hand, the meeting would progress and progress with everyone having a say and not the people who are known to be anti-ANC, for an example'.⁵⁹⁴

Jeremy Seekings describes SANCO as eventually becoming the 'subordinate ally' of the ANC in local government, moving from a strategy of protest and mass action to participation in local government.⁵⁹⁵ SANCO's

⁵⁹³ Vanya Gastrow, 'Report on access to justice for foreign shopkeepers' (unpublished research report still in progress) (2011) African Centre for Migration and Society, University of the Witwatersrand.

⁵⁹⁴ Ibid.

⁵⁹⁵ Seekings (note 582) 211.

former national president Mlungisi Hlongwane saw this as a positive change stating that 'if you want to be an instant revolutionary these days and be involved in boycotts, SANCO is no longer a home for you'.⁵⁹⁶

Although SANCO plays an important role in local affairs by acting as a conduit between local residents and government, assisting in resolving local disputes and providing information and advice, it no longer occupies a space of debate or active dissent.⁵⁹⁷ The same trend of acquiescence to dominant political authorities seems to have spread to township civil society in general. In his analysis of civil society in the Cape Town township of Gugulethu, Luke Staniland found that local government and ward councilors increasingly relied on civil society to implement and monitor services to local populations. These 'distribution networks' resulted in an unwillingness amongst civil society members to openly challenge local political figures.⁵⁹⁸

Even ordinary residents were often reliant on continued good relations with local street committees and SANCO leadership in order to access government resources. For example, Staniland states that the City of Cape Town's policy on the allocation of state housing requires that there should be no 'evidence of antisocial behaviour' in respect of beneficiaries of state housing.⁵⁹⁹ The absence of anti-social behaviour is usually attested to by local street committees aligned with SANCO,⁶⁰⁰ thus compelling residents to 'behave' and remain on good terms with local leaders, out of fear of being identified as 'troublesome' and in a sense blacklisted from accessing government benefits.⁶⁰¹

⁵⁹⁶ Seekings (note 582) 211 referring to Gumede 'SANCO marches to a business drum' *Star* 28 December 1996.

⁵⁹⁷ Zuern (note 584) 23.

⁵⁹⁸ Luke Staniland "'They know me, I will not get any job": public participation, patronage, and the sedation of civil society in a Capetonian township' (2008) 66/67, *Transformation* 8.

⁵⁹⁹ *Ibid* 21.

⁶⁰⁰ *Ibid*.

⁶⁰¹ *Ibid*.

Ironically, the apparent effect of public participation in government delivery programmes has been to mute genuine debate and the sharing of frank opinion. Street committees, ward committees and SANCO branches' financial dependence on local government has shaped them to play a more bureaucratic than political function in South African townships. Although many community members benefit from the transformation of civics into developmental nodes, the lack of truly genuine political platforms seems to have given rise to a culture of coerced 'behaviour' and obedience to local gatekeepers.

The ANC's own branches reflect a similar pattern. Although there seems to be a dearth of research into the day-to-day activities of ANC branches, Dlamini's case study of an ANC branch's meetings provides useful insight.⁶⁰² Dlamini attended several meetings of the Fanyana Banda Branch in Katlehong, twenty kilometers outside of Johannesburg. He describes that on average 25 percent of members attended meetings, which were generally taken up with bureaucratic concerns and the transmission of instructions received from the ANC's regional office. These instructions were followed with little or no dissent.⁶⁰³ He describes that the branch's secretary as:

'the perfect portrait of the stereotypical office bearer drawn by Michels (1962:177). These office bearers become zealots for discipline - for following the party programme - as a way of guaranteeing their survival. They survive by throwing the rulebook (and, in the case of our secretary, punches) at any and all potential rivals'.⁶⁰⁴

The difference of opinion that did arise in the branch came in the form of leadership preferences and power struggles rather than discussion over policy or community issues. This sometimes culminated in violent outbursts.

⁶⁰² Jacob Dlamini 'The Root of the Matter: Scenes from an ANC Branch' (April 2010) 69:1 *African Studies* 201.

⁶⁰³ Ibid.

⁶⁰⁴ Ibid.

For instance the Fanyana Banda branch secretary assaulted two individuals (including the ward councilor's husband) over the branch's nominations of candidates for the municipal elections.⁶⁰⁵ A former councilor also commented that he was relieved to no longer occupy the position because, as councilor, one had many enemies and was constantly afraid of being shot or stoned to death.⁶⁰⁶

Since the ward councilor appointed local ANC branch members as Community Liaison Officers tasked with recruiting community members on local construction projects, some members' hoped that their attendance would translate into job opportunities (many members were unemployed).⁶⁰⁷ One branch member told Dlamini: 'The National Democratic Revolution ended a long time ago. It's now the Tender Distribution Revolution'.⁶⁰⁸ However, not every member of the branch was driven by personal interest. Two of the branch's youngest members informed Dlamini that they joined because they related to the history of the ANC and wanted to make a difference in their communities.⁶⁰⁹

In contrast to Dlamini, Darracq celebrates the 'mass' culture of the ANC by referring to mass meetings such as National Conferences.⁶¹⁰ However he does not explore the actual content of branch meetings themselves, mentioning only on the side that 'many members are not schooled enough to gain a proper understanding of elaborate debates about economics or international affairs' and therefore that 'monthly branch meetings lasting an hour do not really provide scope for engaging policy discussions'.⁶¹¹

⁶⁰⁵ Dlamini (note 602) 191.

⁶⁰⁶ Ibid 200.

⁶⁰⁷ Ibid 197.

⁶⁰⁸ Ibid.

⁶⁰⁹ Ibid 198.

⁶¹⁰ Vincent Darracq 'The African National Congress (ANC) organisation at the grassroots' (2008) 107/429 *African Affairs* 549.

⁶¹¹ Ibid 605.

SASCO Secretary General Lazola Ndamase criticises the current form of 'mass' politics in South Africa, stating that leaders have manipulated the masses by promising them 'delivery' in return for support.⁶¹² This has caused the masses to become docile and view themselves as a 'constituency' that must be serviced through handouts, liquor and parties. He remarks that when called onto the stage the masses 'barely know the plot, let alone its direction'.⁶¹³

Similarly to SANCO, ANC branches provide an important interface between government and local communities and assist in the dispersion of information about local government development programmes (and for some, access to potential job opportunities). However branches do not appear to be engaged in vigorous political discussion or deliberation. They instead serve more as receptacles of regional instructions, which are carried out with little questioning. Although Dlamini's account concerns the activities of only one of almost three thousand branches, it calls into question the uncritical valorisation of grassroots structures, no matter what their content, as well as the ideal of 'mass' politics.

However, protest has not been completely stifled in South African townships, evident in the thousands of service delivery protests that have rocked South African townships in recent years.⁶¹⁴ Voting patterns suggest

⁶¹² Lazola Ndamase 'Guilty as charged: Old Revolutionary songs expose our lack commitment to struggle' (29 April 2011) Vol 2: 29 *Moithuti*, available at <http://www.sasco.org.za/show.php?include=pubs/moithuti/2011/issue9.html#one>, date accessed 20 June 2011.

⁶¹³ Ibid.

⁶¹⁴ Karabo Keepile 'ANC urges calm after Gauteng service-delivery protests' *Mail and Guardian Online* 11 March 2010, available at <http://mg.co.za/article/2010-03-11-anc-urges-calm-after-gauteng-servicedelivery-protests>; Alistair Clark 'The impact of service delivery on South Africa's local government elections' *Think Africa Press* 8 April 2011, available at <http://thinkafricapress.com/south-africa/impact-service-delivery-south-africa-s-local-government-elections-0>, Courtney Brooks 'SA hit by service-delivery protests' *Mail and Guardian Online* 22 July 2009, available at

that these protests are predominantly utilized to gain increased attention from government over service related grievances as opposed to showing discontent for the ruling party.⁶¹⁵ Susan Booysen states that many township residents discover that when they protest, a barrage of 'municipal officials, councilors, members of provincial executives, even members of the national cabinet'⁶¹⁶ arrive and promise improvements. Protest therefore works alongside elections as a means of elevating service related issues to the top of government's agenda.⁶¹⁷ This is evident from protest memoranda, for instance a 2009 Piet Retief protesters' memorandum states as follows:

'We also would like to state it clear that the Mkhondo citizen's concerned group are [sic] the members of the ANC. We are in no position to be elected as councilors and we are mostly working, but cannot sit and fold our arms while the municipality is misusing the rate payers' money. We also want the ANC to win the local elections convincingly. We pledge that councilors involved in misconduct be recalled to the structure with immediate effect'.⁶¹⁸

The causes of service delivery protests are highly complex. According to Booysen, service delivery protests are often motivated by anger towards a municipality or perceived or real corruption in governance structures.⁶¹⁹ These mobilizations are linked to service problems such as water, electricity and sanitation.⁶²⁰ Other protests appear to emerge out of infighting within the ANC. Dlamini gives an example of a Khatlehong service delivery protest against an ANC ward councilor, organised by SANCO.⁶²¹ However, six of the 15 local ANC branch executives were also executives of the local

<http://mg.co.za/article/2009-07-22-sa-hit-servicedelivery-protests>, all sites accessed on 10 August 2011.

⁶¹⁵ Susan Booysen With the ballot and the brick: the politics of attaining service delivery (2007) 7:1 *Progress in Development Studies* 28.

⁶¹⁶ Booysen (note 615) 24.

⁶¹⁷ Ibid 25.

⁶¹⁸ Sinwell, Kirshner & Khumalo et al, *Service Delivery Protests: Findings from Quick Response Research on Four 'Hot-Spots' – Piet Retief, Balfour, Thokoza, Diepsloot* (2009).

⁶¹⁹ Booysen (note 615) 23.

⁶²⁰ Ibid 23.

⁶²¹ Dlamini (note 602) 197.

who would meet and discuss a concern (for instance the belief that the ruling Democratic Alliance party catered more to coloured than black South Africans). They would then decide to block off a street and burn tires to raise awareness. This would catch surrounding residents' attention 'like paraffin being poured on a flame', who would quickly join in burning tyres and throwing stones at busses and cars, without necessarily even being aware of the specific reasons for the protest. He reported that most people were motivated less by the stated objectives of protests, but rather because the act of protesting itself:

'somewhat gives a sense of authority and power, because people are generally not in control of their own lives and of their immediate surroundings. So subconsciously if there is something they can do which gets them feeling they are in control they are prone to jump on it'.⁶²⁷

Terms used to describe the source of protest violence such as 'powerlessness', 'marginalization' and 'exclusion', seem closely related to Arendt's description of 'impotence', which lay at the root of the *enrages'* rage during the course of the French Revolution.⁶²⁸

Similarly again to Arendt's analyses, Carrim notes that the violence that emerges from such rage is often not aimed at actual achievement. He points out that 'in many cases, burning clinics, libraries, social welfare offices and other violent behaviour constitute both acts of destruction and self-destruction'.⁶²⁹

For Carrim, this sense of exclusion often directs rage towards 'insiders' who are perceived to have unfairly advanced themselves. In particular foreigners are seen as blocking the way of South Africans'

⁶²⁷ Gastrow (note 593).

⁶²⁸ Op cit Chapter 1.4.

⁶²⁹ Carrim (note 625).

advancement. This results in service delivery protests often coinciding with xenophobic attacks.⁶³⁰ A foreign shopkeeper in Khayelitsha likewise reported that there is a problem of 'belongingness' amongst South Africans, elaborating:

'You go and open your own shop, you start working from square one. Then somebody just sitting on the other side of the street he thinks that whatever you are selling in that shop belongs to him'.⁶³¹

Foreigners interviewed in three Cape Town townships also reported that many protesters joined in looting and burning of shops not because of any specific hatred towards them, but rather to get government attention, as well as to opportunistically take something for free.⁶³² The desire for 'attention' appears to connect with the concept of exclusion, ie the frustration of feeling insignificant, ignored and essentially invisible.

Carrim therefore links service protests to 'the failure of local democracy'. He states that:

'Most, not all certainly, of the people are protesting because they do not have adequate access to councilors, council officials, ward committees and other municipal structures'.⁶³³

A University of the Witwatersrand report on service delivery protests in four Gauteng townships in 2009 similarly indicates that in all four protests investigated, community members unsuccessfully attempted to engage with local authorities over issues of failed service delivery prior to protesting.⁶³⁴ The report concludes that:

⁶³⁰ Carrim (note 625).

⁶³¹ Gastrow (note 593)

⁶³² Ibid.

⁶³³ Carrim (note 625).

⁶³⁴ Sinwell, Kirshner & Khumalo et al (note 618) 1.

'The findings presented confirm that the frustrations with government service delivery and the protests which result from this will remain part of the South African political landscape as long as people do not have access to basic services and are *unable to find effective channels through which to express their demands*.'⁶³⁵

However not all protest groups react to marginalization and exclusion through rage and violence and instead resort to careful broad-based action. For instance, Neocosmos examines Richard Pithouse's analysis of the Durban shack dwellers movement Abahlali baseMjondolo (AbM), which at the end of 2006 had 34 affiliated settlements governed according to democratic processes including weekly mass meetings where delegates were elected.⁶³⁶ Neocosmos describes AbM as having rejected cooperation with and funding from the state in order to retain strict independence.⁶³⁷ In line with this, the movement follows a principle of refraining from party politics and its pull towards self-enrichment. This principle is evident in AbM's leaders' practice of placing their names last on municipal housing allocation lists.⁶³⁸ AbM's protests focus primarily on municipal practices such as the removal of poor communities from the inner city to the outskirts of town away from job opportunities, schools and other amenities.⁶³⁹ Its action does not appear random, opportunistic or self-destructive, but deliberate and rather creative, for instance holding mock burial ceremonies of councilors, mass demonstrations as well as effective use of the media.⁶⁴⁰

Other protest groups also do not appear to rely on uncoordinated rage and anger. For instance the April 2011 protest in Ficksburg in the Free State

⁶³⁵ Sinwell, Kirshner & Khumalo et al (note 618) 1 (my emphasis).

⁶³⁶ Neocosmos (note 291) 323.

⁶³⁷ Ibid 318.

⁶³⁸ Ibid 323 referring to Richard Pithouse 'Our struggle is thought on the ground running: the university of Abahlali baseMjondolo' (Research report 40 in Centre For Civil Society *Yonk'IndawoUmzabalazo Uyasivumela: New York from Durban*, research reports, 2006 Vol1, University of Kwazulu-Natal) 32.

⁶³⁹ Neocosmos (note 291) 322.

⁶⁴⁰ Ibid 323.

that saw the death of activist Andries Tatane at the hands, batons and rubber bullets of the police appears to have been a relatively peaceful demonstration that became chaotic after someone in the municipal office began throwing stones at the crowd.⁶⁴¹ Furthermore Tatane was killed not in the course of committing a violent act, but rather while attempting to protect elderly protestors from being sprayed by a police water cannon.⁶⁴² Thus there is evidence that certain service delivery protests are relatively peaceful, despite trends towards spontaneous self-help and mob behaviour in other areas.

What seems to emerge from the above study is that violence appears to intensify the more acute people's sense of powerlessness becomes. AbM appear to generate feelings of power amongst their members and affiliates through democratic processes and coordination which allow the articulation of people's views and opinions, while other protests appear to turn violent because of the very lack thereof. This is evident by the fact that the relatively peaceful march where Tatane was killed was followed by violent demonstrations the following week where two municipal buildings were burnt down.⁶⁴³ This could be interpreted as reflecting increased feelings of powerlessness due to the police's suppressive actions at prior peaceful demonstrations.

Although much data has been compiled on locations, numbers and stated purposes of protests, there is little clarity as to how these protests come about, ie to what extent they are the outcome of Arendtian-type

⁶⁴¹ *City Press* 'Tatane's death a hit, family believes' 17 April 2011, available at <http://www.citypress.co.za/SouthAfrica/News/Tatanes-death-was-a-hit-20110416>, date accessed 19 July 2011.

⁶⁴² Mandy de Waal 'Remembering Andries Tatane, not forgetting police brutality' *The Daily Maverick* 18 April, 2011, available at <http://www.thedailymaverick.co.za/article/2011-04-18-remembering-andries-tatane-not-forgetting-police-brutality>, date accessed 19 July 2011.

⁶⁴³ Sapa 'Ficksburg protesters set buildings alight' *News 24*, 14 April 2011, available at: <http://www.news24.com/SouthAfrica/News/Ficksburg-protesters-set-buildings-alight-20110414>, date accessed 19 July 2011.

widespread public action or merely instigated by sporadic groups that ignite outbursts of rage in their wider communities. While there is evidence indicating well-planned publicly deliberated action in some cases, it also seems that many protests are spontaneous attempts at regaining a temporary sense of appearance, power and control in the face of severe deprivation and uncertainty. Far from indicating the health of local level democratic and grassroots processes, such protests instead reflect the very breakdown or absence thereof.

4.3 The disappearance of the revolutionary spirit? Parallels between South Africa and Arendt's 'limited government' and 'uprising of the poor'

The revolutionary spirit of the anti-apartheid struggle seems to have quickly demised after the disbandment of the UDF. Political power shifted from numerous UDF affiliates to centralized and hierarchical political parties.⁶⁴⁴ This trend however only seems to have become patent to many former activists when confronted with the unilateral closure of the RDP office.⁶⁴⁵ Today in South Africa the term 'people's power' appears to have lost its original meaning of participation in government through political debate and action, or as Murphy Morobe put it in 1987:

'direct as opposed to indirect political representation, mass participation rather than passive docility and ignorance, a momentum where ordinary people feel that they can do the job themselves, rather than waiting for their local MP to intercede on their behalf'.⁶⁴⁶

In place of its original revolutionary meaning, the term has increasingly been interpreted to imply the right to vote every few years, participation in

⁶⁴⁴ Op cit chapter 3.1, 3.2, 4.1 and 4.2

⁶⁴⁵ Op cit chapter 4.1.

⁶⁴⁶ Seekings (note 180) 296 quoting Murphy Morobe (note 324).

service delivery forums, 'mass' party politics or violent protest.⁶⁴⁷ However although elections, service delivery, grassroots structures and popular demonstration contribute to the basic foundations of public freedom and public happiness, they are not in any way proof of its existence. Instead an examination of the *content* of the public realm is needed to assess the extent of genuine speech and action. On such an examination, traces of the revolutionary spirit appear diminished, as authentic political deliberation appears absent amongst broad sectors of civil society as well as political party branches.⁶⁴⁸

This leads us to the following question: to what extent is South Africa repeating the bland retreat into private life and consumption as Arendt describes of modern America on the one hand, and the violent purges characteristic of the French Revolution on the other hand? In other words to what degree do political developments reflect Arendt's depiction of the emergence of 'limited government' or an 'uprising of the poor'?⁶⁴⁹ My answer to that question is that South Africa appears to manifest an uneasy tension between both. The founding of the Constitution and the election of the ANC to power saw South Africans shift their focus to the achievement of private happiness, while government monopolized political action.⁶⁵⁰ On the other hand recent times have seen an increasingly restless segment of destitute youth gravitating towards messianic promises of sudden material delivery through state seizure of resources.⁶⁵¹

Arendt describes that after the completion of the revolution in America, the emphasis shifted almost at once from public freedom to civil liberty.⁶⁵² Instead of seeking to participate in public affairs for the sake of public happiness, citizens sought constitutional protection from government

⁶⁴⁷ Op cit chapter 4.2.

⁶⁴⁸ Ibid.

⁶⁴⁹ Op cit chapters 1.4 and 1.5.

⁶⁵⁰ Op cit chapter 4.1.

⁶⁵¹ Op cit chapter 4.2.

⁶⁵² *On Revolution* (note 1) 135.

interference in their private lives.⁶⁵³ She felt that this was the outcome of the failure of the American Constitution to incorporate township and town hall meetings - 'the original springs of all political activity in the country'⁶⁵⁴ - into government.⁶⁵⁵ Thus the Revolution culminated in constitutional, limited government, which for Arendt means 'nothing more or less than government limited by law, and the safeguard of civil liberties through constitutional guarantees'.⁶⁵⁶

South Africa seems to have likewise quickly embraced the path of limited government in the immediate aftermath of revolution. Although the ANC paid much lip service to the importance of civil society and public engagement when it first became elected, Naidoo's account of the RDP, and SANCO's relinquishing of political issues to ANC branches reveal that in practice little space was carved out for the realisation of the revolutionary goal of 'people's power'.⁶⁵⁷ The monopolisation of politics by representative government appears to have led a greater proportion of South Africans to pursue 'private happiness' as their ultimate goal, evident by the political decline of South Africa's civic organisations.⁶⁵⁸ Like in America, many South Africans have embraced conspicuous consumption to fill the extra time left by the absence of political action. Malema's and other government members' embrace of excessive material wealth,⁶⁵⁹ are likely not isolated incidents, but demonstrative of greater cultural changes in society. Furthermore, when not devoting time to government duties, many government members sit on boards or act as directors of private companies as opposed to engaging in broad deliberation and political action with South African actors on the ground.⁶⁶⁰

⁶⁵³ *On Revolution* (note 1) 135.

⁶⁵⁴ *Ibid* 239.

⁶⁵⁵ *Ibid*.

⁶⁵⁶ *On Revolution* (note 1) 143.

⁶⁵⁷ *Op cit* chapter 4.1.

⁶⁵⁸ *Op cit* chapter 4.2.

⁶⁵⁹ *Op cit* chapter 4.1.

⁶⁶⁰ *Ibid*.

As in America, government has increasingly become viewed as a giant bureaucracy whose role is to manage the economy and provide services to a passive and politically disengaged population, not as a system in which all can participate in public affairs as independent and genuine actors.⁶⁶¹ The apparent state of ANC and SANCO branches bears testimony to the absence of a broad political culture where individuals may freely exchange opinion upon public affairs.⁶⁶²

However, seeds of a possible 'uprising of the poor' seem to have been sown simultaneously with the establishment of limited government. A decisive event leading towards the possibility of such an uprising was the decision taken in 1996 by members of the ANC's executive to abandon the RDP in favour of GEAR.⁶⁶³ The anger that emerged from this decision arose partially from the policy disagreements, but particularly from the manner in which the decision was taken.⁶⁶⁴ Central figures in the ANC's left leaning alliance partners such as Nzimande and Vavi (who are referred to as the 'party political left' because they cannot be said to represent the entire 'Left' in South Africa) appeared shunned and sidelined. Having come from union backgrounds, the UDF and MDM era of broad consultation was still fresh in their minds and they therefore likely experienced betrayal by the centralization of decision making under Mandela and Mbeki. In contrast, Mbeki was not a product of the revolutionary movement in South Africa. He rose through ANC ranks in exile and never 'tasted' the participatory element of freedom.⁶⁶⁵ The centralised character of exile politics therefore came more naturally to him.

Although the initial reasons for the fall out between the party political left and Mbeki are quite clear to understand, what remains difficult to

⁶⁶¹ Op cit chapter 4.2.

⁶⁶² Ibid.

⁶⁶³ Ibid.

⁶⁶⁴ Ibid.

⁶⁶⁵ Op cit chapter 3.1.

comprehend is their desire to substitute Mbeki with Zuma, a man who was manifestly morally compromised, not only by corruption scandals but also through his questionable attitudes towards women and the widespread thuggish behaviour of his supporters at public gatherings.⁶⁶⁶ Furthermore, party political left leaders were prepared to erode central democratic institutions in order for Zuma's corruption charges to be dropped by threatening mayhem should the NPA continue with its prosecution.⁶⁶⁷ To understand this decision, Arendt's description of French revolutionaries seems helpful.

Arendt describes that France's revolutionary leaders were predominantly members of the bourgeoisie - but located on the fringe of society - who initially related to the poor through their shared desire for a 'public space where they themselves could become visible and be of significance'.⁶⁶⁸ Once such a space was attained, they were faced with a dilemma, namely that they lacked a clear common purpose with their followers, who were unable to enjoy the benefits of the Revolution while they were still subject to abject poverty.⁶⁶⁹ To retain legitimacy, the leadership aligned their will to the will of the people, which was directed at the achievement of 'happiness for the many'. This will was elevated to the highest virtue in government.⁶⁷⁰

For Arendt this sense of virtue arose from the leadership's intense pity towards the suffering of the poor.⁶⁷¹ When the boundless sentiment of pity was seen as the source of virtue, leaders' ability to engage in reasoned

⁶⁶⁶ Op cit chapter 4.1.

⁶⁶⁷ Sapa 'Malema in a froth over Zuma' *Mail and Guardian Online* 10 September 2008, available at <http://mg.co.za/article/2008-09-10-malema-in-a-froth-over-zuma>, date accessed 21 July 2011.

⁶⁶⁸ *On Revolution* (note 1) 124.

⁶⁶⁹ Op cit chapter 1.4.

⁶⁷⁰ Ibid.

⁶⁷¹ Ibid.

debate became stifled.⁶⁷² In addition, Arendt argues that when 'pity-inspired virtue' was utilised as a key unifying force for the revolutionary movement, the political realm became flooded by concerns which were best resolved through effective administration rather than through political process of 'decision and persuasion'.⁶⁷³ With the administrative realm overlooked and the political realm of debate and deliberation failing to deliver expected aid and sustenance, the political realm became increasingly partial to 'strong and swift' relief through violence.⁶⁷⁴

Arendt maintains that the celebration of virtue fosters hypocrisy because the display of pure virtue requires one to lay bare one's inner motivations. Such motivations are impossible to fully comprehend and thus compel deception.⁶⁷⁵ This internal and public deceit results in leaders sensing hypocrisy and hidden ulterior motives within and around them, giving rise to widespread paranoia and a desire to wage war against it.⁶⁷⁶

Arendt believes that in France, anger was initially directed at the hypocrisy of the representatives of the aristocracy. This gave revolutionary leaders the idea that the rich were corrupted, while the poor were naturally good.⁶⁷⁷ However, soon revolutionary leaders turned against the Constituent Assembly and later turned on one another. This gave way to Robespierre Reign of Terror, which Arendt describes as:

'nothing else but the attempt to organise the whole French people into a single gigantic machinery - "the great popular Society is the French people" - through which the Jacobin club would spread a net of party cells all over France; and their tasks were no longer discussion and exchange of opinions, mutual instruction and

⁶⁷² Op cit chapter 1.4.

⁶⁷³ *On Revolution* (note 1) 90 to 91.

⁶⁷⁴ Ibid 91.

⁶⁷⁵ Op cit chapter 1.4.

⁶⁷⁶ Ibid.

⁶⁷⁷ Ibid.

information on public business, but to spy upon one another and to denounce members and non-members alike'.⁶⁷⁸

The 'war against hypocrisy' resulted in the tearing off of artificial public masks or *personas* that individuals wore when they carried out public roles.⁶⁷⁹ This undermined legal personality and permanent controls upon political power. Instead only natural necessities and rights of life were considered publicly valid concerns and free of hypocrisy.⁶⁸⁰ When the force of 'natural' rights was set free, the *malheureux* of France could not bear their misfortune any longer and transformed into the *enrages*.⁶⁸¹ The *enrages* confronted the rage of the court (which Arendt calls the 'rage of unmasked corruption') giving rise to continuous violence that dominated the rest of the Revolution.⁶⁸²

Arendt believes that rage of misfortune arises from people's sense of impotence to achieve or alleviate their suffering.⁶⁸³ Because it is predominantly inspired by revenge, achievement is of small relevance.⁶⁸⁴ As a result, the Reign of Terror not only spelt doom to political freedom, but also failed to address the severe and urgent plight of the impoverished, leading to *les malheureux* and *enrages* of the revolution becoming *les misérables* of the 19th century.⁶⁸⁵

South Africa seems to reflect both similarities and differences to events in France. Like in France, the initial motivation to oust Mbeki seemed to arise from a desire to carve out a space in government for sidelined

⁶⁷⁸ *On Revolution* (note 1) 247.

⁶⁷⁹ *Op cit* chapter 1.4.

⁶⁸⁰ *On Revolution* (note 1) 109.

⁶⁸¹ *Ibid.*

⁶⁸² *Ibid.*

⁶⁸³ *Ibid* 111.

⁶⁸⁴ *Op cit* chapter 1.4.

⁶⁸⁵ *Ibid.*

groups, rather than because his policies were seen as unfair to the poor.⁶⁸⁶

This is evidenced by the fact that the party political left went on to adopt most of Mbeki's economic policies at the Polokwane Conference. However, unlike the French revolutionaries, party political left leaders such as Gwede Mantashe, Vavi, Malema and Nzimande originally emerged from the working classes, as opposed to the bourgeoisie.

In addition, leaders such as Vavi, Nzimande and Mantashe come from union backgrounds, representing the interests of the working classes. As a result, throughout the build up to Polokwane (and not only thereafter), leaders from the party political left emphasized that their desire for greater participation in government stemmed from the fact that their will was directed towards the achievement of economic prosperity for the many, while that of the incumbent leadership was not.⁶⁸⁷ This will was celebrated as the highest virtue in government.

Those claiming pure virtue realized that in order for them to achieve greater influence in government and thereby come to the rescue of the poor, Mbeki had to be removed.⁶⁸⁸ To achieve this goal leaders of the party political left threw their weight behind Zuma, who, unlike themselves, was a central figure in the ruling ANC and therefore could act as a potential challenger to Mbeki.⁶⁸⁹

Zuma therefore received their active backing despite deep apparent flaws in his public persona. The party political left even went so far as to vigorously campaign against his prosecutors to the detriment of South Africa's legal institutions.⁶⁹⁰ Since virtue was associated with the welfare of the poor majority and not the attainment or maintenance of public freedom,

⁶⁸⁶ Op cit chapter 4.1.

⁶⁸⁷ Ibid.

⁶⁸⁸ Ibid.

⁶⁸⁹ Ibid.

⁶⁹⁰ Ibid.

issues relating to freedom, such as questions of gender, racism, rule of law, corruption and violence against opponents seem to have taken the back seat. Instead, the primary accountability of the political realm and government was that of delivery to the impoverished masses. The ANCYL recently stated as much claiming on Human Rights Day in 2011 that 'in this era of economic freedom struggle, the only meaning that should be given to genuine human rights is and should be economic freedom and rights'.⁶⁹¹

For Arendt, the virtue felt by French revolutionaries arose from their sense of pity for the poor. The danger in this is that sentiment clouds individuals' capacity for balanced reasoning.⁶⁹² In South Africa, the ANCYL seem particularly disposed towards emotional sentiment. Malema's outburst against the BBC journalist and the ANC's decision to accordingly send him to 'anger management' classes attests to this.⁶⁹³ Such sentiment seems to have affected the ANCYL's political reasoning. For instance, despite Zimbabwe's renowned human rights abuses, the ANCYL has described Zanu PF as a 'progressive formation'.⁶⁹⁴ In addition, when the SACP claimed that nationalisation was motivated by BEE shareholders who wished to be 'bailed out' of unprofitable mining deals, the Youth League's non-sensical response was that nationalisation would not serve such purpose as it would occur through 'legislation'.⁶⁹⁵

By willing the desire to deliver services to the highest virtue in the South African political realm, pressure has mounted on political leaders to deliver immediate relief to millions of South Africans. However, as Arendt

⁶⁹¹ ANC Youth League 'Human rights are economic rights and freedom to live decent sustainable life ANC Youth League Human Rights Day message' *ANCYL website* 21 March 2011, available at <http://www.ancyl.org.za/show.php?id=7930>, date accessed 7 July 2011.

⁶⁹² Op cit chapter 1.4.

⁶⁹³ Ibid.

⁶⁹⁴ ANC Youth League (note 577).

⁶⁹⁵ Sapa 'Mine kampf: Blade's being childish, says ANC Youth League' *Mail and Guardian Online*, 28 June 2011, available at <http://mg.co.za/article/2011-06-28-mine-kampf-blades-being-childish-says-youth-league>, date accessed 7 July 2011.

emphasises, although politics can address specific injustices relating to public freedom, it is not necessarily the best means of achieving service delivery.⁶⁹⁶ The entry of administrative questions into the political realm therefore seems to be coinciding with increased frustration and anger amongst the poor due to unmet expectations on the one hand, combined with a sense of powerlessness and hopelessness on the other. As in France at the time of the Revolution, South African leadership may therefore eventually opt for quick violent action as opposed to the slower process of tackling administrative complexities. Trends towards violent government solutions already appear evident in the ANCYL's demands for white owned lands to be expropriated without compensation, labelling all white land owners as 'criminals'⁶⁹⁷ and their use of increasingly violent language such as calling for a 'war towards attainment of total economic freedom'.⁶⁹⁸

According to Arendt the celebration of virtue forces actors to become hypocrites, as they are required to publicly deny all personal interest for the sake of proving their virtue.⁶⁹⁹ Similarly party political left leaders in South Africa seem to harbour inner contradictions. For instance, Malema chides wealthy South Africans, while simultaneously engaging in business deals involving state tenders and reportedly splashing R16 million on the construction of a new house.⁷⁰⁰ Nzimande, similarly lashes out against capitalists and the 'bourgeoisie', but upon becoming minister of higher education, purchased a BMW valued at R1.1 million as his ministerial car.⁷⁰¹

⁶⁹⁶ Op cit chapters 1.4 and 2.4.

⁶⁹⁷ Deon de Lange 'White people are criminals – Malema' *IOL News* 9 May 2011, available at <http://www.iol.co.za/news/white-people-are-criminals-malema-1.1066339>, date accessed 10 August 2011.

⁶⁹⁸ ANC Youth League (note 577)

⁶⁹⁹ Op cit chapter 1.4.

⁷⁰⁰ Eleanor Momberg and Matthew Savides 'Uproar over Malema's 'R16m palace' *IOL News* 17 July 2011, available at <http://www.iol.co.za/news/politics/uproar-over-malema-s-r16m-palace-1.1100390?showComments=true>, date accessed 19 July 2011.

⁷⁰¹ Sapa 'SACP, Cosatu deny rift over Blade's car' *Mail and Guardian Online*, 8 September 2009, available at <http://mg.co.za/article/2009-09-08-sacp-cosatu-deny-rift-over-blades-car>, date accessed 19 July 2011.

As in Arendt's depiction of France it seems that a trend towards paranoia and purging seems to have afflicted the party political left as well as the ANC. The media currently appears to be at the forefront of attack, with journalists being physically intimidated,⁷⁰² and accused by the SACP of being 'demagogues who sell newspapers'⁷⁰³ and by the ANCYL of having a 'raw, disrespectful, inconsiderate and selfish capitalist agenda'.⁷⁰⁴ Even senior members of the party political left are beginning to publicly attack each other, with Nzimande accusing the ANCYL of being 'a vanguard for tenders, and not for the workers and the poor of our country',⁷⁰⁵ and the ANCYL insinuating that the SACP comprises a group of detractors from 'the right-wing and pseudo-left political spectra' who spread 'ventilations, rumours and conspiracies'.⁷⁰⁶

According to Arendt the exposure or 'unmasking' of hypocrisy breaks down the ability of the poor to endure their suffering, and gives rise to rage.⁷⁰⁷ Recent spontaneous service delivery protests might be an indication of people losing tolerance for the theatrical performances of politicians and demanding swift relief for their predicament.⁷⁰⁸ Should politicians harness this rage, through encouraging self help and revenge as means of attaining happiness, South Africa may well eventuate on the same journey as the French citizens of 18th century France.

⁷⁰² *Sunday Times* 'Hands off our Journos' 3 July 2011 p2.

⁷⁰³ Carien du Plessis 'Sparks fly between Blade, ANCYL' *Pretoria News* 29 June 2011, available at <http://www.pretorianews.co.za/sparks-fly-between-blade-ancyl-1.1090551>, date accessed 7 July 2011.

⁷⁰⁴ ANC Youth League 'media statement on the stance against SANEF's accusations against Jimmy Manyi' *ANCYL website*, 22 June 2011, available at <http://www.ancyl.org.za/show.php?id=8039>, date accessed 7 July 2011.

⁷⁰⁵ Blade Nzimande (note 535).

⁷⁰⁶ ANC Youth League 'ANC Youth League welcomes COSATU Resolutions on Nationalisation of Mines, other Strategic Sectors of the Economy and radical shift in Economic Policy in South Africa' *ANCYL website* 30 June 2011, available at <http://www.ancyl.org.za/docs/pr/2011/pr0630.html>, date accessed 6 July 2011.

⁷⁰⁷ *On Revolution* (note 1) 109.

⁷⁰⁸ Op cit chapter 4.2.

The unleashing of what Arendt calls the 'rage of misfortune' has disastrous effects because it stems from the despair felt by those who can no longer endure their suffering. It is therefore not aimed at actual achievement, but is rather an expression of fury arising from a sense of powerlessness.⁷⁰⁹ This seems to be reflected in many of the Youth League's stances and policies, which do not seem *realistically* aimed at achieving greater welfare for the poor. The seizing of white-owned farm lands without compensation may well give rise to food shortages as well as violent reprisals by white farmers, and the nationalisation of all vaguely defined 'monopoly industries' currently including mines, banks, telecommunication companies and energy production⁷¹⁰ without compensation is likely to lead to foreign disinvestment and economic turmoil. Instead of achievement, the ultimate purpose of such policies seems to be revenge against the unfairly accumulated wealth achieved by white South Africans during the course of apartheid.

On the other hand, despite apparent similarities between South Africa and Revolutionary France, there are clear differences between the institutionalised 'left' of revolutionary France and post-apartheid South Africa. Unlike France, South Africa founded a constitution enshrining democratic rights including freedom of speech and assembly.⁷¹¹ South Africans have lived under constitutional supremacy for 17 years, in contrast to post-revolutionary France, of which Arendt remarks that the Constitution was never given the chance to become more than a 'piece of paper'.⁷¹² Although intimidation and threats towards journalists are of concern, the government is not currently repeating a pattern of paranoia and purging of political rivals close to the extent that occurred in France. For instance, the death penalty is still outlawed and the court system is relatively independent.⁷¹³ This indicates that despite the presence of militant or extreme discourse in the

⁷⁰⁹ Op cit chapter 1.4.

⁷¹⁰ ANC Youth League (note 577) 11.

⁷¹¹ Op cit chapter 3.2 and 3.3.

⁷¹² *On Revolution* (note 1) 125

⁷¹³ Op cit chapter 4.1.

country, South Africa still appears to reflect Arendt's description of limited government that emerged in America rather than a full scale 'uprising of the poor' as was the case in revolutionary France.

This state of affairs seems to have arisen for many reasons. For instance the transition to democracy did not see a complete breakdown in authority, as occurred in France, but rather a careful and purposeful transfer from one form and composition of government to another.⁷¹⁴ The relatively peaceful context of the transition was not conducive to the anger and absolutist demands that characterise an uprising of the poor. Since the early democracy, the ANC has rolled out large service delivery programmes and has expanded social welfare grants.⁷¹⁵ These actions have been combined with promises of increased delivery and relief in the future, in the form of state housing, free education, jobs and infrastructure. Up until recently this seems to have created a mild sense of hopefulness amongst South Africa's poor that their dire needs will be addressed. For instance, politicians have often quickly addressed instances of unrest by promising accelerated government delivery.⁷¹⁶

Furthermore, although Vavi and Nzimande occasionally spout emotionally charged language such as Vavi's threat to 'kill for Zuma' and Nzimande's description of ANCYL as 'essentially frustrated personal accumulators and populist demagogues' neither leader comes across as totally overrun by sentimental zeal. Vavi has simultaneously critiqued apparent infringements of political freedom, such as Zimbabwean dictator Robert Mugabe's handling of the Zimbabwean elections, Swaziland's lack of democracy and the South African government's proposed restrictions on the media.⁷¹⁷ He also reflected critically on the achievements of the alliance, by

⁷¹⁴ Op cit chapter 3.2.

⁷¹⁵ Op cit chapter 4.1.

⁷¹⁶ Op cit chapter 4.2.

⁷¹⁷ Zwelinzima Vavi, Address to the preparatory meeting for the trade union and civil society international solidarity conference on 15 July 2008 *Politicsweb* 15 July

stating that 1.17 million jobs had been lost between 2006 and 2011, and recently regretted the closure of the Scorpions in 2008, a move that he actively supported at the time.⁷¹⁸ This indicates a strong degree of self-reflection. Although Nzimande has lashed out at the 'rightist, liberal (neo liberal) agenda' of the 'bourgeois media', SACP members such as Jeremy Cronin have also criticised government corruption and emphasised the need for broad discussion around nationalisation.⁷¹⁹ Both COSATU and the SACP's approaches to nationalization appear more thought through and cautious, both emphasising careful deliberation amongst alliance partners rather than bold unilateral announcements.⁷²⁰ Thus, although leaders such as Vavi and Nzimande understand the need of the poor as violent, evident by their tolerance for militaristic and violent language, they do not seem to have become swept away by it themselves, but seem to rather believe they can guide and control it.

The South African institutionalized left's more controlled approach may be the product of their experience of South Africa's revolutionary struggle. South African activists were engaged for many years in grass roots organising and deliberation.⁷²¹ This encounter with public happiness likely had a profound effect on them at the time. In contrast, Arendt states that the

2008, available at

<http://www.politicsweb.co.za/politicsweb/view/politicsweb/en/page71654?oid=94184&sn=Detail>, date accessed 7 July 2011.

⁷¹⁸ Zwelinzima Vavi, Address to SACTWU National Bargaining Conference, Durban, 4 March 2011, *Politicsweb* 4 March 2011, available at <http://www.politicsweb.co.za/politicsweb/view/politicsweb/en/page71656?oid=224620&sn=Detail&pid=71656>, date accessed 7 June 2011, see also Interview on 'African Voices' *CNN* 25 July 2011.

⁷¹⁹ *Business Day* 'Cronin, SACP, on nationalisation' 4 February 2010, available at <http://reservebanksa.blogspot.com/2010/02/cronin-sacp-on-nationalisation.html>, date accessed 7 July 2011.

⁷²⁰ Amukelani Chauke 'Nationalisation calls grow' *Times live* 3 July 2011, available at <http://www.timeslive.co.za/thetimes/2011/07/03/nationalisation-calls-grow>, date accessed 7 July 2011.

⁷²¹ Op chit chapter 3.1.

French *hommes de lettres*' ideas arose in seclusion and mainly via literature, rather than through experience and observation.⁷²²

Then again, many South Africans were either children or not yet born at the time of the transition and have therefore been raised in a very different context. In Ari Sitas' words:

'the 40 year-olds of the 1980s are now pensioners; the youth of the 1980s are mature men and women, and the youth of today were only born in the 1980s and gained an understanding of the world around them in the 1990s and 2000s'.⁷²³

As a result, the values of public happiness and freedom may not hold the same sway amongst new generations of actors. It is therefore not COSATU and the SACP but rather the ANC's Youth League that seems to hold the most potential for following the path of France's revolutionary actors. The ANCYL has become a means of expression for many youth who are loosing hope in the government's grandiose promises, and seeking urgent and direct address. Its lack of experience in and exposure to revolutionary action has resulted in the League lacking true understanding of public freedom and becoming emotionally swept up in a messianic quest to take revenge on 'white monopoly capital'.⁷²⁴

Another growing threat towards democracy in South Africa is arising from the failure to effectively found the country's Constitution, ie the focus on legal and formal legitimacy, as opposed to genuine grass roots legitimacy, has meant that the Constitution is increasingly seen, not as a means to advance the freedom of South Africans but as a defence for South Africa's wealthy elite. For example, when constitutional concerns have been raised,

⁷²² *On Revolution* (note 1) 120.

⁷²³ Ari Sitas 'The road to Polokwane? Politics and populism in KwaZulu-Natal' (2008) 68 *Transformation* 90.

⁷²⁴ ANC Youth League, Political education manual 'The National Democratic Revolution' (undated) 15.

they have been increasingly shrugged off as reflecting an elitist agenda. For instance Nzimande emphasises the need to fight the:

‘rightist, liberal (and neo-liberal) agenda that uses the language of defending our constitution, but in its essence it is narrow constitutionalism, anti-majority rule and narrow human rights activism... At the heart of this seemingly democratic posture is the defense of racialised elite class interests of the white minority’.⁷²⁵

Instead of the Constitution, the Freedom Charter of 1955 is increasingly viewed as representing the democratic goals of South Africans.⁷²⁶ This is likely because it was drafted in a more genuinely democratic manner.⁷²⁷ The danger, however, of elevating the Freedom Charter above the Constitution, is that the Charter was drafted as a rallying call for struggle in the 1950s, and not in the context of actual constitutional foundation. Suttner writes that when faced with actually founding the Constitution, struggle leaders realised that ‘[t]here is no magic bullet that resolves everything’, and the demands of the Freedom Charter, especially when it came to calls for nationalisation, needed to be reconsidered, especially in light of the fall of the Soviet Union.⁷²⁸ Thus, although the Freedom Charter was the product of a more genuine public process, it cannot replace the role of the Constitution. What the Charter’s increasing strength does show, however, is that documents garnering public legitimacy can outstrip the authority of even those founded via the most painstaking of legal processes.

In light of the above, South Africa appears to contain all the ingredients for an uprising of the poor, such as vast poverty and income disparity, a public realm heavily pre-occupied with the social question, youth

⁷²⁵ Blade Nzimande (note 535).

⁷²⁶ Op cit chapter 4.1.

⁷²⁷ Op cit chapter 3.1.

⁷²⁸ Raymond Suttner ‘Nationalisation and the Freedom Charter’ *Polity.org.za*, 28 June 2011, available at <http://www.polity.org.za/article/nationalisation-and-the-freedom-charter-2011-07-05>, date accessed 21 July 2011.

leaders calling for radical and sudden change through nationalisation and expropriation and a foundationally weak constitution.⁷²⁹ However, such an eventuality is currently being prevented by substantial popular and leadership support for the Constitution, ongoing service delivery and convincing promises of even greater economic change in the future, as well as the personal revolutionary experience of key leaders and public figures. Referring to the American revolutionary situation, Arendt states the founding of a Constitution never causes 'revolutionary notions of public happiness and political freedom to vanish altogether from the scene. 'Whether this is capable of withstanding the antic of a society bent on affluence and consumption only the future will tell'.⁷³⁰

Similarly in South Africa only time will tell whether concepts of public freedom will ultimately withstand the current retreat to private happiness on the one hand and antics of rage and misfortune on the other. Although Arendt believes that 'every attempt to solve the social question with political means leads to terror', and that 'to avoid this fatal mistake is almost impossible when a revolution breaks out under conditions of mass poverty',⁷³¹ South Africa has for the time being denied Arendt's fateful conclusion.

Conclusion

This chapter briefly outlined key political developments in South Africa since 1994 and explored the current grassroots situation in South Africa's townships, seeking to assess whether the public spirit of the revolution still remains and the extent to which South Africa's recent history reflects that of revolutionary America or France.

⁷²⁹ Op cit chapter 3.1, 3.3, 4.1 and 4.2.

⁷³⁰ *On Revolution* (note 1) 138.

⁷³¹ Ibid 112.

The following chapter will discuss the relevance of Arendt's theory in light of recent South African political developments, and recommend a framework to expand freedom while simultaneously addressing the social question.

5. AVOIDING ARENDT'S CONUNDRUM

Introduction:

In the previous chapter, reference was made to Arendt's argument that almost all revolutions since the French Revolution have collapsed into 'uprisings of the poor', which characteristically culminate in terror and 'revolutionary dictatorships'.⁷³² However on the other hand, the American Revolution, which famously avoided such a collapse, gave rise to 'limited government'.⁷³³ Arendt regards limited government as disappointing, because, in her admittedly Aristotelian frame of reference, it stifles participation in public affairs and in its worst form culminates in totalitarianism (which she regards as the total evacuation of politics and the public sphere), as occurred in post-First World War Europe.⁷³⁴ At the end of Arendt's conundrum lie these contradictory and seemingly irresolvable alternatives.

According to Arendt, the eventuality of an uprising of the poor is sealed when revolution breaks out in socio-economic climates of mass poverty. She states that the French Revolution demonstrated that 'terror as a means to achieve happiness sent revolutions to their doom' and thus that 'no revolution, no foundation of a new body politic, was possible where the masses were loaded down with misery'.⁷³⁵

This chapter explores possibilities for avoiding both alternatives in South Africa by firstly examining what means are available to address socio-economic concerns in South Africa without it culminating in terror on the one

⁷³² *On Revolution* (note 1) 159.

⁷³³ *Op cit* chapter 1.3 and 4.3.

⁷³⁴ *On Revolution* (note 1) 268 and AJ Barnard 'Totalitarianism, (Same-Sex) Marriage and Democratic Politics in Post-Apartheid South Africa' (2007) 23 *SAJHR* 510 to 511.

⁷³⁵ *On Revolution* (note 1) 221.

hand, or lapsing into centralised, limited government on the other. It will then specifically examine how in particular socio-economic rights activists and legal scholars could benefit from her analysis.

5.1 Limited government versus uprisings of the poor:

According to Arendt, authentic politics entails the following aspects:

1. *Plurality*: Arendt views plurality as the basic condition for all political life, as political action involves individuals distinguishing themselves from one another through unique views, deeds and opinions.⁷³⁶ Where there is no plurality (eg where people comprise a 'mass' or share one interest with no individual opinion), action is not possible.⁷³⁷
2. *Equality* – For Arendt the political realm is a realm of equality on the level of peers, as she believes that freedom is not possible where one is burdened by ruling or being ruled.⁷³⁸
3. It is inspired by *principle*: Arendt states that action springs from principle. Principles do not operate from within the self, but inspire from the world without.⁷³⁹ Moreover they are too general to isolate into set out goals and can therefore be repeated after goals have been achieved.⁷⁴⁰
4. Political actors are united by *solidarity*: because of the generality of principle, it inspires solidarity across class and interest groups, as opposed to actors being united behind one particular interest.⁷⁴¹

⁷³⁶ Op cit chapters 1.1.1, 1.1.2, 2.2, and 2.4.

⁷³⁷ *The Human Condition* (note 10) 176.

⁷³⁸ Ibid 32.

⁷³⁹ Op cit chapters 1.1.2 and 1.4.

⁷⁴⁰ 'What is freedom?' (note 57) 152.

⁷⁴¹ Op cit chapter 1.4.

5. Political action comprises *deliberation, persuasion, debate, and sharing diverse opinion* regarding *public affairs*. This is fostered by the condition of plurality and equality in the political realm.⁷⁴²
6. The goal of political action is *freedom*: Arendt states that the '*raison d'être* of politics is freedom, and that this freedom is primarily experienced through action'.⁷⁴³

Arendt would therefore view as 'social' or 'administrative', grassroots, party, or civil society groups that are:

1. Homogeneous;
2. Top-down/hierarchical;
3. Inspired by narrow motive or goal, as opposed to principles;
4. Bound by a vested interest in a particular group, as opposed to solidarity across a multiplicity;
5. Of one opinion or preoccupied with administrative tasks and therefore lacking engagement in debate or deliberation;
6. Not inspired by the overall goal of freedom, but rather by concerns such as revenge, private happiness or the administration of welfare.

The distinction between administration and politics when it comes to addressing the social question is of great relevance to contemporary South Africa, which is grappling to address severe income inequality and poverty in the country. Although one cannot draw a clear line between what is administrative and what is political (the question itself however, being 'inconclusive' and undecideable, is political) the general comparison is useful in two contexts. Firstly, it highlights important dimensions to effectively addressing socio-economic concerns. Secondly Arendt's analysis can be

⁷⁴² Op cit chapter 1.1.2 and 2.4.

⁷⁴³ 'What is freedom?' (note 57) 151.

used to strengthen democracy and to avoid the pitfalls of the bureaucratisation of politics under limited government, and the violence and terror inherent in uprisings of the poor.

Arendt's account of politics and administration can strengthen approaches to socio-economic rights by extending awareness from the administrative to the political dimensions of poverty. As already mentioned in previous chapters, Arendt does not intend all matters relating to poverty to be excluded from the political realm.⁷⁴⁴ Her analysis of the social question shows that she is concerned with the form and nature of deliberation within the political realm, as opposed to selective subject matters.⁷⁴⁵ In particular she is weary of the political realm being overwhelmed or flooded by *administrative* concerns relating to poverty alleviation.⁷⁴⁶ This is because she views conclusive matters of administration (such as the need to fix potholes or traffic lights) as pointless to debate.⁷⁴⁷ Instead she believes that such tasks are best dealt with by expert administrators.⁷⁴⁸ For example, the effective roll out of social grants depends largely on efficient bureaucratic procedures being put in place, as opposed to deliberation amongst diverse laypersons. Arendt is therefore not against administration of welfare services, but only that such activities should not be conflated with or replace genuine politics, nor be seen as the goal of the political realm.⁷⁴⁹ On the other hand, inconclusive questions such as systemic prejudices or exploitative policies that may in turn lead to poverty are suited to the political realm, because they constitute debateable issues that are relevant to the establishment of a free and just society.⁷⁵⁰

⁷⁴⁴ Op cit chapter 2.4.

⁷⁴⁵ Ibid.

⁷⁴⁶ *On Revolution* (note 1) 273.

⁷⁴⁷ Op cit chapter 2.4.

⁷⁴⁸ Ibid.

⁷⁴⁹ Karin van Marle discusses the importance of particularising political situations, and questions law and legislation's generalising effects, see Karin van Marle "Meeting the law half-way" - The limits of legal transformation' (2004) 16 *Florida Journal of International Law* 664 to 665.

⁷⁵⁰ Op cit chapter 2.4.

Nancy Fraser's theory of 'affirmative' and 'transformative' remedies in addressing social injustice seems to reflect a similar awareness.⁷⁵¹

According to Fraser (noted by Liebenberg) *affirmative* remedies are aimed at tackling 'maldistribution' of resources in society that prevent certain individuals from interacting with other citizens on the level of peers.⁷⁵² On the other hand, *transformative* remedies are aimed at addressing 'misrecognition' or in other words, systemic forms of discrimination that impair certain groups from full participation in society.⁷⁵³ Fraser views affirmative and transformative remedies as operating as follows:

'Affirmative strategies for redressing injustice aim to correct inequitable outcomes of social arrangements without disturbing the underlying social structures that generate them. Transformative strategies, in contrast, aim to correct unjust outcomes precisely by restructuring the underlying generative framework'.⁷⁵⁴

Fraser's distinction between affirmative and transformative remedies seems to correspond to Arendt's distinction between administrative and political issues, as affirmative remedies could be viewed as responses that are more administrative in nature. On the other hand transformative remedies that involve examining underlying frameworks that give rise to social injustice, are uncertain, debateable and hence political in nature. Sandra Liebenberg explains with reference to Fraser that 'a project aimed at advancing social justice must seek to address both dimensions *and* consider the impact of their interrelationship'.⁷⁵⁵ While Arendt's theory covers both of Fraser's approaches, it does not explicitly explore the interrelationship between administration and politics and instead designates them to separate

⁷⁵¹ Sandra Liebenberg 'Needs, rights and transformation: adjudicating social rights' 17 (2006) *Stellenbosch L. Rev.*

⁷⁵² Ibid 8.

⁷⁵³ Ibid 7 to 8.

⁷⁵⁴ Ibid 9 quoting from Nancy Fraser 'Social Justice in the Age of Identity Politics: Redistribution, Recognition and Participation' in Fraser and Honneth *Redistribution or Recognition? A Political-Philosophical Exchange* (2003) 74.

⁷⁵⁵ Liebenberg (note 751) 8 (Liebenberg's emphasis).

realms.⁷⁵⁶ However, by virtue of its public importance and debatable nature, the question of their interrelationship could be a subject of Arendt's political realm, where actors may examine their inter-relationship within a particular context.

In order to adequately distinguish between the political and administrative it is necessary to be aware that for Arendt, when transformative and debatable questions are raised in the political realm their ultimate goal must be public freedom as opposed to economic address.⁷⁵⁷ For her, a public realm that has as its end economic development, is essentially social.⁷⁵⁸ However, this again does not mean that issues relating to poverty cannot enter the public/political realm, only that when engaging in a matter of public interest, emphasis should be on the spirit of public freedom and not directly on poverty relief. To elaborate, I shall provide some examples of how one can apply Arendt's theory in practice.

One hypothetical example could be the case where women in a region are forbidden to work in certain professions either by law or culture. This may have socio-economic effects on single women who cannot find means to support themselves. But the emphasis of the political realm, properly speaking, would not be on job creation for women, but rather on the oppressive structures that limit women's freedom in society. Politics thus has a different angle on approaching socio-economic concerns, as opposed to administration, which targets poverty eradication through direct procedure.

Similarly, discussion regarding implementation of service or welfare programmes is best conducted in a politically neutral setting with the assistance of expert planners. However, where poverty is being aggravated by a specific political injustice, causing administration to fail - for instance

⁷⁵⁶ Op cit chapter 1.1.2.

⁷⁵⁷ Op cit chapters 1.1.2, 1.1.3, 1.2 and 2.1.

⁷⁵⁸ Op cit chapter 1.1.3.

administrative officials simply abandoning their duties and complaints being ignored by the respective officials and senior channels - the lack of government accountability and effective governance becomes a political issue relevant to public freedom. Such a concern is best addressed politically as opposed to administratively, ie through speech and action aimed at improving state responsiveness as opposed to bureaucratic channels aimed at service delivery. Similar awareness of underlying political issues could better guide so-called 'service delivery' protests in South Africa. Instead of identifying service failure or corrupt councillors as key dilemmas, protesters could achieve greater transformation by addressing the often deep-seated political concern of citizenship and in particular the fundamental human right for 'place in the world which makes opinions significant and actions effective'.⁷⁵⁹

In South Africa much poverty has political causes given the country's history of apartheid and its characteristic forced removals of black communities, white job reservation and inferior black education system. However redress can be both administrative and political depending on where the problem lies. For example, many black communities live on tiny non-arable plots of land as a result of forced removals that were carried out under apartheid. Land redistribution to these communities appears paltry, and after 17 years of democracy barely four percent of land has been returned to victims.⁷⁶⁰ To the extent that this problem is a result of lack of administrative competence – the solution is administrative (for instance expanding and improving the processing of land claims). However to the extent that there are insufficient willing sellers and authorities consider involuntary expropriation, the question becomes political, as balancing private property rights with the interests of political redress is a debateable issue relevant to public freedom.

⁷⁵⁹ Hannah Arendt *The Origins of Totalitarianism* (note 69) 296.

⁷⁶⁰ ANC Youth League (note 577).

Land redistribution is a far more complex issue than as described above, but the example serves to illustrate that redressing a previous political injustice may have both administrative and political aspects. However where socio-economic conditions are seen as completely political phenomena, Arendt warns that political discourse relies increasingly on violence to bring about what should be (at least in part) administrative change.⁷⁶¹ For her, when poverty *per se* is equated to political violation, it results in a spirit of violent rebellion overtaking administrative solutions.⁷⁶² In the case of land redistribution this could result in forced and uncompensated expropriation, which in fact can serve to repeat previous political injustice as opposed to curing it.

The aforementioned examples therefore illustrate that by being aware of the difference between the political and administrative realms, individuals can learn to better strategise around increasing living standards yet also address threats to public freedom at the same time. However a facet that seems missing from the above approach is the element of consciousness. Consciousness comprises an attitude towards oneself that neither administration, nor Arendt's political realm appear to address.⁷⁶³ Yet it is relevant to tackling the social question in that it encourages individuals to take independent action to escape poverty, as well as relevant to the political realm in that consciousness can enhance the self-awareness of actors and hence their ability to act.

When it comes to the social question, lack of consciousness seems to have led to low levels of entrepreneurial initiative amongst township based South Africans. A study carried out by the City of Cape Town in Khayelitsha amongst spaza shopkeepers with more or less the same levels of education found that South African and foreign shopkeepers (mainly Somalis) had

⁷⁶¹ *On Revolution* (note 1) 62.

⁷⁶² *Ibid.*

⁷⁶³ *Op cit* chapter 2.1.

extremely different motivations for entering the spaza market.⁷⁶⁴ In particular, 87 percent of South Africans reported that they were motivated by 'unemployment' or the desire for 'supplementary income', while no foreign shopkeepers shared that motivation.⁷⁶⁵ Instead 100 percent of foreign shopkeepers reported 'independence' or 'recognition of opportunity' as their respective motivations (compared to 13 percent of South Africans).⁷⁶⁶ This reflects a different awareness to life in general, the South African respondents appearing to focus on survival and/or subsistence, while foreign shopkeepers seemed to aim at seizing opportunity.

These distinctive mindsets seem to have socio-economic effects. Jonny Steinberg notes a study conducted by the Centre for Development and Enterprise, which found that the unemployment rate among foreign nationals in Johannesburg was approximately 13 percent lower than that of South Africans (unemployment amongst foreign nationals was 20 percent, while a similar study found unemployment amongst South Africans was 33 percent).⁷⁶⁷ Furthermore of the foreign nationals who were employed, more than half reported themselves to be self-employed (and employed approximately 100,000 South Africans across Johannesburg).⁷⁶⁸ This was despite the fact that many were in the country illegally and could likely not access business bank accounts for example, nor benefit from government administrative programmes aimed at skills training and employment creation.⁷⁶⁹

What can be learnt from such statistics is that to an extent South Africans need to take ownership over their own lives to achieve economic

⁷⁶⁴ City of Cape Town PDF presentation 'An audit of spaza shops in Khayelitsha' (2009) Cape Town.

⁷⁶⁵ Ibid.

⁷⁶⁶ Jonny Steinberg 'South Africa's xenophobic eruption' (November 2008) 169 *ISS Paper 6*, referring to Centre for Development and Enterprise report *Immigrants in Johannesburg: Estimating Numbers and Assessing Impacts* (August 2008) 7.

⁷⁶⁷ Ibid.

⁷⁶⁸ Ibid.

⁷⁶⁹ Ibid 6 to 7.

prosperity. Lack of self-belief is a major hindrance in this regard. Biko alluded to this concern in his elaboration of black consciousness. For instance he states that:

‘One should not waste time here dealing with manifestations of material want of the black people. A vast literature has been written on this problem. Possibly a little should be said about spiritual poverty. What makes the black man fail to tick? Is he convinced of his own accord of inabilities? Does he lack in his genetic make-up that rare quality that makes a man willing to die for the realisation of his aspirations? Or is he simply a defeated person? The answer to this is not a clear cut one. It is, however, nearer to the last suggestion than anything else’.⁷⁷⁰

Consciousness is relevant not only to harnessing people’s economic potential, but also the political realm itself. According to Biko, black consciousness addresses people’s sense of powerlessness by attempting to create a positive outlook for the destitute and channel their frustrations into meaningful change based on reality.⁷⁷¹ He contrasts this with ‘white hatred’, which for him is negative and can lead to ‘shot-gun’ approaches that are ultimately disastrous for both black and white South Africans.⁷⁷² Arendt’s political realm of debate and deliberation could therefore be strengthened by incorporating an ‘inward-looking process’ relating to self-emancipation, in addition to the Arendtian desire for public freedom and appearance in the outside world. This is of particular importance if she is critical of boundless sentiment overwhelming the political realm.

The second way in which Arendt’s distinction between administration and politics is important is that it helps to carve a course that avoids both her account of limited government and uprisings of the poor. By emphasising a framework of authentic politics, Arendt creates a barrier against the expansion of administration into the public realm, which she calls the ‘rise of

⁷⁷⁰ Biko (note 208) 28.

⁷⁷¹ Ibid 30 to 31.

⁷⁷² Ibid 31.

the social'.⁷⁷³ This expansion has taken place in South Africa's civic organisations, which were formerly hubs of political activity.⁷⁷⁴ Under SANCO however, they seem to have become local government implementation partners, and their political role appears to have ceased almost entirely.⁷⁷⁵ While state welfare is essential to maintaining basic standards of living, it is only one component of addressing impoverishment, and one that carries the disadvantage of public passivity, as citizens have little role to play other than receiving and administering state support. In addition, for Arendt, limited government creates the impression that the purpose of public affairs is nothing more than the improvement of living conditions.⁷⁷⁶ Arendt believes that when the political realm becomes completely overrun by administrative issues, and politics falls under the total hegemony of the state representatives, the rise of totalitarian regimes becomes not just possible, but, indeed, likely.⁷⁷⁷

However, unlike in America or post First World War Europe, limited government in South Africa appears to be giving way to an uprising of the poor. The growth of the administrative realm and simultaneous decline of channels in which people can exercise political speech and action has created a sense of powerlessness and pessimism amongst many citizens.⁷⁷⁸ In place of speech and action, many South Africans now partake in violent service delivery protests, which are often self-destructive and see only short-term results.⁷⁷⁹ Many service delivery protests are not aimed at achieving greater understanding of people's conditions and strategically transforming systemic injustice, but rather seek to gain 'attention' from the state, which is tasked with delivering solutions.⁷⁸⁰ Should this anger be harnessed by

⁷⁷³ Op cit chapter 1.1.3.

⁷⁷⁴ Op cit chapter 4.2

⁷⁷⁵ Ibid.

⁷⁷⁶ Op cit chapter 1.3 and 4.3.

⁷⁷⁷ *On Revolution* (note 1) 268.

⁷⁷⁸ Op cit chapter 4.2.

⁷⁷⁹ Ibid.

⁷⁸⁰ Ibid.

expedient political leaders, it could result in Arendt's forewarned uprising of the poor.

In contrast to limited government, where all questions relating to public affairs are viewed as administrative, Arendt describes that during the course of an uprising of the poor the predicament of poverty is seen as a purely political affair.⁷⁸¹ In other words, all poverty is believed to stem from, or amount to political factors such as oppression, exploitation and expropriation.⁷⁸² The political realm therefore shifts focus from strengthening and furthering public freedom, to finding political solutions to address poverty.⁷⁸³ The role of effective administrative remedies is downplayed in favour of radical policies aimed at taking revenge against perceived 'oppressors' and attainment of material relief is equated to 'emancipation'.⁷⁸⁴

Arendt believes that this turn signals the collapse of revolution. Instead of solidarity, leaders become united by the sentiment of pity towards the impoverished, which they celebrate as the sprig of virtue.⁷⁸⁵ This leads to hypocrisy and paranoia, which transforms the poor (*les malheureux*) into the enraged (*les enragés*). The combination of violence used to escape necessity and the desire to purge hypocrites eventually gives rise to a state of terror.⁷⁸⁶ Arendt's insistence on public freedom as the ultimate goal of the political realm therefore curtails politics from devouring itself. Her account of the political realm also allows space for addressing political injustices that maintain or give rise to economic impoverishment, while deferring conclusive administrative questions to appropriate arms of government.

⁷⁸¹ Op cit chapter 2.4.

⁷⁸² Ibid.

⁷⁸³ Ibid.

⁷⁸⁴ Ibid.

⁷⁸⁵ Ibid.

⁷⁸⁶ Ibid.

What this shows is that South Africa not only needs to preserve and expand realms of authentic political action, but that such realms should simultaneously be wary on encroaching on administrative issues. For Arendt 'non-political and non-partisan' administrative bodies should instead be tasked with ensuring the welfare of the people.⁷⁸⁷ Arendt's account therefore reveals that allowing the political realm to adopt poverty relief as its ultimate goal risks undermining public freedom as well as effective administration, and hence the creation of a more socially transformed and economically prosperous society.

Although attempting to completely mirror Arendt's theory is an idealistic pursuit, her account still has practical value as a guideline for political and social activists. For instance perfect plurality in a political realm is almost impossible to achieve in South Africa, given extreme differences in income, education, as well as apartheid spatial planning that divided residential suburbs on the basis of race. However, just because the ideal is unlikely to be achievable in a pure state does not mean that actors cannot aspire towards it. For example, within township civics, plurality in opinion can be embraced by opening the public realm to as broad a spectrum of individuals as possible such as youth (whose views are vital to tackling crime and delinquency in townships), non-nationals (including Ethiopians, Congolese, Nigerians, Bangladeshis, Chinese, Somalis, Malawians, Zimbabweans, Mozambicans, Angolans, and Pakistanis who all have a presence in township residential areas), diverse political affiliations (eg DA, COPE, PAC, AZAPO, PAM etc and non-politically aligned residents), people of different sexual orientations, business and civil society representatives etc. Likewise it is near impossible to clearly draw a line between political and bureaucratic speech, but basic principles such as free and frank debate with an emphasis on public freedom can be encouraged.

⁷⁸⁷ *On Revolution* (note 1) 272.

Arendt's theory therefore provides a framework towards effectively dealing with transformative questions, without the danger of the curtailment of fundamental rights. By focussing on themes such as principle, solidarity, plurality, debate and public and political freedom, Arendt buffers the political realm from becoming despotic on the one hand and purely administrative on the other – two extremes which often amount to the same thing. Contrary to being the 'the great weakness of her political theory'⁷⁸⁸ Arendt's separation of the private (administrative) and public (political) realms offers vital insight into deepening democracy and public spirit, while simultaneously tackling the 'social question' – an endeavour which has often been met in failure.

5.2 The relevance of Arendt's theory to socio-economic rights legal theory and practice

In short, Arendt believes that the private realm is best suited to addressing the bare fact of poverty or scarcity via independent experts whose task it is to ensure efficient delivery.⁷⁸⁹ In contrast, the political realm can debate more systemic factors that prejudice, oppress, exploit and disempower people from above and below.⁷⁹⁰ This account of the 'social question' can provide guidance on legal approaches to social injustice.

Although Arendt sees law as framing the public realm and governing human relations - law and litigation do not fall within her concept of political action or the political realm.⁷⁹¹ First, courts are not a realm of equality, but rather of inequality between judges and advocates representing adversary parties. Furthermore, all debate is restricted to advocates and judicial officers, and citizens either silently observe on the sidelines or may be called as witnesses. Litigation is furthermore not disinterested (ie where one

⁷⁸⁸ Wellmer (note 238) 232.

⁷⁸⁹ Op cit chapter 2.4.

⁷⁹⁰ Ibid.

⁷⁹¹ *The Human Condition* (note 10) 63.

attempts to view matters in a non-partisan way without any vested interest). In fact, parties are forced into taking sides against each other, often ending in a win/lose scenario.

However, while the courtroom does not comprise a political realm, Arendt's theory is still relevant to lawyers, as it can shape legal approaches to socio-economic justice. In addition, judgments do not only affect litigants, but furthermore comprise a topic of political debate within the public realm. Law can therefore influence socio-economic rights discourses amongst activists on the ground.

Arendt's account of the political and administrative realms can broaden socio-economic rights approaches from focusing predominantly on administration related matters to covering political concerns as well. While several court cases have examined maladministration in the distribution of state services or welfare,⁷⁹² Arendt's theory presents a separate - political - perspective on addressing socio-economic rights. This is because breaches of public freedom can have spin-off socio-economic affects.⁷⁹³ Liebenberg similarly argues for greater 'transformative discourse' in court judgments and for courts to 'resist the temptation to focus only on "thin" needs', as opposed to 'underlying patterns of social injustice that generate the deprivations in question' in the first place.⁷⁹⁴

Heightened awareness of political arguments could encourage better understanding of the issues at hand. For example, Erin Torkelson argues that poor South Africans often lash out at more vulnerable migrants in response to their sense of economic deprivation and feeling of

⁷⁹² *Government of the Republic of South Africa v Grootboom* 2000 11 BCLR 1169 (CC); *Minister of Health v Treatment Action Campaign* (1) 2002 10 BCLR 1033 (CC); and *Soobramoney v Minister of Health, KwaZulu-Natal* 1997 12 BCLR 1696 (CC).

⁷⁹³ Op cit chapter 5.1.

⁷⁹⁴ Liebenberg (note 751) 34.

powerlessness, instead of focusing their attention at political factors including:

‘the five largest South African construction companies who allegedly coordinated their tenders to ensure colossal profits from stadia-building, and Eskom which allows the top 138 companies in South Africa to pay nine times less for their electricity than the average citizen. It is also not directed against any number of "tenderpreneurs" and multi-million rand Mercedes-driving Ministers’.⁷⁹⁵

Although courts have recognized that poverty can affect political rights, the appreciation of political dimensions can expose the extent to which apparently administrative matters can raise political questions,⁷⁹⁶ as well as place greater attention on political causes of action that give rise to socio-economic predicaments in the first place. For instance although the *Grootboom* case (which grappled with the question of adequate access to housing) acknowledges that undermining socio-economic rights affects one’s sense of dignity,⁷⁹⁷ the case does not examine how the political may be a *cause* of socio-economic impairment. Although the court does identify apartheid as primarily responsible for the complainants’ circumstances, this conclusion is not deeply grappled with and the cause of action does not rest on any political or systemic injustice itself.

Furthermore, Arendt’s account of political action in the context of revolution demonstrates that people acting in concert can generate very potent power.⁷⁹⁸ This is often not recognized by courts. For instance, in the *Grootboom* case, service-monitoring functions were allocated to the Human

⁷⁹⁵ Erin Torkelson ‘Mirroring the structure of oppression: notes on xenophobia’ *ISS Africa website*, 27 July 2010, available at http://www.iss.co.za/iss_today.php?ID=997, date accessed 8 August 2011.

⁷⁹⁶ Danie Brandt ‘Socio-economic rights and transformative politics’ (LLD thesis, Stellenbosh University, 2009) 148.

⁷⁹⁷ (note 791) at para 2, 23 and 25.

⁷⁹⁸ *Op cit* chapter 1.5.

Rights Commission, not the affected community members themselves.⁷⁹⁹

This encourages a paternalistic dynamic that rests all responsibility in the state bodies. In contrast, courts could regard 'victims' as real or potential actors, by allocating responsibilities to them, facilitating engagement between them and opposing litigants as well as providing channels for expressing discontent. This improves the chances of achieving long term, sustainable transformation, as all power and initiative is not located solely in government. In allocating monitoring or communication roles to community members, courts should encourage plurality and debate by taking care as much as possible to include broad community representation, for instance by drawing in youth, immigrants, gays and lesbians, and other marginalised groups.⁸⁰⁰

Arendt's distinction between the role of administration and politics, along with her account of the political realm as comprising plurality, debate and acting in concert can therefore benefit the socio-economic rights litigation, first by improving legal understanding of and broadening legal approaches to socio-economic injustice and secondly by widening public involvement in remedies. This not only benefits potential litigants, but also enhances political discourse within the public realm more generally.

⁷⁹⁹ (note 792) para 93.

⁸⁰⁰ AJ Barnard (note 734) 512.

CONCLUSION

This research emerged from an encounter with Arendt's argument in *On Revolution* and from being struck by her firm pessimism towards all revolutions that break out in contexts of mass poverty in particular. For instance, Arendt argues that:

‘the most obvious lesson to be learned from the French Revolution was that *la terreur* as a means to achieve *le bonheur* sent revolutions to their doom, they also would have had to admit that no revolution, no foundation of a new body politic, was possible where the masses were loaded down with misery’.⁸⁰¹

Arendt however follows this disappointing conclusion by laying out a detailed course of what lay behind the relative success of the American Revolution. I was inspired to follow this course and find out whether there were nevertheless lessons that South Africa could learn, given that it emerged from a political transition steeped in severe poverty and income disparity.

The dissertation started off by exploring Arendt's founding theories and her account of the American and French Revolutions. Of central importance in this regard was the role that the ‘social question’ had played in shaping revolutionary outcomes. For Arendt the social question should remain separate from the political realm.⁸⁰² However, by closely examining her analysis of the social question it became apparent that she was not excluding discussion relating to all aspects of poverty *per se* from the political realm.⁸⁰³ Rather Arendt was concerned with the *nature* of the political realm and its forms of deliberation. For her the social question, or the administrative task of providing poverty relief distorted the political by

⁸⁰¹ *On Revolution* (note 1) 221.

⁸⁰² Op cit chapter 1.1.2.

⁸⁰³ Op cit chapter 2.4.

undermining political debate regarding concerns such as exploitation, political violence and oppression that may give rise to poverty (amongst other concerns).⁸⁰⁴ Thus for her, conclusive questions relating to poverty alleviation were best located in an administrative realm, debateable political questions – whether they had had socio-economic impacts or not – fell within the political realm.⁸⁰⁵

The dissertation further examined the extent to which the South African anti-apartheid struggle and negotiated settlement amounted to a revolution. It found that the expansive public activism that took place under the banner of the UDF in the 1980s clearly mirror Arendt's account of revolutionary struggle.⁸⁰⁶ The South African transition also reflected aspects of revolution such as the goal of freedom linked to a spirit of novelty. However, the fact that the Interim Constitution did not arise from public deliberation, but rather from a number of centralised and sometimes secretive meetings between the ANC, NP and other political party leaders,⁸⁰⁷ resulted in the foundation of the South Africa's Interim Constitution being flawed and hence the revolutionary struggle left uncompleted. The public participation programme held during the drafting of the Final Constitution did not cure this defect.

Since the advent of democracy in South Africa, the political landscape has changed on a national and local level.⁸⁰⁸ While the country has come to reflect traits of what Arendt calls 'limited government' characteristic of post revolutionary America, it has also increasingly started mirroring certain trends that emerged in post-revolutionary France where leaders hoped 'against hope that violence would conquer poverty'.⁸⁰⁹ In particular, more radical political calls in South Africa for nationalisation and land expropriation without

⁸⁰⁴ Op cit chapter 2.4.

⁸⁰⁵ Ibid.

⁸⁰⁶ Op cit Chapter 3.1.

⁸⁰⁷ Op cit Chapter 3.3.

⁸⁰⁸ Op cit Chapters 4.1 and 4.2.

⁸⁰⁹ *On Revolution* (note 1) 221.

compensation, as well as increasing violent discourse seems to confirm some of Arendt's predictions.

The proposed solution to Arendt's conundrum that revolutions have either disappointingly culminated in limited government or more commonly in uprisings of the poor, lies in her distinction between and to an extent her separation of administrative and political realms.⁸¹⁰ These realms are located in the private and public spheres respectively. To prevent limited government's characteristic phenomenon of administration engulfing the political realm, it is important to identify and emphasise the importance of independent realms of political action.⁸¹¹ On the other hand, to avoid uprisings of the poor it is important to acknowledge the dangers of elevating economic improvement over the goal of freedom in the political realm.⁸¹² This is not to say that poverty relief is irrelevant to politics, but rather that poverty is relevant to the political realm only to the extent that it is a symptom of an ongoing political injustice that needs to be debated and addressed politically to ensure the cause of freedom.⁸¹³ This lies in contrast to bare fact of scarcity, which for Arendt is a conclusive matter requiring administrative attention.⁸¹⁴

However, both administrators and political actors should keep in mind Biko's emphasis on consciousness, or in other words the self-awareness that oppression can result in and from mental conditioning.⁸¹⁵ This could inform administrative policies as well as actors within the political realm. Arendt's principles (enhanced by Biko) are furthermore valuable to socio-economic rights lawyers as they reflect a dual legal approach to addressing socio-economic concerns, in that poverty can be addressed directly through administration, or indirectly, by targeting possible political factors leading to

⁸¹⁰ Op cit Chapters 4.2 and 5.1.

⁸¹¹ Op cit Chapter 5.1.

⁸¹² Ibid.

⁸¹³ Ibid.

⁸¹⁴ Op cit Chapter 2.4.

⁸¹⁵ Op cit Chapters 2.1 and 5.1.

economic dilemmas.⁸¹⁶ Arendtian themes can also shape court remedies, which could incorporate the crafting of a political realm, giving rise to grassroots power.

It is therefore hoped that this dissertation provides useful insight that can deepen democracy by emphasising the value of maintaining a truly political realm, and that this need not be to the detriment of socio-economic rights. In fact distinguishing the nature and purpose of administration and politics in tackling the social question can facilitate better understanding of how to address the pressing needs that South Africa faces. This distinction should, however, not amount to a subordination of politics to administration, for as Arendt writes in conclusion of *On Revolution* (quoting the lines of Sophocles in *Oedipus at Colonus*):

“Not to be born prevails over all meaning uttered in words; by far the second-best for life, once it has appeared, is to go as swiftly as possible whence it came.” There he also let us know, through the mouth of Theseus, the legendary founder of Athens and hence her’ spokesman, what it was that enabled ordinary men, young and old, to bear life’s burden: it was the *polis*, the space of men’s free deeds and living words, which could endow life with splendour’.⁸¹⁷

⁸¹⁶ Op cit chapter 5.1.

⁸¹⁷ *On Revolution* (note 1) 281.

BIBLIOGRAPHY

1. Primary sources

1.1 Works by Hannah Arendt

Arendt, Hannah *On Revolution* (1965) Viking Compass edition Penguin Books, London.

Arendt, Hannah *On Violence* (1969) Harcourt Books, United States of America.

Arendt, Hannah 'Reflections on Little Rock' (1959) in Peter Baehr (ed) *The Portable Hannah Arendt* (2000) Penguin Books, New York.

Arendt, Hannah 'The Jew as pariah: a hidden tradition' (1944) in Ron H Feldman (ed) *The Jew as pariah: Jewish identity and politics in the modern age* (1978) Grove Press, New York.

Arendt, Hannah *The Human Condition* 2nd ed (1958) University of Chicago Press, London and Chicago.

Arendt, Hannah *The Origins of Totalitarianism* (1948) Harcourt Books, Florida.

Arendt, Hannah 'What is Freedom?' in Hannah Arendt *Between Past and Future* (1961) Penguin Books, New York.

Arendt, Hannah 'We refugees' (1943) in Ron H Feldman (ed) *The Jew as pariah: Jewish identity and politics in the modern age* (1978) Grove Press, New York.

1.2 Case law

Government of the Republic of South Africa v Grootboom 2000 11 BCLR 1169 (CC).

Hugh Glenister v President of the Republic of South Africa & Others [2011] ZACC.

Minister of Health v Treatment Action Campaign (1) 2002 10 BCLR 1033 (CC).

Soobramoney v Minister of Health, KwaZulu-Natal 1997 12 BCLR 1696 (CC).

1.3 Legislation

Constitution of the Republic of South Africa Act 200 of 1993.

Constitution of the Republic of South Africa, 1996.

1.4 Other primary sources

ANC Youth League 'ANC Youth League welcomes COSATU resolutions on nationalisation of mines, other strategic sectors of the economy and radical shift in economic policy in South Africa' *ANCYL website* 30 June 2011,

available at <http://www.ancyl.org.za/docs/pr/2011/pr0630.html>, date accessed 6 July 2011.

ANC Youth League discussion document for the ANC Youth League 24th National Congress 'A clarion call to economic freedom fighters: programme of action for economic freedom in our lifetime' (April 2011).

ANC Youth League 'Human rights are economic rights and freedom to live decent sustainable life ANC Youth League Human Rights Day message' *ANCYL website* 21 March 2011, available at <http://www.ancyl.org.za/show.php?id=7930>, date accessed 7 July 2011.

ANC Youth League 'Media statement on the stance against SANEF's accusations against Jimmy Manyi' *ANCYL website*, 22 June 2011, available at <http://www.ancyl.org.za/show.php?id=8039>, date accessed 7 July 2011.

ANC Youth League 'The National Democratic Revolution' political education manual (undated).

ANC Youth League 'the outcomes of the ANC 3rd National General Council' *ANCYL website* 30 September 2010, available at <http://www.ancyl.org.za/show.php?id=6213>, date accessed 26 July 2011.

Biko, Steve 'Black souls in white skins?' (1970) in Stubbs Aelred (ed) *I write what I like* (1978) Heinemann Publishers, Johannesburg.

Biko, Steve 'Letter to SRC presidents' (1970) in Stubbs Aelred (ed) *I write what I like* (1978) Heinemann Publishers, Johannesburg.

Biko, Steve 'SASO – Its role, its significance' (1969) in Stubbs Aelred (ed) *I write what I like* (1978) Heinemann Publishers, Johannesburg.

Biko, Steve 'The definition of black consciousness' (1971) in Stubbs Aelred (ed) *I write what I like* (1978) Heinemann Publishers, Johannesburg.

Biko, Steve 'We Blacks' (undated) in Stubbs Aelred (ed) *I write what I like* (1978) Heinemann Publishers, Johannesburg.

COSATU 'Statements on Shabir Shaik judgment' *Cosatu website* 6 June 2005, available at <http://www.cosatu.org.za/show.php?ID=1133>, date accessed 20 June 2011.

Independent Electoral Commission 'IEC releases final local government elections results' IEC website 22 May 2011, available at <http://www.elections.org.za/content/new.aspx?id=1850>, date accessed 10 August 2011.

Mandela, Nelson Address given to the Transvaal Provincial Division of the Supreme Court of South Africa, 20 April 1964, available at <http://www.news24.com/NelsonMandela/Speeches/FULL-TEXT-Mandela-Rivonia-Trial-Speech-20110124>.

Mpshe, Mokededi 'Statement on the matter S v Zuma and others' *Politicsweb* 6 April 2009, available at <http://www.politicsweb.co.za/politicsweb/view/politicsweb/en/page71619?oid=124273&sn=Detail>, date accessed 20 June 2011.

Nzimande, Blade Address to the 5th Central Committee of COSATU 'Lets close ranks to defeat the "new tendency" and its "vanguard" populist demagoguery' *SACP website* 28 June 2011, available at <http://www.sacp.org.za/main.php?ID=3428>, date accessed 10 July 2011.

Nzimande, Blade, Speech to the NUMSA 8th National Congress 'Defend and advance a radical national democratic revolution' *SACP website* 14 October 2008, available at <http://www.sacp.org.za/main.php?ID=2981>, date accessed 9 July 2011.

The Congress of the People 'The Freedom Charter' 26 June 1955, Kliptown.

Vavi, Zwelinzima, Address to SACTWU National Bargaining Conference, Durban, 4 March 2011, *Politicsweb* 4 March 2011, available at <http://www.politicsweb.co.za/politicsweb/view/politicsweb/en/page71656?oid=224620&sn=Detail&pid=71656>, date accessed 7 June 2011.

Vavi, Zwelinzima 'COSATU respects judicial independence' *Politicsweb* 20 August 2008, available at <http://www.politicsweb.co.za/politicsweb/view/politicsweb/en/page71654?oid=100900&sn=Detail>, date accessed 7 July 2011.

Vavi, Zwelinzima Interview on 'African Voices' *CNN*, 25 July 2011.

Vavi, Zwelinzima Press statement (no title) *Politicsweb* 23 June 2008 available at <http://www.politicsweb.co.za/politicsweb/view/politicsweb/en/page71654?oid=92558&sn=Detail>, date accessed 10 June 2011.

Vavi, Zwelinzima Address to the preparatory meeting for the trade union and civil society international solidarity conference, 15 July 2008 *Politicsweb* available at

<http://www.politicsweb.co.za/politicsweb/view/politicsweb/en/page71654?oid=94184&sn=Detail>, date accessed 7 July 2011.

2. Secondary sources

2.1 General

Baehr, Peter 'Introduction' in Peter Baehr *The Portable Hannah Arendt* (2000) Penguin Books, New York.

Baines, Gary 'Breaking rank: Secrets, silences and stories of South Africa's cross border wars' (May 2007) 4th Global Conference on War, Virtual War and Human Security, Budapest.

Barrell, Howard *Conscripts To Their Age: African National Congress Operational Strategy, 1976-1986* (Dphil thesis, University of Oxford 1993).

Barnard, AJ 'Totalitarianism, (same-sex) marriage and democratic politics in post-apartheid South Africa' (2007) 23 *SAJHR* 500

Blake, Michael and Jansen, Martin *50 years of the Freedom Charter: a cause to celebrate?* (2005) Workers World Media Productions, Cape Town.

Booyesen, Susan 'With the ballot and the brick: the politics of attaining service delivery' (2007) 7:1 *Progress in Development Studies*.

Bouckaert, Peter 'South Africa: The negotiated transition from apartheid to nonracial democracy' in Melanie C Greenberg, John H Barton, and Margaret E Mc Guinness et al (eds) *Words over War: Mediation and Arbitration to Prevent Deadly Conflict* (2000) Rowman and Littlefield Publishers, New York.

Bouckaert, Peter 'The negotiated revolution: South Africa's transition to a multi-racial democracy' in (1997) 33 *Stan. J. Int'l L.*

Brandt, Danie 'Socio-economic rights and transformative politics' (LLD thesis, Stellenbosh University, 2009).

Canovan, Margaret *Hannah Arendt: A re-interpretation of her political thought* (1992) Cambridge University Press, Cambridge.

Cherry, Janet 'Hegemony, democracy and civil society: political participation in Kwazakele township' in Glenn Adler and Jonny Steinberg *From comrades to citizens: the South African civics movement and the transition to Democracy* (2000) Macmillan Press, London.

City of Cape Town PDF presentation 'An audit of spaza shops in Khayelitsha' (2009) Cape Town.

Daniels, Glenda 'Beyond protest politics' (July/August 1991) *Work in Progress*.

Darracq, Vincent 'The African National Congress (ANC) organisation at the grassroots' (2008) 107/429 *African Affairs*.

Davenport, TRH *The transfer of power in South Africa* (1998) David Philip Publishers, Cape Town.

Dlamini, Jacob 'The Root of the Matter: Scenes from an ANC Branch' (April 2010) 69:1 *African Studies*.

du Preez, Max 'Explaining the miracle' in Karin Pampallis (ed) *Turning Points in History book 6: Negotiation, Transition and Freedom* (2004) STE Publishers, Johannesburg.

Fikeni, Somadoda 'The Polokwane moment and South Africa's democracy at the crossroads' in Peter Kagwanja and Kwandiwe Kondlo (eds) *State of the Nation: South Africa 2008* (2009) HSRC Press, South Africa.

Fry, Karin A *Arendt: a guide for the perplexed* (2009) Continuum International Publishing, London.

Furet, Francois *The French Revolution 1770 - 1814* (1996) Blackwell Publishing, Oxford.

Gastrow, Vanya 'Report on access to justice for foreign shopkeepers' (unpublished research report still in progress) (2011) African Centre for Migration and Society, University of the Witwatersrand, Johannesburg.

Gevisser, Mark *Thabo Mbeki: the dream deferred* updated international edition (2009) Jonathan Ball Publishers, Jeppestown.

Gottschalk, Keith 'United Democratic Front, 1983-1991: rise, impact and consequences' in Ian Liebenberg, Fiona Lorton and Bobby Nel et al *The*

Long March: the story of the struggle for liberation in South Africa (1994)
Kagiso-HAUM, Pretoria.

Gumede, William 'Modernising the African National Congress: the legacy of president Thabo Mbeki' in Peter Kagwanja and Kwandiwe Kondlo (eds) *The State of the Nation: South Africa 2008* (2009) HSRC Press, South Africa.

Harper, Paddy 'Who pays the piper?' *City Press* 24 July 2011 p26.

Hart, Vivien 'Democratic constitution making' (July 2003) 107 *United States Institute of Peace Special Report*.

Hassim, Shireen 'Democracy's Shadows: Sexual Rights and Gender Politics in the Rape Trial of Jacob Zuma' (2009) 68:1 *African Studies*.

Jika, Thanduxolo 'This is how Juju rolls!' *City Press*, 24 July 2011, p5.

Kempton, Daniel 'Africa in the age of Perestroika' (3rd quarter 1991) 38:3 *Africa Today*.

Lehohla, Pali 'The RDP Commitment: What South Africans say' (2007), report by Statistics South Africa, South Africa.

Liebenberg, Sandra 'Needs, rights and transformation: adjudicating social rights' (2006) 17 *Stellenbosch L. Rev.*

Lieberfeld, Daniel 'Contributions of a semi-official pre-negotiation initiative: Afrikaner-ANC meetings in England, 1987-1990' (1997) *United States Institute of Peace*.

Lieberfeld, Daniel 'Evaluating the contributions of track-two diplomacy to conflict termination in South Africa, 1984-90' (May 2002) 39:3 *Journal of Peace Research*.

Lodge, Tom *All, here, and now: Black politics in South Africa in the 1980s* (1991) Ford Foundation and David Philip Publishers, Cape Town.

Mathekga, Ralph 'The ANC "Leadership Crisis" and the age of populism in Post-Apartheid South Africa' in Julien Pretorius (ed) *African politics: beyond the third wave of democratisation* (2008) Juta & Company, South Africa.

Mbeki, Moeletsi 'Can South Africa's conflicts be solved by negotiations?' in Gordon Naidoo (ed) *Reform and revolution: South Africa in the nineties*, (1991) Skotaville Publishers, Johannesburg.

Mufson, Steven 'South Africa 1990' (1990/1991) 70:1 *Foreign Affairs*.

Naidoo, Jay *Fighting for Justice: a lifetime of political and social activism* (2010) Picador Africa, Johannesburg.

Ndamase, Lazola 'Guilty as charged: Old Revolutionary songs expose our lack commitment to struggle' (29 April 2011) Vol 2:29 *Moihuti*.

Neocosmos, Michael 'From people's politics to state politics aspects of national liberation in South Africa 1984 - 1994' (1996) 15:3 *Politeia*.

Neocosmos, Michael 'Civil society, citizenship and the politics of the (im)possible: rethinking militancy in Africa today' (November 2009) 1:2 *Interface*.

Passerin d'Entreves, Maurizio *The Political Philosophy of Hannah Arendt* (1994) Routledge, London.

Sarkin, Jeremy 'The drafting of South Africa's Final Constitution from a human-rights perspective' (Winter 1999) 47:1 *The American Journal of Comparative Law*.

Schaap, Andrew 'The politics of need' in Andrew Schaap, Danielle Celermajer & Vrasidas Karalis (eds) *Power, Judgment and Political Evil: In Conversation with Hannah Arendt* (2010) Farnham, Ashgate.

Seekings, Jeremy *The UDF: A history of the United Democratic Front in South Africa 1983-1991* (2000) David Philip Publishers, Cape Town.

Seekings, Jeremy 'After Apartheid: Civic organizations in the "New: South Africa' in Glenn Adler and Jonny Steinberg (eds) *From comrades to citizens: the South African civics movement and the transition to Democracy* (2000) Macmillan Press, London.

Sinwell, Kirshner & Khumalo et al, 'Service Delivery Protests: Findings from quick response research on four "hot-spots" – Piet Retief, Balfour, Thokoza, Diepsloot' (1 September 2009) Centre for Sociological Research, University of Johannesburg, Johannesburg.

Sisk, Timothy D *Democratisation in South Africa: the elusive social contract* (1995) Princeton University Press, New Jersey.

Sitas Ari 'The road to Polokwane? Politics and populism in KwaZulu-Natal' (2008) 68 *Transformation*.

Slovo Joe 'Negotiations: what room for compromise?' in (3rd quarter 1992) *African Communist*.

Sparks, Allister *Tomorrow is another country* (1994) Struik Book Distributors, South Africa.

Staniland, Luke "‘They know me, I will not get any job’: public participation, patronage, and the sedation of civil society in a Capetonian township' (2008) 66/67 *Transformation*.

Steinberg, Jonny 'South Africa's xenophobic eruption' (November 2008) 169 *ISS Paper*.

Sunday Times 'Hands off our Jourmos' 3 July 2011 p 2.

Suttner, Raymond 'Legacies and meanings of the United Democratic Front (UDF) period for contemporary South Africa' in Cheryl Hendricks and Luazi Lushaba (eds) *From National Liberation to Democratic Renaissance in Southern Africa* (2005) CODESRIA, Dakar.

Suttner, Raymond 'Review: The UDF period and its meaning for contemporary South Africa' (September 2004) 30:3 *Journal of Southern African Studies*.

Suttner, Raymond 'The Zuma era - its historical context and the future' (2009) 41:2 *African Historical Review*.

Suttner, Raymond 'The Jacob Zuma rape trial: Power and African National Congress (ANC) masculinities' (2009) 17:3 *Nordic Journal of Feminist and Gender Research*.

Turok, Ben *From the freedom Charter to Polokwane: The evolution of the ANC economic policy* (2008) Institute for African Alternatives and the Africa, Pretoria.

Twala, Chitja 'The African National Congress Youth League's role as the "kingmaker": A moment of post-Polokwane blues?' (December 2009) 34:3 *Journal for Contemporary History*.

Van Marle, Karin "'Meeting the law half-way" - The limits of legal transformation' (2004) 16 *Florida Journal of International Law*.

Waldron, Jeremy 'Arendt's constitutional politics' in Dana Villa (ed) *The Cambridge Companion to Hannah Arendt* (2001) Cambridge University Press, Cambridge.

Wellmer, Albrecht 'Arendt on Revolution' in Dana Villa (ed) *The Cambridge Companion to Hannah Arendt* (2001) Cambridge University Press, Cambridge.

Zuern, Elka 'Continuity in Contradiction? The prospects for a national civic movement in a democratic state: SANCO and the ANC in post-apartheid

South Africa' in Ballard, Habib & Valodia (eds) *Globalisation, Marginalisation & New Social Movements in post-Apartheid South Africa* (2006) The Centre for Civil Society and the School of Development Studies, University of KwaZulu-Natal, Durban.

2.2 Internet sources

Allen, John 'President Mbeki Relieves Deputy President Zuma of Post' *All Africa.com* 14 June 2005, available at <http://allafrica.com/stories/200506140114.html>, date accessed 20 June 2011.

Appel, Michael 'Poverty in South Africa is declining' *SouthAfrica.info* 2 October 2008, available at <http://www.southafrica.info/about/social/poverty-021008.htm>, date accessed 10 August 2011.

Appolis, John and McKinley, Dale 'South African election: Zuma elite will maintain ANC's pro-capitalist course' *Links International Journal of Socialist Renewal* 20 April 2009, available at: <http://links.org.au/node/1002>, date accessed 10 August 2011.

BBC News 'Party launched for 'all S Africa' 16 December 2008, available at <http://news.bbc.co.uk/2/hi/africa/7785021.stm>, date accessed 10 August 2011.

Boyle, Brendan 'ANC refuses to budge on anti-media law' *Times Live* 29 May 2011, available at <http://www.timeslive.co.za/local/article1090641.ece/ANC-refuses-to-budge-on-anti-media-law>, date accessed 10 June 2011.

Brooks, Courtney *Mail and Guardian Online* 'SA hit by service-delivery protests' 22 July 2009, available at <http://mg.co.za/article/2009-07-22-sa-hit-servicedelivery-protests>, date accessed 10 August 2011.

Burger, Johan 'The reasons behind service delivery protests in South Africa' *Institute for Security Studies website*, available at <http://www.iss.co.za/pgcontent.php?UID=7396>, date accessed 19 July 2011.

Business Day 'Cronin, SACP, on nationalisation' 4 February 2010, available at <http://reservebanksa.blogspot.com/2010/02/cronin-sacp-on-nationalisation.html>, date accessed 7 July 2011.

Carrim, Yunus 'Towards better understanding of the service delivery protests' speech before the National Council of Provinces, 23 April 2010, available at <http://www.dplg.gov.za/index.php/news/174-yunus-carrim/132-towards-better-understanding-of-the-service-delivery-protests.html>, date accessed 19 July 2011.

Chauke, Amukelani 'All about Kenny Kunene' *Times Live* 3 February, available at [2011/www.timeslive.co.za/entertainment/article889634.ece/All-about-Kenny-Kunene](http://www.timeslive.co.za/entertainment/article889634.ece/All-about-Kenny-Kunene), date accessed 24 July 2011.

Chauke, Amukelani 'Nationalisation calls grow' *Times live* 3 July 2011, available at <http://www.timeslive.co.za/thetimes/2011/07/03/nationalisation-calls-grow>, date accessed 7 July 2011.

City Press 'Tatane's death a hit, family believes' 17 April 2011, available at <http://www.citypress.co.za/SouthAfrica/News/Tatanes-death-was-a-hit-20110416>, date accessed 19 July 2011.

Clark, Alistair 'The impact of service delivery on South Africa's local government elections' *Think Africa Press* 8 April 2011, available at <http://thinkafricapress.com/south-africa/impact-service-delivery-south-africa's-local-government-elections-0>, date accessed 10 August 2011.

Clayton, Jonathan 'He was Mandela's heir. Now he's accused of raping woman who called him Uncle' *The Times* 7 March 2006, available at <http://www.timesonline.co.uk/tol/news/world/article738228.ece>, date accessed 10 August 2011.

Country Data 'South Africa – a country study' May 1996, available at <http://www.country-data.com/cgi-bin/query/r-12074.html>, date accessed 10 August 2011.

De Kock, Rochelle 'Faku grilled by ANC bosses' *PE Herald* 27 May 2011, available at <http://www.peherald.com/news/article/1517>, date accessed 15 June 2011.

De Lange, Deon 'White people are criminals – Malema' *IOL News* 9 May 2011, available at <http://www.iol.co.za/news/white-people-are-criminals-malema-1.1066339>, date accessed 10 August 2011.

Du Plessis, Carien 'Sparks fly between Blade, ANCYL' *Pretoria News* 29 June 2011, available at <http://www.pretorianews.co.za/sparks-fly-between-blade-ancyl-1.1090551>, date accessed 7 July 2011.

De Vos, Pierre 'Eleven ministers resign!' *Constitutionally Speaking* 23 September 2008, available at <http://constitutionallyspeaking.co.za/eleven-ministers-resign> date accessed 10 August 2011.

De Waal, Mandy 'Remembering Andries Tatane, not forgetting police brutality' *The Daily Maverick* 18 April, 2011, available at <http://www.thedailymaverick.co.za/article/2011-04-18-remembering-andries-tatane-not-forgetting-police-brutality>, date accessed 19 July 2011.

Eglin, Colin, TRC Submission (20 August 1998) available at www.justice.gov.za/trc/special/party1/dp.htm, date accessed 14 May 2011.

Feinstein, Andrew 'Bright Hopes Betrayed' *Mail and Guardian* 10 January 2007, available at <http://www.guardian.co.uk/commentisfree/2007/jan/10/somethingisrotten>, date accessed 20 June 2011.

Fin24 'Kebble, ANCYL link "criminal"' 7 March 2006, available at <http://www.fin24.com/Companies/Kebble-ANCYL-link-criminal-20060307>, date accessed 10 August 2011.

Huisman, Bienne 'Malema's 'mahala' boozing spree at the Met' *Sunday Times* 2 June 2011, available at <http://news.za.msn.com/article.aspx?cp-documentid=156061443>, date accessed 25 July 2011.

In the News.co.za 'Hawks or Scorpions? Will the fight against political corruption succeed?' 12 July 2009, available at <http://www.inthenews.co.za/2009/07/12/hawks-or-scorpions-will-the-fight-against-political-corruption-succeed/>, date accessed 10 August 2011.

IOL news 'Cosatu condemns Manyi coloured comments' 25 February 2011, available at <http://www.iol.co.za/business/business-news/cosatu-condemns-manyi-coloured-comments-1.1032553>, date accessed 20 June 2011.

IOL news 'Cele's brutal force' 20 March 2011, available at <http://www.iol.co.za/news/south-africa/cele-s-brutal-force-1.1044575>, date accessed 25 June 2011.

Karabo, Keepile 'ANC urges calm after Gauteng service-delivery protests' *Mail and Guardian Online* 11 March 2010, available at <http://mg.co.za/article/2010-03-11-anc-urges-calm-after-gauteng-servicedelivery-protests>, date accessed 10 August 2011.

Kgosana, Caiphus 'MPs' riches revealed' *Times Live* 5 November 2010, available at <http://www.timeslive.co.za/local/article746047.ece/MPs-riches-revealed>, date accessed 24 July 2011.

Khumalo, Gabi 'Millions benefit from social grants' *SouthAfrica.info* 6 July 2009 available at <http://www.southafrica.info/about/social/grants-060709.htm>, date accessed 25 July 2011.

Kreis, Steven 'The French Revolution: the moderate stage 1789 to 1792' (13 May 2004) *The History Guide* available at www.historyguide.org/intellect/lecture12a.html, date accessed 8 August 2011.

Macanda, Phumza 'South Africa's Zuma moves Manuel to powerful new role' *Reuters* 10 May 2009, available at <http://www.reuters.com/article/2009/05/10/us-safrica-zuma-cabinet-idUSL945939420090510>, date accessed 10 August 2011.

Mail and Guardian Online 'ANC: Malema decision "not a light ruling"' 21 May 2010, available at <http://mg.co.za/article/2010-05-12-anc-malema-decision-not-a-light-ruling>, date accessed 26 June 2011.

Mail and Guardian online 'Our world turns' 21 December 2007, available at <http://mg.co.za/article/2007-12-21-our-world-turns>, date accessed 20 June 2011.

Mbeki, Thabo 'May the groot krokodil, PW Botha, rest in peace!' (November 2006) 6: 43 *ANC Today*, available at <http://www.anc.org.za/docs/anctoday/2006/at43.htm>, date accessed 15 May 2011.

Milazi, Abdul 'Malema kicks out a BBC reporter calling him a "bastard" and a "bloody agent"' *Times Live* 8 April 2010, available at <http://blogs.timeslive.co.za/common-dialogue/2010/04/08/malema-kicks-out-a-bbc-reporter-calling-his-a-bastard-and-a-bloody-agent/>, date accessed 20 June 2011.

Momberg, Eleanor and Savides, Matthew 'Uproar over Malema's 'R16m palace' *IOL News* 17 July 2011, available at <http://www.iol.co.za/news/politics/uproar-over-malema-s-r16m-palace-1.1100390?showComments=true>, date accessed 19 July 2011.

Prabhakara, MS 'Twist in Zuma Saga' *Hindu on Net*, 16 to 29 December 2006, available at <http://www.hinduonnet.com/fline/fl2325/stories/20061229000606500.htm> date accessed 20 June 2011.

Roel, Wendell 'Parliament: Scorpions will be dissolved' *Mail and Guardian Online* 30 July 2008 available at <http://mg.co.za/article/2008-07-30-parliament-scorpions-will-be-dissolved>, date accessed 10 August 2011.

Sapa 'Cele stands by "shoot to kill"' *News 24* 29 July 2009, available at: <http://www.news24.com/Africa/News/Cele-stands-by-shoot-to-kill-20090729>, date accessed 7 July 2011.

Sapa 'Ficksburg protesters set buildings alight' *News 24*, 14 April 2011, available at: <http://www.news24.com/SouthAfrica/News/Ficksburg-protesters-set-buildings-alight-20110414>, date accessed 19 July 2011.

Sapa 'Lekota expels Shilowa from Cope' *Mail and Guardian Online* 8 February 2011, available at <http://mg.co.za/article/2011-02-08-lekota-expels-shilowa-from-cope>, date accessed 10 August 2011.

Sapa 'Malema in a froth over Zuma' *Mail and Guardian Online* 10 September 2008, available at <http://mg.co.za/article/2008-09-10-malema-in-a-froth-over-zuma>, date accessed 21 July 2011.

Sapa 'Malema on warpath' *The Citizen* 15 May 2011, available at <http://www.citizen.co.za/citizen/content/en/citizen/elections-2011?oid=194590&sn=Detail&pid=33>, date accessed 20 June 2011.

Sapa 'Mine kampf: Blade's being childish, says ANC Youth League' *Mail and Guardian Online*, 28 June 2011, available at <http://mg.co.za/article/2011-06-28-mine-kampf-blades-being-childish-says-youth-league>, date accessed 7 July 2011.

Sapa 'Mpshe: Zuma decision not an acquittal' *Mail and Guardian Online* 6 April 2009 available at <http://mg.co.za/article/2009-04-06-mpshe-zuma-decision-not-an-acquittal>, date accessed 10 August 2011.

Sapa 'SACP, Cosatu deny rift over Blade's car' *Mail and Guardian Online*, 8 September 2009, available at <http://mg.co.za/article/2009-09-08-sacp-cosatu-deny-rift-over-blades-car>, date accessed 19 July 2011.

Sapa 'Shabir Shaik's final appeal dismissed' *Politics Web*, 3 October 2007, available at <http://www.politicsweb.co.za/politicsweb/view/politicsweb/en/page71619?oid=83494&sn=Marketingweb+detail>, date accessed 10 August 2011.

Sapa 'Shaik, Zuma relationship corrupt' *Mail and Guardian Online* 1 June 2005, available at <http://mg.co.za/article/2005-06-01-shaik-zuma-relationship-corrupt>, date accessed 20 June 2011.

Sapa 'Where are the black economics ministers, asks Malema' *Polity.org* 6 Aug 2009, available at <http://www.polity.org.za/article/where-are-the-black-economics-ministers-asks-malema-2009-08-06>, date accessed 20 June 2011.

Sapa "'We are prepared to kill for Zuma"- ANCYL' *Politicsweb* 17 June 2008, available at <http://www.politicsweb.co.za/politicsweb/view/politicsweb/en/page71627?oid=92007&sn=Detail>, date accessed 10 August 2011.

Sapa 'Zuma is suffering like Jesus did' *IOL* 1 December 2008, available at <http://www.iol.co.za/news/politics/zuma-is-suffering-like-jesus-did-1.427460>, date accessed 20 June 2011.

Southall, Roger 'Thabo Mbeki's fall: The ANC and South Africa's democracy' *Open Democracy website* 14 October 2008, available at <http://www.opendemocracy.net/article/thabo-mbekis-fall-the-anc-and-south-africas-democracy>, date accessed 10 August 2011.

South African Government Information 'former leaders (since 1994)' available at <http://www.info.gov.za/leaders/former/index.html>, date accessed 10 August 2011.

Spies, Chris 'South Africa's National Peace Accord: its structures and functions' *Conciliation Resources Website* (2002) available at <http://www.c-r.org/our-work/accord/public-participation/southafrica-structures-functions.php>, date accessed 20 June 2011.

Suttner, Raymond 'Nationalisation and the Freedom Charter' *Polity.org.za*, 28 June 2011, available at <http://www.polity.org.za/article/nationalisation-and-the-freedom-charter-2011-07-05>, date accessed 21 July 2011.

Times Live 'Blacks voting for whites should be driven to sea: ANC leader' 20 May 2011, available at <http://www.timeslive.co.za/Politics/article1078295.ece/Blacks-voting-for-whites-should-be-driven-to-sea--ANC-leader>, date accessed 1 July 2011.

Torkelson, Erin 'Mirroring the Structure of Oppression: Notes on Xenophobia' *ISS Africa website*, 27 July 2010, available at http://www.iss.co.za/iss_today.php?ID=997, date accessed 8 August 2011.

Wa Afrika, Mzilikazi and Hofstatter, Stephen 'Minister splurges public money' *Times Live* 10 April 2011, available at

<http://www.timeslive.co.za/Politics/article1011021.ece/Minister-splurges-public-money>, date accessed 25 July 2011.

Wild, Franz and Cohen, Mike 'Former Interpol Chief Jailed for 15 Years in South African Corruption Case' *Bloomberg News*, 3 August 2010, available at <http://www.bloomberg.com/news/2010-07-02/interpol-s-former-chief-found-guilty-of-corruption-by-south-africa-court.html>, date accessed 20 June 2011.