Electing Land Questions: A Methodological Discussion with Reference to Abahlali

baseMjondolo, the Durban Shackdweller Movement [1]

April 2007, Rajeev Patel

For the CODESRIA Multinational Working Group on Land

> While class struggle constitutes the motive force in history, it is not always clear
> and pure as *class* struggle and may take varied forms under difference concrete
> situations. In non-revolutionary situations much of the class struggle is latent and
> even unidentifiable as such at any particular moment. Talking about class struggle
> at such times is really registering the fact of class struggle *ex-post facto*. The
> development of classes and class struggle can only be talked about tendentially, in
> terms of historical trends. In fact, classes hardly become fully *class* conscious
> except in situations of intense political struggle. Class consciousness does not
> fully dawn upon individuals until they are locked in political battles. It is not
> surprising to find bourgeois critics of Marx always pointing to the proletariat's
> lack of class consciousness as an incontrovertible proof of the falsity of the
> theory… the conclusion is derived form a wrong premise through a wrong
> method.
>
> Issa Shivji, Class Struggles in Tanzania (1975: 8)

Narratives about the land question in South Africa often have a similar structure. They

will begin by observing that the distribution of land in South Africa is, by any measure,

vastly unequal. There will often then be a suggestive statistic, one that notes the skew of

land ownership, the 13 million people crowded onto the homelands (Lahiff 2001: 1),

contrasted with 87% of being appropriated by white colonial farmers (Thwala 2003).

This will often be accompanied by some gesture towards the colonial origins of this

distribution, often pointing to 1913, the date of the South African Native Lands Act, a

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moment that consecrated the geography of apartheid. Some narratives will note, often critically, that in its post-apartheid hearings on the land reform process, the South African government's key point of insistence was that the 1913 date for the beginning of consideration for restitution was non-negotiable despite the fact that a great deal of dispossession predates the Native Lands Act.

The land narrative will continue. From a sometimes reluctant acceptance that 1913 defines the current government's position, the story will jump to 1994, with the government's bright hopes for redistribution. The three kinds of government-sponsored land-reform processes will be outlined: redistribution, restitution and tenure reform (Mapadimeng 2003). Then, depending on the author's interests, the narrative forks; some accounts might compare the government's failure to live up to its 1994 promises of redistribution or land tenure reform; some commentaries might note the World Bank's influence on the policy process might be mentioned, together with its unrealistic cost projections, and this might be used to explain the ANC's disappointing pace of land reform (Williams 1996); organised social movement resistance to the pace of the reform might be explored in other examinations (Greenberg 2004), or perhaps the difficulty of overcoming chiefly objections (Ntsebeza 2003), a legacy of the sedimented colonial dualities of citizen and subject (Mamdani 1996). The logistical scale of the task facing the ANC in its promise to complete restitution of all land claims before the end of 2005 will be problematised in yet other examinations. Citizenship, and its shifting historical contours (Marks 1986), the once-inseparability of land from claims of freedom and independence (Mbeki 1964): these constitute other branches from the trunk of land

literature, and ones that have also received recent critical scrutiny (Bernstein 1996).

Many scholars, further, take the land question to be the correlate to the (somewhat vaguely defined) agrarian question (see (McMichael forthcoming) for a helpful review). Under these accounts, land features primarily as a productive resource, a means of production. It does so because the internal logic of the account views class formation and struggle as premised on the basis of the ownership of the means of production, in this case, land. High peasants and feudal lords are able to oppress on the basis of ownership of land – the landless, serfs and sundry subalterns suffer as a result of their lack of ownership. Struggle ensues.

Of course, I am doing some violence to these texts – from Mbeki to Ntsebeza, there is a more radical interpretation possible through this literature (see (Hendricks 2003: ; Hendricks 2004) for a synthesis). Yet with the South African government increasingly keen to write itself a narrative against Zimbabwe (Moyo and Yeros 2004), a narrative in which the government can accept difference and adopt a 'big tent' approach, the land question seems, at least as far as the government is concerned, to have been sown together. The land question has become fixed under the sign of redistribution – it is a question of the mechanisms of transfer of individual property rights, from one racial group to another. It is carried out under the aspect of racial justice, which in turn has come to mean a particular 'rule of law', one that is compatible with the building of a new black middle class.

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Yet despite the tendency for studies around land to take a similar point of departure, and a similar set of premises, a gamut of answers, a clear definition of the question seems elusive. Or, better, it seems clear that the 'land question' refers to different clusters of social, political and cultural problems, for different people, different scholars, different groups. It is an issue that invokes complex issues of history, entitlements, politics, economies, geographies, religions and social relations. In deploying the 'land question', in laying it on the table, one stakes a vast complex of claims. Yet despite its original complexity, the land question invariably gets collapsed into a range of slightly more tractable, manageable, problems whether this collapse is authored by the state, the party, the coalition or the community organisation. This paper attempts to take an orthogonal view of struggles over land, in order to reiterate a methodology that, while not new, has been applied a little less frequently than one might have hoped, with the result that a good number of questions over land haven't been asked.

This paper argues that to cede a specific interpretation of the 'land question' is to accept a constellation of assumptions which 'think for us', and which come to constitute an epistemic community after the fact. Particular conceptions of justice and law, for example, regulate whether certain courses of action and change are possible or indeed 'thinkable'. It is unthinkable in South Africa at the moment, for instance, that land would be nationalised and private property relations revoked, whereas it was a provision that was, in Mozambique, a pre-requisite for peace (Nhantumbo 2000).

The boundaries of the possible, and the thinkable, are sites of struggle. The World Bank, for instance, offers dehistoricised extrapolations in the service of specific

productive arrangements that seem to owe more to specific ideological commitments than to evidence about land. Compare for example, the World Bank's 1981 report, also known as the Berg report, to Kinsey and Binswanger (1993), and to the World Bank's more recent report on the land question (World Bank 2002). These understandings of 'the land question' invoke specific history, economics, and politics, they also spawn specific debates, specific areas in which disagreement is possible and can be rendered sensical, and they both recommend specific policies. In adopting a particular understanding of the land question is to have made, to some extent, a prior ideological commitment to a specific knowledge about that question's content and, therefore, to have prefigured the answer to the question before one has even begun to explore it. Through relations of power such at these are women rendered invisible from the land question (Whitehead and Tsikata 2003). As Shamim Meer notes in her *Women, Land and Authority: Perspectives from South Africa*, existing approaches to women's effective disenfranchisement:

> 'tend to suggest quick-fix solutions. [which result] in a simplification of the problem at hand, an underestimation of the complexities involved and a tendency to assume that legal and technicist solutions will adequately address the problem' (Meer 1997: 1).

Such solutions, as Walker notes, depend on fixed historical assumptions of racial purity, gender relations and ratiocinated understandings of the state (Walker 2000: ; Walker 2003). These solutions, I argue, will never be adequate to the problem because they are only thinkable as a result of the possibility of deeper issues around gender being erased (Agarwal 1994: Deere and León de Leal 2001). In other words, the failure to subject the

land question to scrutiny isn't only an academic deficit – it has real-world repercussions in the domain of policy, and justice.

In this methodological intervention into the land debate, I want to unpick the question of "who owns the land" by destabilising two terms in the question - the notion of ownership, and to understand not as a productive resource, but as a means of reproduction. First, I turn to the idea of ownership which, as Shivji notes in his classic (1975) study, itself deserves to be the object of circumspection. The idea of 'ownership', as the regulatory institution with which we are familiar, in which people are able to own their labour power in the same way that they own other factors of production, is barely 500 years old. Indeed, as Wood observes, modern capitalism itself is premised on a notion of ownership of land (Wood 2000). Without the process of Enclosure, its privatisation of land and concomitant alienation of labour, labour markets would not exist, and without them, no modern capital.

The key here is the character of social relations around land. Land itself need not be a productive resource. It can, for instance, feature in a narrative in which it is exclusively a *re*productive resource, which is to observe that it is a prerequisite for social reproduction, for the maintenance of labour. The army of surplus labour needs, after all, somewhere to sleep. By taking the productive character of land out of the land question, it becomes easier to see that the posing of good 'land questions' involves asking not just who owns the land and who wants it, but asking about the institutions that regulate space and place, and the people produced through this regulation and the struggles against it, as Massey

notes in her *Space, place, and gender* (1994). To understand 'land questions' is to understand how people relate to the materiality of land, how they themselves are constituted in space relative to one another, and to their environment. In other words, I look in this paper at how land is constituted in stories about control and ownership, how misdiagnosed, and how central in the development of a politics in which class and class consciousness features increasingly.

The argument I make is that the materiality of land, its place in space, and its meanings are all subject to contestation, construction and reconstruction. There is a dialectical relation through which the land question is lived. To ask a land question is to ask, in effect, about the history of social relations, and their present configuration, and about where the meaning of land is at the moment. And, more than this, as Pierre Hadot has observed about philosophy (Hadot 1995), the land question is not merely an academic question – it is a way of life.

Theory

Among the institutions that shape, and in turn are shaped by, these interactions are four that are often elided: nation, citizenship, state and party. These are far more slippery terms than they might at first appear because a suitable deconstruction of each would then involve an investigation into how each of these in turn regulates community, family and body (Derrida 1976). Each of nation, citizenship, state and part is subject to the striations of gender and race, and each has its own internal contradictions, fiercely fought over. There is tension in almost every part of sufficient size between 'leadership' and

'grassroots'. In any country of non-homogenous identities, traditions and backgrounds, which is to say in every country, the terrain of 'nation' is deeply contested (Anderson 1983). The state itself is far from homogenous, with its various fiefdoms and bureaucracies the subject of the very earliest sociological enquiry (Weber, Henderson and Parsons 1964).

I note the lack of fixity around these terms to draw attention to the fact that there is a constant and ongoing attempt to fix the meaning, ambit and understanding of each of them, through both the power of state and party, but through struggles in the streets and in the home. The mechanism through which many land questions already think their answers for us lies in the uninterrogated meaning of each premise, which has already been fixed according to a relation of power. Foucault's thoughts on the relation of power and knowledge are important guides here. Foucault argues that

> There is a battle 'for truth', or at least 'around truth' - it being understood once again that by truth I do not mean 'the ensemble of truths which are to be discovered and accepted', but rather 'the ensemble of rules according to which the true and the false are separated and specific effects of power attached to the true', it being understood also that it's not a matter of a battle 'on behalf' of the truth, but of a battle about the status of truth and the economic and political role it plays. (Foucault 1980: 132)

Truth, then, is itself the subject of contest. By aiming at specific configurations of truth, the production of knowledge attempts to stake out a territory within, takes an explicit

relation to, and attempts to shift existing relations of power. The keenest observer of this back and forth, of the process through which material and ideological clashes are fought daily, is Antonio Gramsci (1992). His understanding of hegemony might be paraphrased as the permanent politics of move and counter-move, fought not merely by classes but through subtler co-optations and blocs, reflecting the configuration of forces within classes, that aims to secure and maintain domination through a mixture of coercion and consent. The meaning of terms matters, for meaning is both an object of struggle, and the means to secure further victories. If consensus can be created through the limitation of the ambit of a question within certain parameters, a struggle is won before it is explicitly fought.

Knowledge is the way 'truth' becomes powerful, and these insights have informed more recent sociological and anthropological explorations into 'Battlefields of Knowledge' (Long and Long 1992: ; Peters 2000). Of course, the dematerialisation involved in a simple understanding of knowledge has, correctly, come in for criticism (Goss 1996). But by inflecting discursive analysis with a commitment to materialism, the benefits of which were, incidentally, best illustrated with respect to South Africa (Hall 1996), important scholarship is possible. The problematising of knowledge about land has, to some extent, already been advanced, particularly by Leach and Mearns (1996); their work runs counter to official narratives of African incompetence in land management, demonstrating that colonial authorities had accused their subjects of deforestation when, in fact, historical photographic evidence showed quite the opposite. More recent work on the use of knowledge in Africa (Briggs and Sharp 2004) focuses more explicitly on the international

processes of authorisation that legitimise or delegitimise knowledge, subaltern and otherwise (Pithouse 2003), Eurocentric or Afrocentric (Mafeje 2003). Yet the contests over truth are not only being fought at the international level. National level discourses, especially ones that invoke land as a symbol for citizenship is used in the production of state-level, and state-authored discourses of community. Benedict Anderson argues this forcefully in his 'Imagined Communities' pointing, crucially, to the link between the spread of 'print capitalism' – and the importance therefore of the creation of shared meaning – but also the fact that print capitalism develops at precisely the time that the 'Enlightenment and Revolution were destroying the legitimacy of the divinely-ordained, hierarchical dynastic realm' (Anderson 1983: 6-7). The new arbiter of territory would no longer be the king – it would be the state. And it would govern not by divine right, but through jurisdiction.

At the heart of the discussion of any land question, the highest term in jurisdiction, the concept that has been most stabilised, most normalised, most subject the operation of power that has transformed a once unique and viciously imposed institution into an ordinary fact of every day life, is 'ownership'. Marx offers some theoretical guidelines in understanding ownership in his discussion in the Economic Manuscripts of 1861-63. In the discussion of surplus value, and of the labourer, Marx discusses the foundational and common moment. In Marx's later texts, the phrase becomes not 'ownership of', but 'relation to' the means of production (see, e.g. (Marx, Fowkes and Fernbach 1977: vI,ch11), following Marx's own unfurling of the concept. But his work here considers the normalization of how 'ownership' and its corollary, 'sale', are integral to modern capitalism.

But he owes his ability to appropriate *for himself* the whole product of his own labour, whereby the excess of the value of his product over the average price **for instance** of his day's labour is not appropriated by a third **master***,* not to his labour — which does not distinguish him from other workers — but to his ownership of the means of production. It is therefore only through ownership of the latter that he obtains control of his own surplus labour, and thus he relates to himself as wage labourer as his own capitalist. The *separation* of the two appears as the normal relation in this society. Therefore where it does not take place in practice it is assumed, and, as we have just shown, **so far** correctly; for (unlike e.g. the conditions of ancient Rome or Norway) (or American conditions in the North West of the **United States**) the *unification* of the two appears here as accidental, their *separation* as normal, and therefore the separation is retained as the relation, even when one person unites the different functions.[2]

If we understand the institutions through which ownership is rendered normal, we stand a good chance of revisiting some of the pre-thought thinking integral in the land question. Ownership is, after all, a socially wrought institution, accompanied by ideas of justice and history. Any examination of the ownership of land necessarily is an investigation of the social relations through which a person or group is able to use or decide how others could use a particular part of the world, and therefore an investigation into the systems through which those relations obtain and become believed. Attempts both to maintain or to destabilize those relations draw on a pool of common language, over and through which the right to manufacture truth claims is fought (Long and Long 1992). It should not

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[2] http://www.marxists.org/archive/marx/works/1861/economic/ch38.htm -

come as a surprise, then, that among the loci of struggle are powerful mobilizing concepts

of nationhood, citizenship and justice. These institutions are part of the apparatus of

social sanction and dominion, but they are not so inevitably. To view citizenship, even in

its most flayed and simple juridical terms, as merely what is defined by the authors of a

given constitution is to miss the fights over that constitution. [3] It is to miss, in other

words, the ways in which hegemony is both constructed, and in which it is constantly

contested.[4]

As far as the land question is concerned, then, the question deserves fully to encompass

the numerous builders nation and history, and the role that their constructions play in the

maintenance or destabilization of a particular order of property relations. The exploration

of the land question needs, I submit, to begin with specifics. We will turn, momentarily,

to do exactly that, by exploring the struggles over shack settlements[5] in Durban, South

Africa, looking at how tropes of nationhood, truth, and citizenship are mobilised and

manipulated by a range of actors, illuminating the differences between party, state and

polity in the process.

But there's a second element in spooling out the land question, and that is the importance

of land as a means of production. In rural areas in South Africa, it can be easy to think

that amid chronic unemployment and vanishing levels of rural investment, land is a

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[3] In his introductory chapter, Shivji,(1975) makes similar remarks on the law.
[4] Gramsci (1992) is the *locus classicus* and Hall (1996) provides an important discussion of the South African context, and of the necessity of avoiding economic determinism.
[5] A note on terminology. The term 'shack settlement' – a term developed by the area's residents - is used in preference to 'informal settlement' – an appellation developed by the government. Quite reasonably, the residents reject the government's wish that they remain there in an informal capacity. Some have been born in the shacks, and many consider the appellation 'informal' to be pejorative, and to prejudice the possibility that they may be housed in the same place, but with upgraded housing.

productive resource, a factor which, together with the right application of labour, will generate goods necessary for reproduction (food, shelter, fuel) and which might also be sold in circuits of petty commodity production. It is the hope of future work to demystify this assumption, as part of a project of asking what if anything differentiates urban and rural militancy around land issues. One way to lay the foundation for that project, however, is to see what the land question might mean when land isn't a factor of production in and of itself, but when its social roles are already contentious.[6] And do that, we'll need specifics.

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[6] The introduction of land use for the production of food is bound to modulate the land question, of course – particularly for movements becoming more ecological Wittman 2005.

Living Land Questions in Durban's Clare Estate

<Figure 1>
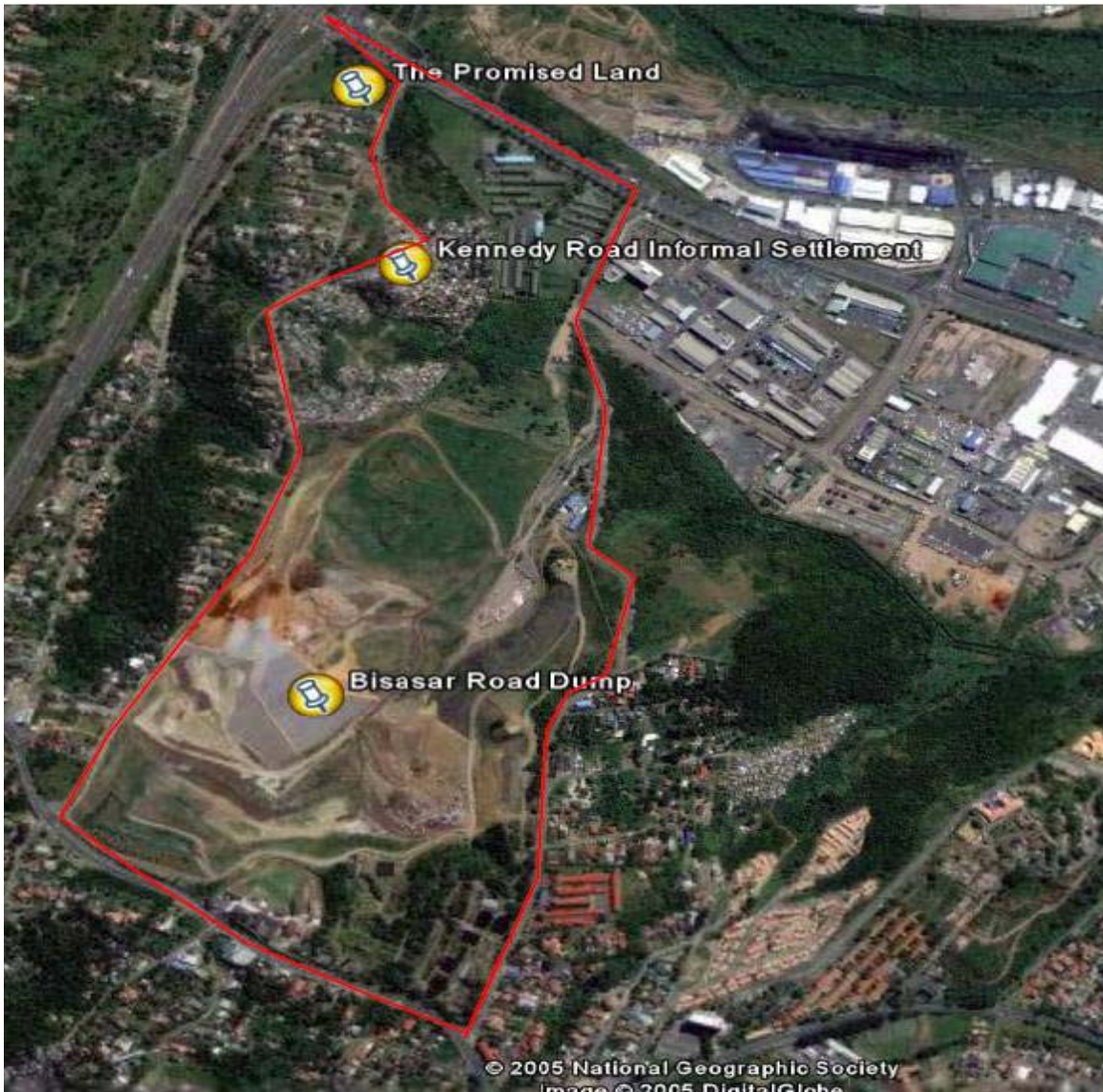
This is a map of the Clare Estate area in Durban. In the centre of it is the Bisasar Road[7]

dump. The dump was located there by the apartheid-era Durban municipality at the

beginning of the 1980s, in the middle of a residential area scheduled as Indian by the

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[7] 29°48'51.76"S, 30°58'52.80"E

apartheid Group Areas Act.[8] After apartheid ended, the life of the dump was extended by

the ANC-controlled municipality, despite objections from residents. Those objections

pointed to the range of toxins and effluent that have been illegally dumped there, and that

have poisoned the neighbourhood (Bond and Dada 2005).

At its north east rim, we see the Kennedy Road shack settlement, which has been there

for over two decades. It was initially a small group of shacks, but it grew at the end of

apartheid, with the rescinding in the 1980s of the Influx Control Laws.[9] Africans from

rural areas who had previously been prohibited from entering Durban were now free to

look for work in the city, though they were invariably too poor to access formal housing.

Today, the population of the settlement stands at between six and seven thousand people,

who have access to six water pipes and rudimentary sanitation.

The undesirability of the land at the edge of a major solid waste facility, the need for low-

cost-low-skill workers in the city, and the municipality's inability to provide formal

housing for Africans who were using their newfound freedom of movement to search for

work, these three factors for work all meant that the state found it convenient to allow

poor people to live in shacks. This general feature, noted recently by The Economist

(2007), was augmented by a further political consideration – that the residents of the

electoral ward in which the shacks were located were not historically members or

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[8] See Jagarnath 2006. for a definitive history of race relations in nearby Sydenham.
[9] As Pithouse and Butler note: "In 1923 the state sought to stem the flow of people into the cities with the policy of Influx Control that aimed to prevent Africans from moving to cities, to force those (mostly men) with permits to inhabit segregated workers' quarters and those without permits to leave. It stayed, in different versions, on the statute books until 1986 and was replaced, in 1990-1, by a "non-racial urban policy framework designed largely by the think-tanks of big business" [2] with the Urban Foundation being the major player." Pithouse, Richard, and Mark Butler. 2007.

supporters of the ANC. KwaZulu-Natal was the epicentre of apartheid-state-sponsored organizing by the Inkatha Freedom Party, a party which matched the apartheid vision of a state divided through separate racial and national identities. Within Durban, and within the middle class areas in which shackdweller communities formed, the ANC's concern was with a different party.

Figures for the 1999 election suggest a strong presence of the Democratic Party, a party to the right of the ANC, with a constituency in which white, coloured and Indian voters were represented in higher proportion than the ANC. In Clare Estate, with many voting stations for 1999 reporting higher returns for the Democratic Party than for the ANC.[10] The districts into which poor people had been allowed were districts in which the ANC did substantially better.[11] This isn't a particularly South African phenomenon – poor people are used as vote banks throughout the world (Fernandes and Heller 2006). The migration to these middle class areas of large numbers of Africans, who were organized *in situ* to support the ANC, secured consistently higher returns at the polls for the ruling party. And there it might have remained, with the ANC's hegemony intact, with the Democratic Party struggling to maintain a falling electoral presence, and with shackdwellers as the faithful and local sirens of the ANC's national majority. But it was not to be.[12] For the people were unhappy.[13]

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[10] These areas correspond to Independent Electoral Commission districts 433900xx. See www.elections.org.za for more.

[11] Compare the Pemary Ridge Primary school polling station results (station 43390054), in an area in which there are relatively low numbers of shackdwellers, and in which the ANC won 30% of the vote to the Democratic Party's 41%, to those of Hillview Primary School (station 43390032), in which the ANC secured 60% of the vote to the Democratic Party's 17%.

[12] Richard Pithouse has detailed the story in a number of thoughtful articles, and the following summary should not substitute for a reading of his work (see Pithouse 2005, 2007. More information is available at

The positioning of the Bisasar Road dump had always been subject to objection and resistance from local residents (see (Bond and Dada 2005) passim). There had, in other words, long been action and activism around land in the area.[14] Among the recent opponents of land use and distribution was Sajida Khan, who had long fought for the closure of the Bisasar Road dump. She had led a group of concerned citizens and activists to reject the continued and illegal dumping of toxic waste near her home. She had also conducted an impromptu survey that found a 'belt' of cancers near the dump, which could be traced to the dump's practice of burning solid waste, and the resultant production of carcinogenic compounds.[15]

Khan's ongoing activism saw as its goal both the cessation of polluting activities at the dump, the reimbursement of affected landowners at a fair market value rate, and the relocation of shackdwellers to other housing concomitant with the government's own housing plans.[16] Under these plans, shackdwellers from Kennedy Road were slated to be relocated from there to Verulam, a town a few dozen kilometers away from Clare Estate, which was widely perceived to lack adequate housing facilities, education or healthcare.

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the shackdweller's website, which I administer, and at which is an archive of academic work about the movement at http://www.abahlali.org

[13] I have written elsewhere of the tensions in Kennedy Road, and the problems of representing them Patel, Raj. (Forthcoming). Many of the details in the following summary ought, then, to be read with caution, in the knowledge that their representation involves a positioning on my part. Nonetheless, for the purposes of the argument being brought forward here, the matters of fact remain true.

[14] For more, see Lodge (1983) and Maylam and Edwards (1996).

[15] The dump is, however, the source of employment for some residents of the Kennedy Road settlement. Other work explores this tension further Patel, Raj. (Forthcoming).

[16] Which were only fully revealed to shackdwellers after an application under the Promotion of Access to Information Act. The full documents received, which still lack vital details, are available at http://www.abahlali.org/node/279

Most of all, the housing was far from the jobs and economic possibilities that had brought shackdwellers to Kennedy Road in the first place.

The view that the shackdwellers are dupes, fooled by the municipal authorities into believing that work and other benefits will be made available to them from the dump, but that shackdwellers are pawns in a bigger game of which they are unaware, is one shared both by Khan and by a range of other commentators (Bond and Dada 2005). It may indeed be the case that shackdwellers are manipulated – indeed, the argument in this paper so far has been that, as a population in vote banks, they have been used by the ANC. But, and this is a crucial distinction, shackdwellers have become increasingly aware of the complex interplay of class, race, nation and political affiliation. The ANC did, after all, bring social spending directed specifically at poor black people, through child grants and pensions. They also brought, at least at the outset, a non-ethnic vision of nationhood – the Inkatha Freedom Party, after all, did not. The ANC offered material and ideological goods that were important in the impoverished and multi-ethnic shack settlements, and were understood as such. There was a great deal of thinking, negotiating and compromise happening within the shacks. While Khan and other residents with formal housing and water are happy to consign shackdwellers to distant areas like Marx's 'sacks of potatoes'[17], under the municipality's plans, shackdwellers themselves have formed their own sophisticated views of the opinions held about them across the class divide.

In the words of Mnikelo Ndabankulu, a shackdweller from nearby Foreman Road:

[17] Marx, Karl. 1964. *The eighteenth Brumaire of Louis Bonaparte*. New York,: International Publishers..

"(Mayor Obed) Mlaba wants to relocate us to Verulam. Why? Because of

property prices. I thought the government slogan was Batho Pele (People First)

and not property prices," he said.

He points to an empty plot of land adjacent to the settlement, "They promised to

build us housing on that side ... we don't want to move to Verulam, we like it here

in [electoral] ward 25." (Langanparsad 2006)

Articulating the fetishisation of land, nationhood, party and citizenship, Ndabankulu

conjures the memories of anti-apartheid struggle, the promises it brought, the slogans

generated within it, and the disappointments in the wake of 1994. It is an analysis that

demonstrates that shackdwellers need not have been cast as hapless and ignorant dupes,

and it's a reminder that some civil society analysis, while offering progressive politics,

can in its agnosticism around class, fall to forces of reaction.[18] Ndabankulu's words

reward further analysis in this regard, and we will return to them below, but to be able to

do it justice, some clarification and exegesis on the pro-active character of shackdweller

analysis and organizing is necessary. The final detail in Figure 1 above is an area of land

less than a hectare in size. It's the land that Ndabankulu was pointing to in the above

quotation. It is known to all as 'the promised land', a moniker it earned as a result of its

being promised, repeatedly over the course of a decade, to the residents of the Kennedy

Road shack settlement.

Through the promising, the land achieved somewhat mythic status, an embodiment of the

post-apartheid dividend that was temporarily in limbo, but that when disbursed to the

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[18] See the special issue of Critical Asian Studies, December 2005, for more.

shack residents, would augur the beginning of the end of their poverty. It was with great hope, then, that in March 2005, residents of the shacks welcomed the arrival of bulldozers onto the Promised Land. And with profound disillusion when they learned that the local ANC councillor had given the land not to the residents, but to a local brick company. The residents organized a protest later that weekend, which involved their burning tyres on a major arterial road at the bottom of their settlement. The police intervened, arresting fourteen people at random, including legal minors, and detaining them under charges of public violence (Patel and Pithouse 2005).

The confrontation between the state and the shackdwellers escalated. Legal protests were organized to demand both clarity and action from the ANC representatives who had previously relied on the shackdwellers as a repository of votes and good faith. First, a protest was launched against the incumbent Councillor, Yakoob Baig, a career politician who had switched his allegiance from the National Party to the Democratic Party to the ANC over the course of his career. When Baig failed to respond to demands, shackdwellers escalated their protests to the municipal level, demanding that Mayor Obed Mlaba, and city manager Mike Sutcliffe, respond to questions and issues relating to housing. One such protest was illegally broken by the local Sydenham police force.[19] A subsequent protest against Mike Mabuyakhulu, KwaZulu-Natal's Provincial Minister of Local Government Housing and Traditional Affairs was banned, illegally, by the municipality. The shackdwellers obtained a high court injunction to proceed with their march.

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[19] See http://www.abahlali.org/node/20

The protests took place against the year-long run up to the 2006 Municipal Elections, which were held on March 1. Throughout the escalating process, and increasingly at the marches, it became clear to the shackdwellers that their role in the state's plan was as patient recipients of development, rather than active participants in its conception. Despite the state's rhetoric of participatory development, the kind of participation involved reflected more a *dirigiste* vision. Reflecting on this five years earlier, Heller (2001) observed the trend:

> The ANC's drift toward centralized control and technocratic domination can only
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> be explained by the demobilization of popular sectors and the state's
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> disengagement from civil society. (Heller 2001: 158).

Many shackdwellers experienced this demobilization as symptomatic of a broader betrayal. The arts of citizenship, engagement, debate and iconoclasm learned and practiced under the anti-apartheid struggles were systematically denigrated by the government. Instead, the state extolled the virtues of patience, and of faith in authority. While some residents of formal housing next to the dump shared with shackdwellers a disdain for the state, both the state and some middle class residents seem to have shared a view of the poor as needing to do what they were told.

The dialectics of betrayal and disappointment, of protest and counter-manoeuvre, spawned (not inevitably, but contingently) a network of social organization, through which shackdwellers in different settlements, at weekly meetings, came to unite under the name of 'Abahlali baseMjondolo' – Zulu for 'those who stay in shacks'. In response to

the systematic deskilling, and the frequent use of knowledge in authority against them, the shackdwellers organized into a broad social movement, some members of the movement described it as 'the University of Abahlali baseMjondolo' (Pithouse 2006a; Patel 2006). Shackdwellers came quickly to the realization that a great deal of their potential power lay precisely in their role as 'votebanks', as deliverers of the ANC's mandate to rule on behalf of a racial and poor majority. The upcoming election offered a moment of 'political opportunity'.[20]

No Land No House No Vote

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[20] This is Tarrow's not terribly helpful phrase. To say that a political opportunity exists tells little about the precise dynamics, let alone dialectics, through which it becomes important.

The slogan 'No Land No House No Vote' is one that was circulated widely within the shack communities. The slogan was an inspired piece of political propaganda, forged in widespread meetings across different settlements (at which the possibility of fielding their own candidate was discussed and then decided against). The slogan linked the popular mandate with a re-articulated question of land as a means to a place in the city. It resisted gentrification (Smith 2002), demanding instead a right to live, move, work and play in Durban. It was a call to which the ANC reacted badly.

The rupture of the shackdwellers with the ANC happened at the same time that the party came under increasing attack for its failure to address growing inequality, and a widespread feeling that it had betrayed the poor. Although shackdwellers in Durban had organised into South Africa's largest social movement independent of the state,[21] the discontent to which it gave voice was being manifest nationwide. In 2005, over 6000 demonstrations, legal and illegal, were organised in South Africa.[22] In a bid to downplay them, the state referred to them as 'spontaneous service delivery protests' (Cape Argus 2005). In fact, the protests were rarely spontaneous, nor were they about service delivery (as we see in the case of the Kennedy Road protests, which were the culmination of over a decade of promise and betrayal). The description itself, however, painted the participants in the protest as unthinking, and of the government's failure as singularly a failure to provide, rather than as the broader demobilisation and deskilling of its citizens. These rhetorical moves were augmented by two further manoeuvres which Foucault

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[21] This claim acknowledges that while movements like COSATU, the Confederation of South African Trade Unions, has more members, its claim to being independent of the state is null: COSATU is, with the Communist Party, a member of the ANC's tri-partite ruling alliance.
[22] http://www.fxi.org.za/pages/Legal%20Unit/Gatherings%20Act/Taming%20the%20toyi%20toyi.html

might have predicted in advance – the denomination of its critics as insane or criminal (Foucault 1979; 1988). One public spat in 2004 between President Thabo Mbeki and Desmond Tutu, ended with the Archbishop thanking Mbeki 'for telling me what you think of me. That I am a liar with scant regard for the truth and a charlatan posing with his concern for the poor, the hungry, the oppressed and the voiceless.'[23] Such attempts at delegitimisation were the stock in trade of the apartheid regime, and it is ironic that it was Helen Zille, of the Democratic Alliance and mayor of Cape Town, who observed that 'It is a very poor reflection on the post-apartheid government that it is using exactly the same tactics in an attempt to silence him' (SAPA 2004).

Mbeki himself was at pains to address the discontent of poor people around his government's performance. In a speech in mid 2005, he appealed to the public saying that 'We must stop this business of people going into the street to demonstrate about lack of delivery. These are the things that the youth used to do in the struggle against apartheid' (Mbeki 2005). The logic here, just to be clear, is that with the end of apartheid comes also the end of possibilities that the government's behaviour is anything but legitimate, and therefore beyond reproach. Further ANC communications made it clear that any debate was a matter internal to the party.[24] And, as Foucault might also have predicted, those who sought to indict the state's forces of development were attempting to indict the ANC, and therefore to indict the anti-apartheid struggle – an indictment that could and would be seen as contrary not only to good sense, but to the law. It was, therefore, an

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[23] Tutu 2004 http://news.bbc.co.uk/2/hi/africa/4052199.stm
[24] See ANC today passim.

extension of the discourse of unreason that 'service delivery protesters' were seen as criminals.[25]

Attempts to criminalize the poor are, however, difficult to maintain when the numbers involved become quite as large as involved in the Abahlali baseMjondolo movement (which today has over 30,000 members). When the official narrative of power has been unsuccessful in casting the majority of shackdwellers as wolves, it has tried to portray them as sheep. Responsibility for their deviant behaviour has been placed almost everywhere but at the door of the poor themselves. Academics working with the poor have been accused of stirring up trouble – a repeat of the Third Force discourse under apartheid. [26] It is a response that was heard, appropriated and turned around in a widely circulated article by the elected head of the Abahlali baseMjondolo, S'bu Zikode, in a piece entitled "I am the Third Force", in which Zikode was able to flip the issue of power and representation on its head:

> "We need to get things clear. There definitely is a Third Force. The question is
> what is it and who is part of the Third Force? Well, I am Third Force myself. The
> Third Force is all the pain and the suffering that the poor are subjected to every
> second in our lives. The shack dwellers have many things to say about the Third
> Force. It is time for us to speak out and to say this is who we are, this is where we
> are and this how we live. The life that we are living makes our communities the
> Third Force. Most of us are not working and have to spend all day struggling for

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[25] The criminalization of poor people has recently reached new heights with a police sponsored publicity series, recalling the layout of a comic strip, in which local constabulary officials raided shacks, recovered stolen property, hunted 'cop killers', and in which arrested 'suspects.. begin their long walk to freedom'. http://www.sydenhamcpf.org.za/SAPS/SAPSRaid20050729.pdf

[26] http://www.abahlali.org/node/182

small money. AIDS is worse in the shack settlements than anywhere else. Without

proper houses, water, electricity, refuse removal and toilets all kinds of diseases

breed. The causes are clearly visible and every Dick, Tom and Harry can

understand. Our bodies itch every day because of the insects. If it is raining

everything is wet - blankets and floors. If it is hot the mosquitoes and flies are

always there. There is no holiday in the shacks. When the evening comes - it is

always a challenge. The night is supposed to be for relaxing and getting rest. But

it doesn't happen like that in the jondolos. People stay awake worrying about their

lives. You must see how big the rats are that will run across the small babies in

the night. You must see how people have to sleep under the bridges when it rains

because their floors are so wet. The rain comes right inside people's houses. Some

people just stand up all night.' (Zikode 2005)

The municipal authority met the counter-position of shackdwellers with its own moves,

attempting to secure hegemony through fracturing class-based organising with morsels of

patronage, and promises for the future. As the elections drew closer, it promised key

organisers in the shacks that in exchange for guaranteeing ANC votes, the municipality

would re-house them. The municipality also announced, prematurely it turns out,[27] that it

was about to house between 15,000 and 20,000 families in a R10 billion development.[28]

All that the municipality asked from the shackdwellers was a little patience, and that they

refrain from embarrassing the government further by talking to the media. It was a

request that was met with the response that 'Democracy is not about us being loyal to

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[27] Again, this has been discovered by the shackdwellers only through recourse to the Promotion of Access
to Information Act – and the disclosures made by the government have been incomplete and partial at best.
[28] http://www.themercury.co.za/index.php?fArticleId=3000079

Nkosi [traditional lord]. Democracy is about Nkosi being loyal to the citizens of this province.'[29]

The political back-and-forth, between the shackdwellers, the local middle class, the municipality and the government each had their own dimension, each with their own mobilisation of concerns around land, and around the claims that would stabilise 'ownership' of that land as an uncontested fact. At many protests, the South African flag has been a constant feature, linking the demands of the protest directly to claims on the nation, and the state. At the protest on 27th March 2006, the protest's memorandum began with the words:

> 'We the shackdwellers of Durban, democrats and loyal citizens of the Republic of
> South Africa, note that this country is rich because of the theft of our land and
> because of our work in the farms, mines, factories, kitchens and laundries of the
> rich. We can not and will not continue to suffer the way that we do.'[30]

The appeal to citizenship, and to loyalty, is also a feature of demands from other protests.[31] Precisely because processes of accumulation are underway, there's a tension. When Mnikelo Ndabankulu talks of house prices trumping people, he presents an important analysis. His referent to house-prices trumping people points directly to an insight about the transformation of the state in its local government forms, as an agent of the bourgeoisie. And it is *house prices*, not housing, that Ndabankulu points to – the

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[29] http://abahlali.org/node/72
[30] See http://www.abahlali.org/node/100
[31] See, e.g. memoranda for protests on 14 September 2005 and 4 October 2005 at
http://abahlali.org/node/138 and http://abahlali.org/node/211

prices being the normalised institution of 'ownership', rather than the politically charged notion of 'people' that is summoned by citizenship. This range of tensions over land might be summarised in the following table.

Constituency	Land Value	Ways value might be increased	'Ownership' stabilised by claims to…
Local councillor	Source of patronage (alleged)	Trouble-free disposal of land to local business	Position as 'elected official'
Shackdweller community	Means to access jobs, healthcare, education facilities Source of food (for a handful of families)	Security of tenure	Occupation, moral claim, political mobilisation, citizenship
Local house-dwellers	Store of value Access to jobs, healthcare, education, facilities	Removal of shackdwellers (perceived reduced crime and increased house valuation)	harm already suffered by dump, history of occupation of land
Property developers	Possibility of redevelopment	Removal of shackdwellers	Promise of 'black economic empowerment'
Municipality	Sink for municipal refuse		Greater public good
Party	Vote bank (2000)	Site of trouble-markets – remove key organisers	Heritage of anti-apartheid struggle, guardians of nationhood, democracy and development

Table 1. Constituencies and concepts mobilised around land in Kennedy Road

It was under these conditions under which the 2006 municipal elections were held, with the shackdwellers pushing for a 'no land no house no vote' position, with local home owners concerned about the value of their property, and with the government taking an

increasingly and publicly hard line against the shackdwellers on whom they had relied for a vote. The meaning of the election was, at least as far as the government was concerned, a referendum on its post-apartheid policies, and an opportunity for citizens to participate in a process that would re-confer a mandate for its hegemony.

When the ANC won, it claimed precisely this vindication. As Thabo Mbeki put it:

> 'Once more the masses of our people have confirmed their confidence in our movement as the leading representative and repository of their hopes and aspirations. For our movement and indeed for all democrats, the days ahead of us must and will be days of celebration.

> 'There are many things that we must celebrate. We must celebrate the fact that we have further entrenched our position as the largest political formation in our country, freely chosen by our people as the leading party of government in all three spheres of government. We must celebrate the fact that the masses of our people continue to support the ANC perspective of progressive social transformation, and unreservedly acknowledge the positive changes we have brought about since 1994.'[32]

A closer scrutiny of the election data suggests that while the ANC may have increased its majority, not least in Durban's electoral wards (23 and 25) in which shackdwellers organised, something else was afoot.

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[32] http://www.anc.org.za/ancdocs/anctoday/2006/text/at08.txt

Ward 23

Party Name	2000		2006		% change
	Votes	%	Votes	%	
Independent	656	15.0	41	1.0	-14.0
Democratic alliance	**1007**	**23.0**	**639**	**15.6**	**-7.4**
National united people's organisation	36	0.8	16	0.4	-0.4
Pan Africanist Congress of Azania	15	0.3	5	0.1	-0.2
Vryheidsfront Plus			1	0.0	0.0
eThekwini Ecopeace	4	0.1	11	0.3	0.2
National Democratic Convention			10	0.2	0.2
United Democratic Movement			12	0.3	0.3
Scara Civic Party			14	0.3	0.3
Truly Alliance			45	1.1	1.1
African Christian Democratic Party			66	1.6	1.6
African National Congress	**2024**	**46.3**	**1992**	**48.5**	**2.3**
Inkatha Freedom Party	217	5.0	386	9.4	4.4
Minority Front	416	9.5	866	21.1	11.6
Total Valid Votes	4375	100	4104	100	
Registered Voters	13124		13297		
% Poll		33.4		30.9	**-2.5**

Ward 25

Party Name	2000		2006		
	Votes	%	Votes	%	
Democratic alliance	2043	39.2	1194	21.9	-17.3
eThekwini Ecopeace	27	0.5	28	0.5	0.0
Scara Civic Party			11	0.2	0.2
Vryheidsfront Plus			12	0.2	0.2
Azanian Peoples Organisation			15	0.3	0.3
National United People's Organisation			23	0.4	0.4
United Democratic Movement			28	0.5	0.5
Inkatha Freedom Party	266	5.1	373	6.8	1.7
Minority Front	372	7.1	484	8.9	1.7
Independent Democrat			104	1.9	1.9
African Christian Democratic Party	219	4.2	342	6.3	2.1
Truly Alliance			144	2.6	2.6
African National Congress	2292	43.9	2706	49.5	5.6
Total Valid Votes	5219	100	5464	100	
Registered Voters	14314		15919		
% Poll		36.5		34.3	**-2.2**

The two features to note in the election results are, first, a reduced turnout and second,

more revealing, a defection away from the Democratic Alliance greater than the increase

of the ANC's vote. Indeed, had it not been for the shifting profile of the ANC's vote, it would have lost these two electoral wards. In the end, the African National Congress won because of the votes of those who were not, under apartheid, considered African. Instead, the Democratic Alliance, a party that has a right-of-centre agenda which appeals, in large part, to a middle class constituency, saw its faithful voters draining into the ANC as the ANC marked out its willingness to cater to a new middle class, in the name of catering (as Mbeki fulsomely claimed) to every citizen.

I'm keen here to place the election not as a result, but as a further moment in the ongoing battle for hegemony. The election itself was part of the cut and thrust, of the war of manoeuvre, as Gramsci would put it, in which the understanding of terms like 'democracy', 'citizenship', and nationhood inflect questions of land. Mbeki's claim to be acting for all is somewhat belied by the ballot data, and by the party and police actions which specifically targeted poor and 'badly behaved' Africans living in the city, badly behaved because they dare to claim their rights before the ANC is ready to deliver them, years after they had been promised. Through these actions, the party and state displayed a particular, and important, attitude to shackdwellers, and their citizenship.

Citizens without Citizenship

Giorgio Agamben offers an incisive analysis of citizenship. In his 'Against Human Rights', he analyses Hannah Arendt's (1943) essay 'We Refugees', in which an assimilated Jew who 'after having been 150 percent German, 150 percent Viennese, 150

percent French' is stripped of all these identities. Agamben sees the refugee as the 'only thinkable figure for the people of our time and the only category in which one may see today – at least until the process of dissolution of the nation-state and its sovereignty has achieved full completion – the forms and limits of a coming political community.' He justifies this by reminding us that

> 'One of the few rules the Nazis constantly obeyed throughout the course of the "final solution" was that Jews and Gypsies could be sent to extermination camps only after having been fully denationalized (that is, after they had been stripped of even that second-class citizenship to which they had been relegated after the Nuremberg Laws). When their rights are no longer the rights of the citizen, that is when human beings are truly *sacred*, in the sense that this term used to have in the Roman law of the archaic period: doomed to death.' (Agamben 2003: 8)

Refugee camps can be thought of as cities without citizens. What we see in the blossoming shackdweller population in Durban[33] is a variation on this theme. Communities within the city whose residents provide cheap labour for the middle classes, and who reproduce their own labour in the city, but who can never be embraced as permanent members of that city in the places where they currently reside, those communities are formed of citizens without citizenship. The call of the shackdwellers is that they are 100% South African. The state is, nonetheless, unwilling to accommodate their demands, consonant though they might be with the letter of the constitution, with the documentation of the state.

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[33] This is, indeed, a planetary phenomenon, involving over one billion people: (Neuwirth 2005).

This points to an important difference between the resistance organised by Sajida Khan and other middle class residents, and that of the shackdwellers. In the case of the former, citizenship rights are assumed, and their attempts to remove the dump from the city, and remove themselves from the vicinity of the dump, proceed on the basis of their assumption of citizenship. The rights of housed families affected by solid waste pollution are legible to the state, and acceptable to it. Notwithstanding the fact that the government has shown itself unwilling to accommodate them, Khan and her fellow residents do not live in fear of arrest. In the case of shackdwellers, whom both Khan and the state homogenise, organising has time and again reasserted not merely their demands, but their right to have those demands heard. They have claimed equality as humans, as South African, as families. They have needed to do this in order simply to claim the right to exist in the city. The language of citizenship is one that the state should, at least in principle, to be able to hear – this is why it is claimed so forcefully. And it is why the state has reacted so forcefully in return, particularly around the shackdwellers' refusal to vote.

Alain Badiou argues that it is worthwhile to subject voting, and democracy as it is currently construed, to close scrutiny. In so doing, he offers an explanation of the state's behaviour:

> Today the word 'democracy' is the principal organiser of consensus. It is a word that supposedly unites the collapse of the socialist States, the putative well-being enjoyed in our countries and the humanitarian crusades of the West. In fact, the word 'democracy' concerns what I shall call *authoritarian opinion*. It is

forbidden, as it were, not to be a democrat. More precisely, it stands to reason that

humanity aspires to democracy, and any subjectivity suspected of not being

democratic is regarded as pathological. At best it refers to a patient re-education,

at worst to the right of military intervention by democratic paratroopers.

Thus democracy necessarily elicits the philosopher's critical suspicion precisely

insofar as it falls within the realm of public opinion and consensus. Since Plato,

philosophy has stood for a rupture with opinion, and is meant to examine

everything that is spontaneously considered as *normal*. If 'democracy' names a

supposedly normal state of collective organisation or political will, then the

philosopher demands that we examine the norm of this normality. (Badiou 2005b:

78)

This, incidentally, implies a restatement of the theory developed by Andreasson (2003)[34]

of 'virtual democracy'. Andreasson cites Joseph as defining virtual democracy as 'having

a formal basis in citizen rule but with key decision-making insulated from popular

involvement and oversight'. While this is certainly going on in the case above, the idea of

virtual democracy doesn't explain how the necessity of the formal citizen-based rule also

aligns with the actual shifts in demands of the electorate. The ballot becomes at once the

most disposable part of democracy, and the most vital symbol of acceptable tyranny. To

put it another way, elections are more than simply window dressing on authoritarianism.

They are a way of conscripting citizens to the authoritarian project, a way of creating

class-based ownership of the rituals of democratic tyranny, and of legitimizing the

exclusion of mass participation because the only opinions that matter have already been

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[34] It is a view endorsed by Davis (2004).

heard. And this process happens *through* the resistance to it. It would be hard to imagine that the ANC would have scored quite as substantial a draw from the Democratic Alliance had they not been so visibly and anxiously aligned in their economic policies with the interests of the middle classes they successfully drew to their side. And this wouldn't have been made quite so manifest had there not been a year of long and visible confrontations with Durban's poorest residents.

One question, in conclusion, remains. Why, after all this, after the recent targeting of members of Kennedy Road in March 2007 which has, at the time of writing, led to five of them going on hunger strike in jail, has the movement never straightforwardly denounced the ANC? As de Souza notes, movement politics in which shackdwellers can find themselves acting as 'urban planners' involves a suite of positions, 'against, with and despite the state' (de Souza 2006). But there is yet more to this. In some settlements, no party but the ANC is allowed – a break with the party would simply not be tolerated, and some shack residents live in fear of violence for expressing their disappointments with the ANC. Politics are forged with the tools at hand, and shackdwellers themselves were, in meetings on the subject, divided on the issue of the ANC, and the power of the president. Children wrote letters to Mbeki asking for his attention with pleas of 'If you don't have the power to build us houses, please give us electricity at least', to analyses of rape, to numerous threats of withholding votes if nothing was done to address the situation, to personal indictments of the president's physique: 'I know that you eat KFC and you have lots of money but you are so fat like a pig.'[35] The ANC, however, continues maintain a powerful historical connection to the anti-apartheid struggle. Although many

[35] http://abahlali.org/files/Kennedy%20Road%20brochure.pdf

within the shacks remember that other forces (the communists, Black Consciousness, etc) were involved in the struggle to be free of white minority rule, the ANC has been successful in creating a 'leadership cult'. [36] It is one that is deployed subversively – the language of the ANC, referring primarily to the ranks of the middle class, is that 'all races are welcome'. Shackdwellers have tried to use the discourses of inclusivity to argue that the city should also include them, no matter what their allegiance or ethnicity – for they retain a (tactical) allegiance to the ANC.

Another way of understanding the attachment to the ANC is, however, to understand it as a fidelity to the principles of the anti-apartheid struggle (see (Badiou 2005a). Badiou's notion of fidelity is this: "To be faithful to an event is to move within the situation that this event has supplemented, but thinking (although all thought is a practice, a putting to the test) the situation *according to* the event" (Badiou 2001: 41). The notion here is that the kinds of rupture with experience that produces militants, such as the struggle for freedom from apartheid, demands also that there be a constant positioning (and questioning of that positioning) as a result. Insofar as the ANC contains vestiges of the anti-apartheid event, it commands the fidelity of its militants. But, as it becomes increasingly clear that the party, from top to bottom, has betrayed that event of the struggle against apartheid, the struggle for a deep kind of equality, then a fidelity with the ANC is misplaced – something that the shackdwellers are finding increasingly true of late. They have found, through their investigation of the land question that they are 'exiled without return', removed not only from the land, but from the possibility of citizenship through the party, and the nation. Land is the stage on which this is carried

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[36] It is part of what I have elsewhere termed 'global fascism'. See Patel and McMichael (2004).

out, the material condition of possibility. In other words, class struggles about land are *lived* through the dialectic of material and ideological. Precisely because it is a political experiment that has no safety net, that abjures patronage from the state, it is 'exile without return'.[37] This exile, increasingly, points to a politics beyond the party. Because of the bindings of party and state, it could even point towards a politics that bears a closer resemblance to Agamben's refugees.

Through this exile, and (ironically) through the attempt to gain attention and recognition from the state, shackdwellers are forging new kinds of political community, which 'citizenship' cannot explain, and which relate to territory and place in ways that 'ownership' cannot comprehend. To understand them demands a new kind of land question, one modulated to the politics and moving beyond a land question constituted as an electoral question (and Gill Hart (1991) has offered a way of doing precisely that). It turns out that questions about land, identity, territory, production and reproduction lead us to places far from the well worn paths of 'redistribution, restitution and tenure reform'. Answering these questions would involve yet more ethnographic work – alongside, for example, the Abahlali baseMjondolo's Women's League, as they struggle to find waged work that they can do within the confines of the settlement (Ekine 2007), while simultaneously taking care of the reproductive work that allows the settlement to exist in the first place. Or alongside the Abahlali prison inmates as they go on hunger-strike to protest their illegal detention and arbitrary arrest. But this work can only begin if it can be thought. If their subalternity can be heard (Spivak 1994). And this paper has attempted to

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[37] Pithouse (2006) citing Hallward (2003).

make clear how many barriers have already been erected, before the thinking about land

has even started.

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