A Politics of the Poor
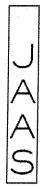
Shack Dwellers' Struggles in Durban

Richard Pithouse

University of Abahlali baseMjondolo, South Africa

Abstract

This article, written in response to recent arguments about whether or not shack dwellers can exercise historical agency, outlines the history of shack dwellers' struggles in the South African city of Durban. The sections looking at struggles under colonialism and apartheid and the nature of the post-apartheid deal with regard to housing draw on the extensive literature on these questions. The final section, which gives an outline of the emergence, nature and experience of the shack dwellers' movement, *Abahlali baseMjondolo*, is written from a first-hand engagement. The article concludes that in contemporary Durban organized shack dwellers are constituting a major challenge to technocratic conceptions of democracy.

Keywords Durban • shack dwellers • slums • South Africa • struggle

> Democracy really means ... the impurity of politics, the challenging of governments' claims to embody the sole principle of public life and in so doing be able to circumscribe the understanding and extension of public life. (Jacques Rancière, 2006: 62)

> When we are together we are taken as a chaos. (Mnikelo Ndabankulu, Comment at a meeting against the Slums Bill, 13 July 2007)

Introduction

Since Mike Davis's scepticism about the possibility of shack dwellers exercising historical agency in his famous *New Left Review* article (2004) there has been a vigorous debate about the prospect for a shack dwellers' politics.[1] This debate has often been conducted without reference to the substantial body of literature on shack dwellers' struggles built up since, at least, the 1950s and without refererence to many of the forms of shack dwellers' politics, progressive and

reactionary, currently contesting for influence in cities around the world. Moreover it has often been conducted under the motif of the guiding stereotype that continues to shape many of the assumptions that tend to organize middle-class views of shack dwellers – that of danger. This is well captured in Janice Perlman's (1979: 174) description of how Brazillian newspapers anticipated shack dweller militancy in the early 1960s: 'predications of hoards of angry favelados descending from their hillsides upon the city, rioting, looting, and threatening the lives of respectable citizens'. While the Right often writes of this prospect with fear and anger and the Left with a thrilled excitement, both fail to understand that shack dwellers are not an absolute other promising a total rupture with the way things are. Shack dwellers are nothing more and nothing less than people who live in shacks. This very brief outline of the history of shack dwellers' struggles in Durban aims to add one more link in the chain of work bringing this all too rarefied debate to ground.

Shack Dwellers' Struggles in Colonial and Apartheid Durban

Shack settlements began to be constructed in Durban following the loss of land and the imposition of various taxes after the destruction of the Zulu Kingdom by English colonialism in 1884[2] and, at the same time, the movement into the city of Indian workers who had completed their indenture on sugar plant-ations.[3] Bill Freund (1995: 34) writes that 'activities which were outside the law flourished and involved people of all colours'. Colonial authorities soon acted against the settlements and to entrench legally racial segregation with a view to 'reducing illegal liquor traffic, theft, assault, and the risk of fire, to protect health standards and to maintain property values' (Maasdorp and Humphreys, 1975: 11).[4]

The mass enclosures of land for the purpose of setting up a properly capitalist white agriculture (given legal sanction by the 1913 Land Act) pushed a dire rural crisis into a desperate cataclysm that is still playing itself out in the deprivation and struggles of today. In his *Native Life in South Africa,* Sol Plaatjie wrote of the 'roving pariahs' created by the 'sickening procedure of extermination, voluntarily instituted by the South African parliament' (cited in Bundy, 1988: 231).[5] 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 in, to forcing 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.

In 1929 and 1930 there were all kinds of, at times insurrectionary, resistances – some strongly connected to the Industrial and Commerical Workers' Union of Africa (ICU). The ICU's fascinating history is riddled with contradictions, many stemming from its embrace of millennial thinking and charismatic leadership with a tendency to consider its own interests as primary. For all its flaws including

the (often but not always thwarted) desire of many of its officials to be 'deliverers of the people, not revolutionaries committed to self-emancipation' (Bradford, 1988: 133) which led a good number of them to, like a good part of the professional left today, 'sway between ideological crowing and organizational cowering' (Bradford, 1988: 133) it was, ultimately, a project of the poor rather than for the poor. Because it was funded by membership subscription, the paid officials could never entirely escape their obligations to the membership. Helen Bradford explains that in the 1920s, 'The ICU was constituting itself as a rudimentary but nonetheless alternative power centre in wide-ranging spheres of social and state activities'. She adds, quoting Santos, that:

> 'Parallel dual power is the necessary prehistory of a confrontational dual power', and often the ICU was doing no more than bridging the gap between disintegrating traditionalist and racist capitalist worlds. But especially when infused with the creativity of members, even superficially moderate activities could point the way to the development of innovative, popular institutions. Fragmentary and partial though they were, these attempts to broaden the conflict to various arenas of society were nonetheless significant. Thus in addition to its meetings and office work, the ICU promoted alternative political and cultural practices to those through which whites shaped the ideas of blacks. (1988: 138)

The ICU ran night schools, staged music and dance performances and became what liberation theology would later call a prophetic voice in many churches often leading to a profound re-orientation of their collective social vision.

And while the ICU veered between outright militancy and various kinds of accommodation with the colonial state, it made innovative use of the courts. This resulted in all of the usual problems that come from dependency on legal strategies, which are well elaborated by Helen Bradford. The growing legal expertise of the Union officials steadily removed them from members; officials tended to fetishize legal strategies at the expense of mass mobilization; and the costs of legal strategies put the Union's resources under major pressure. Bradford (1988: 135) concludes that things got so bad that 'some organizers were little more than touts for lawyers'. But, despite all of this, because the poor often faced illegal coercion, approaches to the courts resulted in major gains with the result that 'legal victories were of enormous importance in attracting support' (1988: 136). Bradford (1988: 136) notes that there was significant 'grass-roots support for the ICU's court battles' and, quoting Engels (1972), concludes that:

> To argue that legalistic leaders never rose to the challenge of popular militancy is to romanticize the willingness of the labouring poor to storm the barricades. The commitment of subordinated groups to law and order should never be under-estimated. Not only are the norms of the dominant classes often internalized, but 'indiscipline' can also be contrary to under-class codes of behaviour. Nor do illegal protests necessarily further struggles more than constitutional actions. Simply in order to fight, achieving and defining specific legal

> rights is a key tactic whereby movements acquire 'first a soil to stand on, air, light and space'.

Important concessions were won by the resistances of 1929 and 1930 in the shack settlements of Durban and by the 1930s there were thousands of Africans and Indians as well as coloureds and a few whites in the largest settlement known as Cato Manor in English and *Umkhumbane* in Zulu. From this time there were also many Phondo[6] migrants into the city[7], a good number of whom ended up in shack settlements like *Umkhumbane*. For a while *Umkhumbane* was tolerated as the Imperial war economy required more labour. Tellingly both the African National Congress (ANC) and the Communist Party of South Africa (CPSA) tended to approach shack dwellers rather gingerly and remained uncomfortable with the prospect of any serious alliance with shack dwellers' resistances, even when these vastly outnumbered anything that elite nationalism or white dominated communism could muster. This was not unique to Durban and in Johannesburg there was a similar response to *Sofasonke*, the large squatters' movement led by James Mpanza. Mpanza's charismatic leadership was certainly colourful but Tom Lodge (1983: 16) notes that while he was paid a salary from membership fees this 'function should not be exaggerated: squatter leaders were often accused by their opponents of gangster style behaviour, but their subsequent careers demonstrate little evidence of great affluence'. It seems clear that some of the reluctance of nationalist and communist elites to engage seriously with vibrant mass-based squatter politics was rooted in aspirations for a very limited and strikingly colonial conception of modernity. For instance, in a debate with Mpanza over the right to brew beer, the ANC's P.Q. Vundla declared that 'we do not want these "native customs" because our township being part and parcel of the town we have to follow the white way of living' (Lodge, 1983: 17). Interestingly, given current realities, Lodge (1983:16) also notes, via Stadler, that:

> the central government displayed little enthusiasm in assisting local officialdom in its persecution of the squatters. The latter were housed at no cost to the state or industry. For the municipality though, the squatters represented a direct threat and challenge to its authority.

Serious conflict erupted in Durban in 1949 between Indian landlords and African tenants denied the right to own property. By this time there were close to 70,000 people living in the shacks. The initial response of the City was to provide basic services within the settlement – 'roads, stormwater drainage, street lights and ablution blocks. ... Sites were also made available for schools, churches, community halls, sports grounds, crèches, shops' (Maasdorp and Humphreys, 1975: 17) and low-interest loans were provided for building and upgrading shacks. In the policy jargon of today this would be called an *in-situ*-upgrade. For a while *Umkhumbane* flourished and its urban cosmopolitanism produced everything from its famous *izitabane* (gay) community to all kinds of

musical and dance syntheses that have clear trajectories into the present.[8] But in March 1958, with the population at 120,000, and the apartheid state achieving its full power, the Durban City Council, working within a colonial academic and policy consensus with a global reach,[9] began a 'slum clearance' project that forcibly removed Black shack dwellers to racially segregated modern townships on the periphery of the city. White shack dwellers, who according to Lodge (1983: 147) 'numbered a few thousand' were presumably moved into the city. It was justified in the name of increasing property values, reducing crime and improving health and hygiene. People who did not have their names on the right documents 'would have their homes and sometimes their possessions within them flattened without warning by bulldozers' (Lodge, 1983: 147). But it was not just people at risk of being made homeless by eviction who resisted. Forced removals to new houses in new townships were militantly opposed, primarily on the grounds that transport costs from the new townships to work were unaffordable.

In 1959 demonstrations in the settlements stopped the evictions three times. There were moments when the resistance was clearly organized and articulated as a women's project[10] and Women of Cato Manor issued a direct challenge to the State, patriarchial relations in the settlement and the lack of militancy from the ANC Women's League. In November there was a mass boycott of the municipal beer hall. As the conflict escalated, lives were lost. In January 1960 6000 people marched into the city. Protest in and around the settlement had been tolerated to a degree but the moment the shack dwellers went into the city that toleration was withdrawn. The army was bought in and resistance crushed. But instead of smashing the resistance the evictions scattered it resulting in a series of dramatic rural rebellions. As Tom Lodge (1983: 149) notes, 'The indignation of rural women was infectious, and it found fertile ground in rural worries and distress'. Regardless the mass evictions were continued and largely completed in August 1965.

Other shack settlements in the city were also razed despite resistance, with the mostly Indian Tin Town on the Springfield Flats being cleared by 1964. A co-operative research project between the Durban Corporation's Department of Bantu Administration and the University of Natal aimed at assessing the capacity of relocated shack dwellers in the new segregated townships to pay for services concluded that 'the policy of rehousing Africans in townships on the urban periphery involved them in a significant increase in living costs' (Maasdorp and Humphreys, 1975: 40). The same conclusion was reached with regard to Indians relocated from Tin Town. These forced removals are remembered, bitterly, in popular and official memory as great crimes of apartheid and as originary events in many accounts of political conscientization. But the memories of these settlements also capture the essential ambiguity that so often occurs in thinking about the shack settlement: it can simultaneously be a site of political and cultural freedom because of its proximity to the city, its popular

cosmopolitanism and its autonomy from the State and authoritarian modes of enforcing 'tradition' and, also, a site of suffering because the absence of the State means the absence of the services – water, sanitation, electricity, roads, drainage, refuse collection, health care and so on – that are needed for a viable urban life. So, speaking in 1960, the head of the ICU, A.W.C. Champion, who had, despite all his other failings, supported militant mobilization against conditions in *Umkhumbane*, still described it as 'the place in Durban where families could breathe the air of freedom' (Maylam, 1996: 19).

At the height of apartheid Africans were successfully barred from any autonomous or potentially autonomous spaces in the city and could legally live only in workers' hostels or servants' quarters. But in the late 1970s, cracks began to emerge in the barriers around white space. By the 1980s the apartheid state, occupying Namibia, at war with the Cubans and the MPLA (Popular Movement for the Liberation of Angola) in Angola and battling insurrectionary township rebellions across the country, lost the capacity to regulate completely the movement of Africans. Where possible elite white suburbs were protected but people were able to flood into the cities, seize land in defiance of the State and found communities autonomous from the State. People called these new settlements *imijondolo*.[11]

This movement into the city was greeted with tremendous racialized panic in white and Indian communities but was celebrated by the ANC underground and in exile. In Durban's northern suburbs like Sydenham, Clare Estate and Reservoir Hills, settlements usually began as carefully hidden structures built at night in dense bush on steep terrain.[12] In Durban, and around the country, open resistance to threats of removal became possible when settlements became large enough. The settlements did not only become home to people fleeing rural poverty or regimes of terror on white farms. They also became an important safety net for the urban poor, for people fleeing political violence and for people, especially women, teenagers and sometimes even children, fleeing abusive relationships. In 1985 riots broke out in the Crossroads settlement in Cape Town after Minister of Co-operation, Development and Education Gerrit Viljoen said, in a sound bite that is regularly used by state officials 20 years later, that 'uncontrolled squatting would not be tolerated' (Platzky and Walker, 1985: xxvi). In four days of conflict 18 people were killed and hundreds injured. In response, the State declared a moratorium on forced removals. Although distinctions between 'legals' and 'illegals' (something which continues) allowed the State to continue to evict, mass revolt had, as in Durban a generation before, won a major concession – the exclusion of autonomous African communities from the cities, successfully enforced since the mid-1960s, was no longer absolute.

By July 1987, the Durban City Council publicly accepted the principle that the new settlements would be permanent but, nevertheless, in the same year 'squatters in Wentworth, Clare Estate and Reservoir Hills had their shacks demolished by the police and many were arrested for trespassing' (Maharaj,

2002: 179). But more shacks were erected in Clare Estate and within two years the city conceded the permanence of the settlements in practice.

The hundreds of settlements that were founded in Durban in the 1980s had a wide range of very different origins, modes of governance, political affiliation and relationships with people in nearby township or suburban housing. But they were all nodes of connection enabling a new mobility between city, township and village life. Many people, via the better livelihoods and education available in the city, were able to improve dramatically their material circumstances and autonomy from a base in an urban shack. For those who remained in acute poverty, an urban base could at least keep hope alive and nihilism at bay. At the time many shack dwellers had tremendous hopes in the gathering popular resistances to apartheid. In his blurb for Omar Badsha's *Imijondolo* (1985), a photographic essay on the Amouti settlement in Durban, Desmond Tutu wrote to recommend this

> harrowing chronicle of what does happen to God's children who are victims of a vicious policy ... I hope this book will sear our consciences so that we will work to put an end to policies that can produce such human tragedy.[13]

It was widely believed that the end of apartheid would be the end of the shack settlement – via development and not destruction.

The Post-apartheid Deal

By the late 1980s it was clear that apartheid would fall. Workers declared that the name of the coming new order was socialism. Local capital, following the example of USAID[14] deciding to invest in the winning horse, began to look to influence anti-apartheid struggles and set up an NGO called the Urban Foundation.[15] The Foundation aimed to persuade the poor that the market could work for them. It broke with the fears of invasion inherent in the apartheid term 'squatter camp' and introduced the term 'informal settlement' which, they felt, spoke to a temporary condition that could be alleviated by unleashing previously blocked entrepreneurial energies. The Foundation returned to the housing model of the early 1950s, when the State was weaker and popular counter power was stronger than under high apartheid, and worked for the provision of basic services to shack settlements and for people to be allowed to develop their shacks into more formal dwellings as their incomes improved. They choose the Kennedy Road settlement in Durban as a pilot project. The shacks in the Kennedy Road settlement cling to the side of a steep hill squeezed up against the perimeter fence of the city's main dumpsite, the largest in Africa, to the west and the south. The big fortified houses of suburban (and under apartheid segregation Indian) Clare Estate lie to the north, on the other side of Kennedy Road, and the shacks tumble down eastwards to the ugly big box stores of Springfield Park where Tin Town used to be.

When the ANC opened their offices in Johannesburg after they were un-
banned in 1990, a huge banner in the foyer declared, 'Occupy the Cities!'[16] ANC
aligned settlement committees were expected to affiliate themselves to the
South African National Civics Organization (SANCO) and were thus brought
under direct party control. In July 1991 the City resolved to develop the largest
settlement, Kennedy Road, in partnership with the Urban Foundation in two
phases. Phase One was implemented and a community hall, 147 pit latrines and
four communal taps were provided and some shacks were electrified. Fifteen
years later that hall would play a central role in the second great mass mobil-
ization of shack dwellers to challenge the city fathers from below.

On 9 November 1993 the African National Congress issued a press statement
in the lead-up to the first democratic elections condemning the 'housing crisis in
South Africa' as 'a matter which falls squarely at the door of the National Party
regime and its surrogates'. It went on to describe conditions in the 'informal
settlements' as 'indecent' and announced that:

> Nelson Mandela will be hosting a People's Forum on Saturday morning in
> Inanda to hear the views of residents in informal settlements ... The ANC calls
> on all people living in informal settlements to make their voices heard! 'Your
> problems are My Problems. Your solution is My Solution', says President
> Mandela. (African National Congress, 1993)

One of the settlements specifically mentioned was Kennedy Road. Seven months
later the ANC swept to power in the national parliament. After accession to
power they made no attempt to 'hear the views of residents in informal
settlements' but they did build houses. But, as Marie Huchzermeyer (2004: 233)
shows, 'The central ideas put forward by the Urban Foundation in the early 1990s
were incorporated into the national housing policy after the 1994 elections'.
Although the State did push hard to build houses the 'internationally applauded'
focus on rapid 'delivery' deflected attention from critical views, not least from
the recipients of this 'delivery', on exactly what was being delivered to whom.
Various policy documents focused 'on the need to develop well-located land for
the poor' (Charlton, 2003: 267) but, as Huchzermeyer's (2003: 213) consistently
principled work shows,

> Minimising the up-front cost per unit requires new housing developments to
> be located on cheap tracts of land, or on land already owned by the state. In
> South Africa much post-1994 low-income housing has been developed on land
> that was purchased in the 1980s by the apartheid government for township
> development in accordance with its segregationist ideology. Thus, many
> apartheid urban plans have been unquestioningly implemented by the post-
> apartheid government.

However, in some instances there was very quick regression from late apartheid
plans. For instance, in September 1995, the City felt able to change its plans for

the Kennedy Road settlement from phased upgrades to relocation and recommended that 'the entire development of Kennedy Road be aborted' and promised that 'the affected families [will] be rehoused in one of the Council's fast track housing projects' (City of Durban, 1995). Since then there has been no development at all in the settlement on the grounds that it is now temporary. It has not been subject to forced relocation although this remains the plan.

Within the shack settlements that had been created in the great popular democratic groundswell of the 1980s[17] the most immediate local lived reality of political change in the era of parliamentary democracy was largely characterized by a move away from popular bottom-up democracy towards a top-down and often increasingly authoritarian system whereby local elites delivered settlements to the party as vote banks in exchange for petty favours. But there was progress in the legal regime with regard to evictions. Section 26(3) of the Constitution of the Republic of South Africa, 1996 stated that 'No-one may be evicted from their home, or have their home demolished without an order of court made after considering all the relevant circumstances. No legislation may permit arbitrary evictions'. A year later the 1951 Prevention of Squatting Act was replaced by the Prevention of Illegal Eviction and Unlawful Occupation of Land Act of 1998 in order to give force to Section 26 of the Constitution. This act establishes clear rights for shack dwellers protecting them from forceful and undignified eviction.

On 4 June 1999 the ANC greeted news of their first victory over the Inkatha Freedom Party in the provincial election in KwaZulu-Natal with a euphoric press statement (African National Congress, 1999). They promised, that, as their first priority, 'The ANC will together with our people address the concerns of the poorest of the poor living in squatter camps like Kennedy Road, Lusaka and Mbambayi'. Their power, including their power to demobilize popular militancy and to speak for its traditions, was justified first and foremost in the name of the poorest – people in 'squatter camps' like Kennedy Road. Kennedy Road voted solidly ANC.

The fifth of December 2000 marked the introduction of a new local government system that aimed to redraw apartheid municipal boundaries with a view to expanding them to include black people living outside of these boundaries, including, of course, people who have been removed from shack settlements in the city to townships on the periphery. The Durban Municipality was expanded into the much larger eThekwini Municipality and divided into a hundred electoral wards. The ANC branch structure was reworked to fit with these wards and each SANCO-affiliated settlement committee got one seat on the Branch Executive Committee of the local ANC, which was chaired by the local councillor. In Clare Estate, shack dwellers voted overwhelmingly ANC against middle-class Indian and mixed-race residents who largely supported white parties. The new eThekwini Municipality estimated that over 800,000 of the city's 3 million inhabitants lived in what were called 'informal settlements'[18] during

the transition and were now called, in a return to the older language of colonialism, and often with overt hostility, slums.[19]

In 2001 Durban was selected as a pilot project for a 'Slum Clearance Project' linked to the United Nations Habitat *Cities Without Slums* project. S'bu Zikode, who had just been elected as the Chair of the Kennedy Road Development Committee, was elected as chair of the Clare Estate Slum Clearance Committee. For years Mayor Obed Mlaba would continue to speak as though the general approval of the UN for the slum clearance project in and by itself rendered all specific critique by shack dwellers 'a plethora of untruths'.[20] So much for decolonizing the mind.[21] The Slum Clearance Project is based on the privatization of the city's rental housing, built for the Indian, coloured and white poor under apartheid, and the '*in situ* upgrade' and 'greenfield relocation' of 'informal settlements'.

It is based on an authoritarian technocratic decision-making model whereby elites spread across the state/NGO/donor/transnational organization/academic complex take decisions in what they imagine to be a post-political 'government by the most intelligent' (Rancière, 2007: 35). Marcelo Lopes de Souza (2006: 327), writing from Brazil, argues that, 'Even progressive professional planners and planning theoreticians usually share with their conservative counterparts the (tacit) assumption that the state apparatus is the sole urban planning agent – for better or worse'. But de Souza (2006: 327) shows that subaltern counter power 'does not only criticize (as a "victim" of) state-led planning, but can also directly and (pro)actively conceive and, to some extent implement solutions independently of the state apparatus. These solutions often deserve to be understood as "(grassroots) urban planning"'. And, indeed, a central lesson of the brief history of shack dwellers' struggles elaborated here is that in Durban urban planning has always emerged from the balance of power between city authorities and popular forces. The city authority's constituency has changed over the years from an alliance between the white working class and white capital, to white capital on its own, and then to an alliance between white capital and the rising black elite. However although it has ebbed and flowed it is the permanent battle between ordinary people (sometimes merely struggling to make their way into the city and sometimes organized politically) and bureaucrats acting for privilege that has made the city. This is not something that the post-apartheid state wished to accept (it wanted post-apartheid to mean post-political) and it has, from this point on, used escalating illegal violence to defend its status as the sole planning authority.

In 2005 the national government repeatedly promised to 'clear the slums' by 2014. The provincial government announced that they would achieve this by 2010. More than 70 settlements were 'ringfenced' for 'slum clearance' and 'relocation'. Statements by Mlaba and others made it clear that the plan was to make up the huge difference between the number of new houses being built, and the massively larger number of people living in settlements slated for 'slum

clearance' and 'relocation', by subjecting the minority of shack dwellers to forced removals to new and largely rural townships and casting the majority as criminals and carriers of disease and simply destroying their homes, leaving them homeless.

The consensus that shack settlements were 'temporary' led to the suspension of policies aimed at upgrading settlements. So, for example, until 2001 it was difficult but still possible to have a pre-paid electricity meter installed in your shack. To get electricity you needed to pay R350 and to be able to represent your case in a certain way. According to S'bu Zikode, 'It all depended on who applied. If you seemed ignorant because you can't speak English you were just told to wait outside'.[22] But in 2001 a policy decision was taken to stop the electrification of shacks altogether[23] and it became impossible to access electricity legally.[24] Similarly the City stopped cleaning out the pit latrines in Kennedy Road in 2001[25] and actively removed services in some settlements, like Quarry Road where portable toilets were removed in 2004 and Shannon Drive where the one tap was disconnected during daylight hours in 2005 on the grounds that people were 'wasting water' – in fact usage had gone up as the settlement had expanded.[26]

For those who were about to receive housing it was quite clear, although it was not stated as policy, that settlements in former African townships were generally slated for upgrades while those in former white and Indian suburbs were generally slated for relocation. It was equally clear, although again not stated,[27] that the settlements were being relocated in an order determined by the degree to which they were visible from the bourgeois world. There was and remains a de facto commitment to a form of separate development for the 'formal' and 'informal' spheres that denies the interrelation, historical and contemporary, between what the policy people now call the 'first' and 'second' economies. The Canaan settlement, on the road to the new colonial themed gated communities, golfing estates, office parks and malls to the north was the first to go. The removals were presented as the beginning of the promised post-apartheid 'delivery' but empirical research clearly indicates that, as with forced removals under apartheid, unemployment rocketed and income plummeted after people in the Canaan settlement were removed to the new Quarry Heights township. Many families were ripped from an acutely precarious life[28] and plunged into an even more desperate crisis.[29]

The Municipality had returned to the high apartheid policy of considering all attempts at creating new settlements as illegal land invasions. People erecting new shacks risk criminal charges and the City aims to demolish all new shacks. The City also threatens to, and often does demolish shacks that are extended or developed into more formal structures. The police force the settlements to remain 'informal', and therefore able to be described as temporary and denied basic services, and they force shacks to remain crowded, and therefore able to be described as dangerously overcrowded. Sometimes informality becomes a performance – a brick wall is hidden behind a tarpaulin or sheet of rotting

cardboard. In 1985 Laurine Platzky and Cherryl Walker (1985: xxxix) excoriated the apartheid state for deliberately producing slums in order to be able to clear them: 'First the government froze development, then declared the area a slum when it deteriorated'. Some things change, some stay the same.

Although this had the effect of forcing most new settlements to be constructed in semi-rural areas just outside the Municipality's boundary, the movement into the city was not being successfully contained. Harvey Mzimela, head of the City Police's Land Invasion Unit complained that it lacked sufficient staff to carry out its work, which 'entailed the breaking down of shacks, which has resulted in shooting and stoning instances' (Goldstone, 2005: 4). The police that do this work are equipped and conduct themselves like soldiers and are popularly known in fear as *amaSosha* (soldiers) and in open or covert derision as blackjacks – the name given to the black police sent to demolish shacks in the late 1950s and early 1960s. Nevertheless many settlements were growing and new settlements were still founded, as they were 20 years ago, with quiet construction out of bourgeois sight lines in the dead of dark nights. Often people who had been relocated to a new rural township or had their homes demolished simply moved back to another settlement in the city, increasing the number of shacks in each settlement and the number of people in each shack.

And then there were the evictions. An eviction normally occurs very swiftly when a relocation site becomes ready. There is no discussion with residents as to whether or not they approve of the relocation site or of the houses that have been built on the site. Evictions happen without a court order, without consultation, without adequate notice, without any acknowledgement that residents have the right to oppose evictions and in many instances are accompanied with casual violence. It is typical for houses to be knocked down while people's possessions are still inside. Once houses are flattened, machines are brought in to pulverize the building materials and often, but not always, a fire is then be set to burn away the last remaining evidence that there had been a settlement there. People on the list to get a house are taken to the relocation houses but people not on the list are simply left homeless. In general, shack owners get onto the housing list but shack renters are left homeless. It is not unusual for more people to be left homeless than relocated. In most instances, residents report that local elites are rewarded for delivering the settlement as a vote bank or for containing dissent during the eviction by having a large degree of control over who gets onto the housing list with widespread allegations of corruption. Residents also generally report that while the actual eviction is occurring there is a flurry of last minute deal making to get onto the housing list, which generally required the payment of bribes or, in some instances, sexual services to local elites or state officials. All of this is unconstitutional, illegal and simply criminal.[30] In Johannesburg and Cape Town the municipalities do not evict without court orders and so it is clear that in this regard there is a particular problem in Durban.

A New Upsurge in Resistance

In 2005 there was a major upsurge in popular protest around the country with most of the protests being organized by shack dwellers. The Minister of Safety and Security, Charles Nqakula, reported that there were 5085 legal and 881 illegal protests during the 2004–5 financial year (Freedom of Expression Institute, 2006). One of these protests was organized from the Kennedy Road settlement and eventually resulted in the emergence of the largest movement of the poor in post-apartheid South Africa. On 18 March 2005, bulldozers had started digging up a piece of land adjacent to the Kennedy Road settlement and long promised for housing. People had discovered from the workers on the site that this was not the beginning of the long awaited housing development but that a brick factory was being built. They moved onto the building site and demanded that the local councillor come and explain what was happening. He arrived with the police and demanded the arrest of his constituents. 'They are', he said, to the profound shock of his constituents, 'criminal'.[31] That night there was a mass meeting in the settlement. The SANCO committee came under serious pressure and after long and careful discussions a new course of action was decided on. Early the next morning a few hundred people barricaded Umgeni Road, a major six-lane road, with burning tyres and held it against the riot police for four hours, suffering beatings and 14 arrests. Alfred Mdletshe told Fred Kockott, the first journalist on the scene, that 'We are tired of living and walking in shit. The council must allocate land for housing us. Instead they are giving it to property developers to make money' (Kockott, 2005). With this spectacular act the settlement, and its governing committee, announced its independence from party control.[32]

For Alain Badiou a radical political event occurs when a group essential to a situation but rendered politically inessential to it rejects subordination and thereby throws the situation into crisis. This is what the ICU did. This is what *Abahlali baseMjondolo* began with the road blockade. Badiou, in a strangely exact echo of a phrase used by Fanon with similar intent, calls it a 'mutation of the logic of the situation' that is radical because it changes the structure of a situation and therefore brings forth new possibilities for action rather than merely making tactical manoeuvres within the extant situation.[33]

In *The Wretched of the Earth*, Frantz Fanon (1976: 38) famously asserted that 'the unemployed man, the starving native do not lay a claim to the truth; they do not say that they represent the truth, for they are the truth'.[34] The material reality of shack dwellers' lives, as well as their experience of parliamentary democracy, constitute a truth about the post-apartheid order that many, black and white would rather repress in their pursuit of a chimerical modernity of the 'world class' metropole. The return of a repressed truth is not often welcome. Since the road blockade it has become clear that Durban is not that far from the distopia in Ngugi wa Thiongo's *Wizard of the Crow* (2006) in which the elite

manically try to build the tallest building in the world while sending out the police to beat back the swirling mass of terrestrial agony.[35]

On the Monday after the 14 arrests, 1200 people staged an illegal march on the police station where the 14 were being held. Their demand was that either the Kennedy Road 14 be released or else the entire community be arrested because, 'If they are criminal then we are all criminal'. The march was dispersed with more beatings, dogs and tear gas. There were no arrests this time because the police were looking for one person in particular – S'bu Zikode, the young chair of the Kennedy Road Committee. He escaped by dressing in women's clothes amid the protection of the throng. Afterwards back at the settlement the line of young men returning the gaze of the riot police lounging against their armoured vehicles were entertained by a drunk sarcastically shouting 'Viva Mandela!' and 'Viva '*makhomanisi!*' (communists) to derisive laughter. At a packed meeting in the community hall that afternoon there were none of the empty slogans, pompous speeches or ritualized invocations of the authority of leaders that characterize national liberation movements in, or close to power. There were just short and intensely debated practical suggestions. They had entered the tunnel of the discovery of their betrayal and discovered their capacity for open resistance. There was, in that moment, an overwhelming sense of profound collective isolation from the structures and pieties of constituted power. The shroud of obedience had been torn open. Zikode declared that 'We are on our own now'.

Badiou insists that political courage has only one definition: 'exile without return' (cited in Hallward, 2003: 77). Many people feared that they would pay a high price for their exile from subordination to external authority. But they undertook it. The idea of exile often functions as a pathologically narcissistic form of legitimation for the power of a small vanguard. But Zikode has often taken care to insist that 'our homemade politics' must be made so that 'every old *gogo* (grandmother) can understand it'. There is a clear and often publicly restated commitment to think in common rather than for the mass. And we discovered that collective exile has its rewards. It is precondition for mass militancy and it is a precondition for doing philosophy. Badiou (2005: 48), again: 'For the philosopher everything consensual is suspect'. Pierre Hadot (1995: 76) argues that 'philosophical discourse now tends to have as its object nothing but more philosophical discourse' and, against this, proposes philosophy as a way of life – 'a conversion, a transformation of one's way of being and living, and a quest for wisdom' (1995: 275). Exile, and the courage to remain there, made this possible. This is one of the reasons why S'bu Zikode's often repeated mantra that 'we are poor in life but not in mind' so quickly became part of the common sense of this struggle.[36]

After 10 days in prison, various court appearances and, finally, the decisive *pro bono* intervention of a lawyer who knew the magistrate, the Kennedy Road 14 were released. The Kennedy Road Development Committee organized a

heroes' welcome for the 14. Each of the accused spoke and affirmed his/her willingness to risk prison again. Then, before the music was cranked up, Zikode held the crowd rapt with a gentle speech about suffering as a source and legitimation of revolt. The suffering of the dominated as a foundation for the theorization of resistance by the dominated is not fashionable in contemporary metropolitan theory. This is not surprising. But it is very necessary to take the reality of suffering seriously, because a radical politics must understand that it is a truth of this world, minister to it by acknowledging it and sharing it, and learn from it. In the meetings to come people would often speak about being 'matured in suffering'. Lewis Gordon has pointed to the fact that Fanon's rebellion against 'a succession of negations of man' began with weeping. Fanon (1967: 40) reported that:

> Yesterday, awakening to the world, I saw the sky turn upon itself utterly and wholly. I wanted to rise, but the disembowelled silence fell back upon me, its wings paralyzed. Without responsibility, straddling Nothingness and Infinity, I began to weep.

That weeping was an acceptance of a profound degree of alienation from contemporary pieties – untruths. It was not a cathartic opening into a politics of joy. It was the beginning of something altogether more rigorous – the end of bad faith. The idea that this struggle has been about truth – resolutely facing up to truth and its consequences and resolutely posing truth against lies has been central to its discussions from the beginning. It is now often stated that this openness to truth, an openness that renders everyone and everything a subject to collective critical reflection, is a necessary pre-condition for political projects to have legitimacy.

The first two illegal protests from the Kennedy Road settlement were followed by a series of legal marches on the nearby local councillors, some involving as many as 5000 people. The State tried the usual mix of seductive and coercive strategies to stop the marches with the latter including having the settlement occupied by the army in a spectacular display of state power. But the marches continued and included people from more and more settlements. In two of these marches the protestors carried a mock coffin and then staged a performance of a funeral for the councillor outside his office. They were not just burying the councillors as deficient instances of councillorhood but were burying the whole idea of top-down party control. Kennedy Road had had to break with SANCO when they accepted political exile. Now other settlements began to vote out SANCO committees, seen as accountable to the local ANC, and to elect autonomous committees, seen as accountable to the people in the settlements. This was not generally framed as being anti-ANC. In the Foreman Road settlement Mnikelo Ndabankulu argued that the new autonomous committee was not anti-ANC but that SANCO 'had been like Christians who worship the Bishop instead of worshiping God'. He gave a

powerful account of how he had learnt the history of struggle and the ANC from his grandfather in his rural Transkei village and remained committed to the idea of the ANC but not to its clergy. What people were actually, and audaciously saying, is that they were in fact the real ANC. In some settlements this position resulted in serious and often armed intimidation from members and associates of former SANCO committees. In a number of settlements it has been and remains consistently impossible to organize outside of the ANC, let alone against it. But on 6 October, 17 men and 15 women, elected as represen-tatives from 12 settlements that now had autonomous committees had a first meeting aimed at formally constituting themselves into a movement, *Abahlali baseMjondolo,* with a view to commiting themselves to stand together and to fight together for land and housing in the city. *Abahalali* swiftly developed into a genuine mass movement.[37]

The response from the State was paranoid from the beginning. This has manifested at a discursive level with politicians at various levels of government deploying various, and often contradictory versions of the Third Force slur[38] in an increasingly paranoid fashion. In the beginning this was often highly racialized with the key assumption being that there must be a white agitator[39] inciting shack dwellers. *Abahlali* were able to respond to the various Third Force arguments very well. S'bu Zikode (2005) wrote a now classic response, *We are the Third Force,* which was very widely published, republished and translated. *Abahlali* also responded by inviting the media to 'Meet the Third Force' and announcing that all their meetings are open to the media and anyone else at all times. This openness, together with the fact that many journalists have spent time in the settlements and seen how the movement works, combined with a scrupulously honest approach to the media, has meant that the media – elite and popular; isiZulu and English; local, national and international – have overwhelmingly sided with *Abahlali* against politicians trying to slander it as a Third Force.

Popular Politics against Technocratic Management

From the beginning, the meeting was the engine of struggle for the *Abahlali.* Music, dance, ecumenical memorials for people who have died in the relentless shack fires, just hanging out and a now a 16-team football league all work to sustain courage and weave solidarity. But the meeting, which is always open to all, is where the intellectual work is done. Many activists have good cause to dread the meeting as a slow enervating nightmare. But Fanon, a man with an indis-putably firm commitment to action, celebrates it as a liturgical act. The religious language is not only appropriate because the meeting can function to connect and sacralize the denigrated and to tend hope. It is also appropriate because the meeting, when genuinely open to the wider life lived in common, is a space for people and communities to become something new – in this case, historical

agents in the material world. And, indeed, meetings do generally start with a prayer and sometimes also a hymn. They are usually broken with *Abahlali* songs and concluded with the singing of *I am a Socialist*. Meetings have a serious and reverent feel and are conducted formally. When an issue is raised all the different positions are expressed and then the matter is discussed until consensus is reached. If consensus is not reached delegates are asked to discuss the matter in their settlement or branch meetings and the discussion is then continued the following week. If consensus cannot be reached then the matter is finally put to a vote.

Like Fanon, Alain Badiou recommends a break with the politics of representation; he sees local politics as the site for this and heralds the meeting as central to radical process. For Badiou (2005: 73):

> To say that politics is 'of the masses' simply means that, unlike bourgeois administration, it sets itself the task of involving the people's consciousness in its process, and of taking directly into consideration the real lives of the dominated. ... politics is of the masses, not because it takes into account the 'interests of the greatest number', but because it is founded on the veritable supposition that no one is enslaved, whether in thought or in deed, by the bond that results from those interests that are a mere function of one's place.

The discussion at *Abahlali* meetings is not a performance of inclusion to legitimate an outcome determined elsewhere. People elected to positions are clearly mandated to ensure democratic decision making around issues that fall under their area of responsibility and not to take decisions on behalf of the movement. Elected leaders and individuals with various forms of relative privilege are routinely subject to positions that they did not arrive with. When the meeting produces a result, we are all committed to it. This is due to deeply valued ethical commitments. But it is also due to necessity. There is no other way to build and sustain popular consent for a risky political project among a hugely diverse group of vulnerable people with profound experiences of marginalization and exploitation in multiple spheres of life, including political projects waged in their name. There is no patronage to dispense. If democracy ever does become a performance rather than the reality, the collective movement out of the places to which shack dwellers are supposed to keep will stop. Everyone knows this.[40]

The radically democratic political culture[41] has been carefully theorized within the movement in terms of the need to create a 'home for the poor' and in terms of the idea of 'a living politics'. The first commitment is to create a space where every one is respected and where there are no lies. This has been achieved to a remarkable degree. For instance *Abahlali's* movement structures are much more advanced in terms of gender with regard to both composition and orientation than any of the left NGOs that assume a natural (and often racialized) right to teach movements how to be progressive. Furthermore, delegates to a meeting

can be as young as 18 or as old as in their 80s, African or Indian, Phondo or Zulu, healthy or sick, desperately poor or unionized workers. The movement's humanism, articulated both poetically and in the form of a rigid axiom, commits everyone to the view that everyone matters and is worthy of respect. The idea of a 'living politics' is a commitment to a politics that avoids sterile 'zim zims' (ideological dogma abstracted from actually existing struggles that functions only to 'give all the power to those who know the zim zims') by keeping discussion and action orientated around the real ideas and needs of real people and communities. This is not an anti-intellectualism. On the contrary, it is a rigorous intellectualism that, like all serious intellectualism, prefers to engage with a real situation rather than take refuge in empty jargon. It is a commitment to a genuinely scientific mode of struggle (in the sense of a rigorously critical engagement with reality) against the pseudo-science of political dogma. So, for instance, instead of seeking to build support by issuing a general condemnation of neo-liberalism, the movement is more likely to make a demand for a certain piece of land and against the interests of particular individuals in the local business and political elite and, through an ongoing process of collective reflection and action, derive its general principles from this concrete experience.

Initially *Abahlali's* resistance to evictions took the form of mass mobilization. When word came that homes were being marked for an eviction or that an eviction was happening, cell phone text messages would be circulated and as many people as possible would gather on the site. But the evictors always come armed and very willing to use violence. Unarmed people simply cannot resist tear gas and rubber bullets, let alone the constant threat of live ammunition, and so, although this mode of resistance could slow down the process considerably, it could never have succeeded in permanently stopping an eviction on its own.[42]

However, a new strategy was developed after the Lusaka settlement in Reservoir Hills was destroyed on 27 October 2005. The small Lusaka settlement was one of three settlements in the northern suburbs that chose not to join the movement. They felt that they would be rewarded for remaining loyal to the ANC. This was a mistake. They were picked off because they were isolated and vulnerable. The settlement was demolished by the City, at gunpoint and mostly in the rain. There were 54 families living in Lusaka.

The chaotic scenes of keening women, police dogs, tear gas and ineffectual attempts to stand up to the armed power of the State could have come straight out of the late 1950s or the early 1980s except that the eviction notice was now, via its logos and slogans, attached to the nation rather than white authority. Thirty-five households were moved to two-roomed shack size 'starter homes' in Mount Moriah and the notorious rural ghetto of Parkgate, which is 27 kilometres and a R21 taxi journey from Durban. There are no schools, shops, clinics or police stations there. The houses have a plug point, a tap and a toilet. Limited amounts of water and electricity will be free for the first two years after which user fees will be levied. The roofs of the houses and the plastic toilet cisterns were already

leaking by December. They are indisputably worse than the four-roomed houses built in apartheid relocation townships. The only progress inheres in the fact that unmarried women are now eligible for this housing.

Nineteen households were 'not on the list' and were, in casual violation of the celebrated South African constitution, left homeless. They occupied the front lawn of the local councillor's offices for a week in protest. They were arrested on charges of trespassing and spent three days in the holding cells at Sydenham police station. After their release was secured they were housed in the Kennedy Road community hall and, due only to the intense pressure generated on their behalf by the *Abahlali*, they were finally given houses in Mount Moriah on 19 November 2005. Although Mount Moriah is closer to the city than Park Gate it is still a bleak rural ghetto far from opportunities for work and so the 'victory' has largely been experienced as hollow. The experience of Rasta Walter is not untypical. He came to Lusaka from a Transkei village in 2000. He soon found work as a gardener and in three years saved enough money to buy a second-hand lawnmower and begin a grass-cutting business. Within a year he was able to buy a second mower and to send for his brother. He lost his guitar and his dog and was parted from his girlfriend, who lives in a nearby settlement, in the eviction. The lawnmowers were not lost but cannot be transported into town by taxi. He has not worked a day since he was moved to Park Gate and is suffering severe depression.[43]

The local government elections were looming. Many people initially wanted *Abahlali* to put up independent candidates. But it was eventually decided to stage a collective boycott.[44] The boycott was carefully theorized in a series of discussions that concluded that there is a difference between 'party politics' and 'people's politics' and that the former, identified as a mechanism of elite control, will always seek to capture the latter, identified as a space for popular democracy.[45] The decision to commit to people's politics is not a commitment to pursue autonomy from the State. On the contrary there is a hard fought day-to-day struggle to subordinate the local manifestations of the State to society and to win, on the terms of each settlement, access to state services like water, electricity, toilets, refuse removal, education and health care. However, it is a decision to pursue the political autonomy of the settlement. The principled decision to keep a distance from what is widely seen as a mode of politics that has an inevitably corrupting influence on any attempt to keep a struggle grounded in truth was key to the rapid building of a mass movement. People in other settlements were generally very keen to talk to people who had publicly committed themselves to remain politically autonomous from constituted power and permanently subject to the questioning of constituent power. The commitment to keeping people's politics autonomous from the corrupting influence of state power included a commitment by everyone who accepted elected office in the movement to place themselves last on the list when housing was won. This was a dramatic break with the politics of local patronage so typical of the ANC and SANCO.

'People's politics' has also been theorized in terms of a self-conscious ongoing project of developing what S'bu Zikode, chair of *Abahlali baseMjondolo*, first called 'a politics of the poor – a homemade politics that everyone can understand and find a home in'. The general middle-class NGO and activist tendency, a tendency that in South Africa is often highly racialized, is to assume a right to lead that usually expresses itself in overt and covert, and conscious and unconscious attempts to shift power away from the spaces in which the poor are strong. However, the people that constitute a movement will in fact know what the most pressing issues are, where domination is most constraining, where resistance can press most effectively and how best to mobilize. A politics that cannot be understood and owned by everyone is poison – it will always demobilize and disempower even if it knows more about the World Bank, the World Social Forum, Empire, Trotsky or some fashionable theory than the people who know about life and struggle in the settlements. The modes, language,[46] jargon, concerns, times and places of a genuinely radical politics must be those in which the poor are powerful and not those in which they are silenced as they are named and directed from without. Anyone wanting to offer solidarity must come to the places where the poor are powerful and work in the social modes within which the poor are powerful. People who represent the movement to the media, in negotiations and various forums, must be elected, mandated, accountable and rotated. The political project must not 'be privatized' and the State, parties, NGOs and the middle-class Left must be confronted with a hydra, not a head.

It was decided to announce the election boycott with a march into the city and on the mayor from the Foreman Road settlement under the slogan 'No Land, No House, No Vote' on 14 November. This was to be the first *Abahlali* march into the city. But, as in 1956, this was a step too far for the State. All the paperwork necessary to stage a legal march was completed in good time. However, three days before the scheduled march a terse fax was received from the Municipality stating that the march was 'prohibited'.[47] City Manager Mike Sutcliffe is responsible for administering requests to hold legal marches. The Freedom of Expression Institute (2005) issued a statement condemning Sutcliffe's ban as 'a flagrant violation of the Constitution and the Regulation of Gatherings Act'. On the day scheduled for the march over 3000 people gathered in the Foreman Road settlement to take a collective decision on how to respond. There was a large police presence at the two exits from the settlement. The Committee warned that it would be dangerous to march and suggested that a rally be held in the settlement instead. But the majority decided that they could not accept this and would stage a peaceful march in protest. Speaker after speaker observed that while marching might be dangerous, continuing to live in the settlements under the current conditions was also very dangerous. The marchers set off singing up the steep dirt road that leads out of the settlement. They had just stepped on to Loon Road, where the 'informal' dirt track meets the 'formal'

tarred road, when they were met by the police. They had posed no threat to any person or property. Without the mandatory warning, the police charged the protestors and began arresting and beating people at random, resulting in a number of serious injuries. System Cele had her front teeth broken as she was beaten down onto Loon Road by baton blows to the back of the head.[48] At least two police officers fired shots from pistols and people were shot at point blank range with rubber bullets while cowering on the ground. It was sheer luck that no one was killed.

There were a total of 45 arrests. While the police were beating people back down the dirt road that leads into the settlement someone shouted, 'You can't do this to us. This is a democracy'. Officer Swart's response was to say, 'There is no democracy here!' For some hours police blocked both entrances to the settlement preventing anyone from entering and shooting, mostly with rubber bullets but stun grenades and live ammunition were also used, at anyone trying to leave the settlement. Protestors, led from the front at the Loon Road entrance by Fikile Nkosi, a young domestic worker, successfully kept the police from entering the settlement with barrages of stones. During the police siege, a suited effigy of Mlaba was burnt in the settlement.

Academics and journalists were threatened with violence if they reported what they had seen and had cameras stolen. The police simply refused to open cases of intimidation, theft and assault against other SAPS officers. However, a number of officers from Crime Intelligence and the National Intelligence Agency were undertaking overt investigations into various people active in *Abahlali baseMjondolo* and there were also, often inept, attempts at covert survellience. There was now a de facto ban on all political activity outside of the settlements that even extended to using the police to physically prevent *Abahlali* from taking up an invitation to debate the mayor on national television. But as the rate of evictions stepped up, the movement continued to mobilize inside settlements and to grow.

Abahlali were eventually able to garner the connections to begin to challenge their de facto banning on Monday 27 February 2006. Sutcliffe had, again, illegally banned a planned march into the city. This time the movement had grown to the point where 20,000 people were expected. The day before the march an attempt by the local councillor and the mayor to win people in Jadhu Place over with breyani[49] was laughed off and failed dismally. As dawn broke on the day of the march, the police occupied the three largest settlements – Foreman Road, Jadhu Place and Kennedy Road – in a military style operation using armoured vehicles and helicopters. All exits were blocked off and key people were arrested, sometimes while still asleep, and later assaulted in Sydenham police station. There were major stand-offs at all three settlements and in the city where people from smaller settlements were gathering. But this time *Abahlali* were able to go to the High Court and, in a day of high drama, watched closely by the national media, won a court order interdicting the City and the

police from interfering with their right to protest. With the interdict in their hands the shack dwellers were able to leave the settlements and march into the city in triumph. The provincial minister for Safety and Security, Bheki Cele, stood on the steps of the City Hall staring menacingly at people he recognized and drawing his finger across his throat. Sutcliffe loaded his furious press statement with words like 'criminal' and 'anarchy' and promised to challenge the court. In fact he issued no challenge to the court and said nothing when the court ordered the City to pay punitive costs a week later.

Two days later the ANC councillors in the northern suburbs were returned to office. The boycott by shack dwellers had held firm but the middle-class vote swung decisively towards the ANC who had openly campaigned on an evictions platform. However, *Abahlali* received far more media coverage than any of the political parties in Durban and, to a very large extent, set the agenda for the election. *Izikipa ezibomvu* (the red shirts), as *Abahlali* are known by the ANC[50] dominated most of the tone and substance of the ANC victory rally in the city hall where Bheki Cele frantically and furiously recycled the old white agitator thesis and promised an intelligence and police crack down on the movement and named individuals.

The local government elections also spurred serious repression in E-Section of Umlazi resulting in a police muder and two assasinations. *Abahlali* began working with people in Umlazi who formed an organization to deal with the crisis. It was primarily made up of women who had been evicted from *Umkhumbane* in their youth and they called it, in a direct reference to Women of Cato Manor, Women of Umlazi. After sustained mass mobilization, two associates of the local ANC councillor were arrested on a charge of murder.

In late 2006 the MEC for Housing in KwaZulu-Natal, Mike Mabuyakulu[51] called *Abahlali baseMjondolo* to a meeting where the top officials in his department warned them to cease speaking to the media, to cease working with a university academic the officials identified as a 'foreign agent working to destabilize the country' and instructed them to join the global NGO Shack Dwellers International. When they announced their uncompromising refusal of all of this on the radio, the leaders were swiftly arrested by the notorious Sydenham Police and subject to a highly racialized photographed assault that was so brutal (it consisted mainly of smashing the heads of handcuffed men against the walls and floors of the police station) that it could easily have killed them. At the same time Mabuyakulu also introduced *The Elimination and Prevention of Re-emergence of Slums Bill* into the provincial parliament. The Bill seeks to criminalize opposition to evictions and to force landowners to evict, while setting up 'transit camps' to which evicted shackdwellers can be relocated.[52] *Abahlali* are currently leading a major campaign against the Bill in which, for the first time, academics, lawyers and NGOs are working together at the invitation of a movement of the very poor and within its democratic structures.

Through their constant process of interrogation, *Abahlali* are developing an epistemology of exile, a collective process of taking on the rigours of an on-going confrontation with truth. It is an epistemology that enables a popular delegitimation of the State's claims that 'delivery' will achieve development for the poor by expelling them from the city and acting to make the rich richer. It also enables the development of direct antagonism against local and micro-local elites working around the broad thrust of 'delivery' to advance their own interests. And it enables various local and transnational leftisms that assume the poor to be an unthinking mass requiring direction from above to be challenged or shrugged off. The de-legitimation of technocratic and party authority, and the legitimation of open opposition, expressed as growing rivers of thought in material motion, is making it possible, as it became possible in the struggles of previous generations, to oppose the juggernaut of constituted power, and, ultimately, its often insufficiently visible charioteers, with sustained and multiple insurgencies of popular constituent power. *Abahlali* have democratized the governance of settlements, stopped evictions, won some concessions around services, illegally connected electricity, built homemade toilets, set up crèches, vegetable gardens, and various cultural, sporting and popular education projects, started a newspaper, developed a capacity to respond to shack fires with far more speed and efficacy than the State, won sustained media access, become a prophetic voice within the churches and enabled collective bargaining with the State and capital. The State, with its subordination to transnational and local capital cloaked in an increasingly anxious nationalism, appears to be responding by recasting its own epistemologies and technologies of development to move away from aiming at a subordinate urban inclusion for the poor (in a second urbanism to go with what it likes to call the 'second economy' – the 'informal economy') to outright exclusion of the poor, as both political subjects and material bodies, from a right to the cities.

Conclusion

Patrick Heller (2001: 134) argues that in South Africa a vanguardist movement has taken state power, incorporated or marginalized social movements and retained its 'instrumentalist understanding of state power ... (and) insulationist and oligarchical tendencies'. However, in Kerala and Porto Alegre, 'social movements that have retained their autonomy from the state have provided much of the ideological and institutional repertoire of democratic decentralization' (2001: 134). We have, he concludes, 'the irony of an increasingly Leninist party defending neoliberal economic orthodoxy in South Africa, and in Kerala and Brazil of two de-Leninizing parties defending people's planning' (2001: 159).

Marceleo de Souza, a key theorist of urban struggles in Brazil, is highly aware of the fragility of movements, especially to gradual co-option by state

power to state agendas resulting from an insufficiently autonomous base for engagement with the State from outside the State. He argues that a key challenge for squatter movements is how to sustain 'a very ambitious level of thought and action' with the likelihood of irregular and hard-won 'more or less modest tactical victories here and now' (2006: 330). But his examination of the Brazilian experience provides an avenue for optimism. He concludes that:

> the dissident territories which are created by the insurgent special practices of those movements are bastions of an economic, political and cultural resistance in the framework of which local and regional particularities are highly valued and at the same time a universal message (freedom and solidarity) is sent. (2006: 329)

But the realization of this potential requires that the theoretical and cultural autonomy of the movement be sustained. And for de Souza, one of the key dangers to this is 'left wing technocratism'. He argues that: ' "Left wing technocratism" corresponds to a contradiction in the context of which "too much" attention is paid to technical instruments and exaggerated expectations are raised in relation to the possibilities and potentialities of the formal legal and institutional framework' (2006: 329). For de Souza, the mixed results of the Brazilian experience show that 'left wing technocratism' is the inevitable outcome when 'a progressive urban strategy is developed and supported mainly by scholars and the (middle-class) staff of NGOs, while the poor and their grassroots organizations only play a very secondary role in terms of strategy-building and intellectual elaboration' (2006: 337). De Souza is clear that 'Technical help from progressive intellectuals and professional planners can be very welcome and necessary' but that this must be offered in such a way that the movement does not cease 'to think and act autonomously' (2006: 338). If there has been one driving motif in the *Abahlali* struggle from its beginnings in a rejection of the representative roles of local councillors, it has been a commitment to intellectual autonomy. *Abahlali* have paid a high price for this commitment. Rival state and NGO vanguards have responded to the emergence of a politics of the poor with strikingly similar paranoia and authoritarianism. But the movement continues to grow into new settlements and into new modes of resistance. With members in almost 40 settlements it is, by a considerable distance, the largest movement of the poor to have emerged in post-apartheid South Africa.

For those who assume a right to decide for the poor, *Abahlali baseMjondolo*, which among other things is a collective decision to demand the symbolic and material integration of the repressed, is the worm in the rose. For many shack dwellers it is the rose in the worm. As Rancière (2006: 97) observes, popular democracy

> can provoke fear, and so hatred, among those who are used to exercising the magisterium of thought. But among those who know how to share with anybody and everybody the equal power of intelligence, it can conversely inspire courage, and hence joy.

Notes

1. For instance see Slavoj Žižek's (2004) 'Knee Deep'.
2. As Jeff Guy explains (1994: 243–4):

   (T)here was a fundamental difference between the life of the Zulu before 1879 and their way of life after 1884. In the former period they were in possession of their land and largely in control of their labour and its products: after 1884 they were losing this possession and control. These changes were initiated by external invasion and perpetuated by civil war.

3. In 1960 R.G.T. Watson (1960: 149), former General Manager of the Tongaat Sugar Company, wrote, without regret, that in the 1920s 'flogging ... was accepted as the traditional and most effective method of getting work out of coolies and kaffirs and of maintaining plantation discipline'. It is hardly surprising that so many chose the autonomy of the shanty town over re-indenture. Tongaat is now Moreland and is listed on the London Stock Exchange. Since 1909 the company has sought to set the agenda for the city's spatial planning on the basis that it is the largest land owner in the city. Since 1989 it has successfully done so through a set of formal planning processes. In the post-apartheid era this is justified as a 'public–private partnership'. Obed Mlaba worked there before becoming Mayor and, as Mayor, contracted Moreland to plan land use and to manage the uShaka themepark recommended by Moreland consultants and largely built and sustained with public money.
4. With the exception of the anxiety about illegal liquour this quotation, like so much of the discourse in this regard, is utterly indistinguishable from much of the language used to justify forced removals in contemporary Durban.
5. Colin Bundy (1988: 221), writing about the 1913 Land Act, notes that:

   the details abound of infant mortality, malnutrition, diseases and debility; of social dislocation expressed in divorce, illegitimacy, prostitution and crime; of the erosion, desiccation and falling fertility of the soil; and of the unbiquity of indebtedness and material insufficiency of the meanest kind.

6. Although 'Pondo' remains the more common spelling Lungisile Ntsebenza (2005: 4) makes a case for 'Phondo' as a better option.
7. See William Beinart's (1982) *The Political Economy of Pondoland 1860–1930*.
8. See Viet Erlman's (1996) 'But Hope Does Not Kill: Black Popular Music in Durban, 1913–1939' in the excellent *The People's City: Africa Life in Twentieth-century Durban*.
9. It is important to note this fact because it is now routinely assumed that the City Council's policies towards shack dwellers must be highly commendable because they are informed by a global academic and policy consensus and are therefore 'world class'. People who trade in this way of thinking seem uniformly uninterested in what actually existing shack dwellers think of the policies and are generally extremely hostile to shack dwellers who dare express a view. They also appear to be largely uninterested in history and to look into the future with a somewhat manical optimism. Whatever they might say about vulgar Hegelianism this latter tendency does, in fact, unite certain types of Marxists and neo-liberals.
10. See Iain Edwards (1996) 'Cato Manor, June 1959' in *The People's City: Africa Life in Twentieth-Century Durban*.
11. I have heard two explanations of the origins of the word *umjondolo*. The first is that this initially colloquial word for shacks comes from John Deere – the first shacks built in Durban when white control of the city began to falter in the 1980s were made from discarded and then salvaged and traded packing crates for John Deere tractors. This origin of the word is thought to speak to life

lived from within detritus. The second explanation, which Mark Hunter has brought to my attention, is that *umjondolo* has an older origin and comes from the word *umjendevu*, which means spinster, and speaks to the settlements as sites of gendered transgression. The transgression inheres in the fact that settlements, against apartheid rules that largely reserved access to the city to male migrant workers, enabled women to become migrant workers outside of life in domestic labour and, thereby, enabled a new degree of access to city life by unmarried women.

12. The people who founded each settlement, and the circumstances under which they won the land, are very well remembered in each settlement. This popular enthusiasim for historicizing land occupations is in sharp contradistinction to the way in which much academic/donor/NGO writing naturalizes the movement into the city.

13. Twenty years on, and more than 10 years after the end of apartheid, the only indication that the photographs are not contemporary are the fashions worn by the models in the adverts in the newspapers with which many shacks are wallpapered.

14. See William Robinson's (1996) *Promoting Polyarchy*.

15. See Marie Huchzermeyer's account of the Urban Foundation in *Unlawful Occupation* (2004: 121–4 and 145–78). Anglo-American, the corporation behind the Foundation now owns Moreland, the company that has driven Durban's spatial development policy since 1989. It is interesting to note how much more progressive their position on shack settlements was when popular struggles against apartheid were calling the credibility of the State and capital into question.

16. Gill Hart brought this to my attention.

17. For an important attempt to theorize the significance of this moment see Michael Neocosmos's (2007) paper, *Civil Society, Citizenship and the Politics of the (Im)possible: Rethinking Militancy in Africa Today*.

18. Pearl Sithole (2002) develops an excellent critique of how the general academic failure to approach the elite consensus that certain forms of life are 'informal' and others 'formal' critically, or even thoughtfully, inscribes relations of domination into the structure of thought. See her 'Defining the Meeting Zone: Institutional and Community Imperatives Regarding the Informal Sector in Durban'.

19. This discursive regression is not a local degeneration. It keeps pace with the World Bank and follows the lead of the United Nations Human Settlements Programme, Habitat. Nevertheless the virulent enthusiasm with which it has been taken up here is astonishing. The discursive common sense around 'informal settlement' assumes that it is something that needs to be developed (usually by the entrepreneurial energies of its inhabitants) while the assumptions around 'the slum' are that it is something that needs to be 'cleared' (away). There are some brief but useful comments on the contemporary (and often racialized) return to the language of 'slums' in Tom Angotti's (2006) review of Mike Davis's *Planet of Slums* (2006) – 'Apocalyptic Anti-urbanism: Mike Davis and His Planet of Slums'.

20. For example see Obed Mlaba's (2006) article 'Bringing Homes to the Poor' in *The Mercury* in which he levels this unsubstantiated and empirically incorrect accusation at comments made by S'bu Zikode in an interview with the *Mercury*. In fact Habitat has a dismal record of failure to engage with shack dwellers and functions largely to offer legitimation to governments with similar failings. Its attempt at developing a model pilot project in Soweto Village in the massive Kibera settlement in Nairobi, the city where Habitat has its plush headquarters, has been a complete failure. For more on Habitat's failings see Robert Neuwirth's (2006) *Shadow Cities: A Billion Squatters, a New Urban World*.

21. However, none of this appears to be very unusual. Gita Verma (2002: 18), writing about the situation in India observes that development strategies 'usually impose top-down global paradigms agreed to be "experts" (read regular attendees of workshops, seminars, conventions

and conferences). They then piously plead for "participation" by communities and local bodies in implementation of these predetermined paradigms'.

22. Author's notes, 21 March 2005.

23. The policy states that 'In past (1990s) electrification was rolled out to all and sundry ... electrification of the informal settlements has now been discontinued'.

24. The refusal to electrify shacks has been effective in persuading a number of people reluctantly to accept removal to townships on the city's rural periphery. Especially in the very dense settlements like Foreman Road and Jadhu Place many people, especially children, are terrified by the constant threat of fires. An astonishing number of people carry the signs of the Municipality's policy on their bodies as burn marks. In some settlements illegal connections are common. It is probably often true, as the State continually insists in its 'Izinyoka' advertising campaign, that these 'homemade' connections are less safe than those provided by the State. But they are certainly safer than a candle and five, six, seven or even more people crammed into a tiny shack made of cardboard and packing cases. After more than two years of campaigning for electricity with no result, in which time there were numerous and sometimes fatal shack fires, *Abahlali* began connecting people illegally.

25. In the Motala Heights settlement they have recently even gone so far as to threaten to demolish the Municipality – built ablution blocks to, in the words of an officer in the land invasions unit, 'make you go back where you came from'.

26. Everyone spends a lot of time queuing for and carrying water for drinking, cooking and washing but women often spend huge amounts of time queuing to wash clothes. This is usually made into an important social and political space but that fact does not detract from the brutality of an official state and mainstream NGO and media feminism that obsesses about the number of women in power while remaining entirely uninterested in the kind of casual misogyny that can describe the disconnection of water to an entire settlement as 'best practice'.

27. In Cape Town this fetishization of white and rich eyes as eyes is officially inscribed in policy which explicitly distinguishes between 'visible' and 'invisible' settlements. The aim is to relocate 'visible' settlements before the 2010 Soccer World Cup. Shereen Essof drew this to our attention. More than a decade into democracy there is every reason to fear the white gaze.

28. See Wendy Annecke's (2002) excellent although stolidly titled 'The Apartheid of Basic Facility Provision in the City of Durban with a Focus on Energy'.

29. See Shahid Vawda's (2002) 'Migrants in Durban: Vulnerability and Coping Strategies among Two Migrant Communities'.

30. See, for one example of an account of an eviction M'du Hlongwa's (2006) article 'Juba Place Evictions' in *Izwe Labampofu* (Voice of the Poor).

31. A year-and-a-half later this would be the same response from 'left' intellectuals in the anti-ANC NGO-driven Social Movements' Indaba when *Abahlali*, together with the Western Cape Anti-Eviction Campaign, declared their intellectual autonomy from that project. Perhaps there is a profound problem with all politics in which an elite, in or out of the State and its party, assumes the right to represent and therefore to think, direct and speak for the poor. Perhaps prospects for real change lie with the possibility of radicalizing democracy via struggles from below rather than by demanding that the politics of the poor be limited to choosing representatives from among opposing elites.

32. This is described by the current author in an article in this journal entitled 'Coffin for the Councillor: A Report on the Emergence of a Shack Dwellers' Movement in Durban, South Africa' (Pithouse, 2006).

33. Badiou provides, as a paradigmatic example of this, the Paris Commune and the declaration of the communards on 19 March 1871 that they had decided to take the 'direction of public

affairs' into their 'own hands'. But he is clear that this mutation in the logic of a situation is a threat to counter elites competing for power as well as those in power:

> Let's call 'the Left' the set of parliamentary political personnel that proclaim that they are the only ones equipped to bear the general consequences of a singular political movement. Or, in more contemporary terms, that they are the only ones able to provide 'social movements' with a 'political perspective'. Thus we can describe the declaration of March 19 1871 precisely as *a declaration to break with the left*. This is obviously what the Communards had to pay for with their own blood. (2007: 272–3, emphasis in original)

It is', he insists, 'important to argue that such a rupture is always a rupture within the Left in the formal sense I have given to that term' (2007: 272–3). Perhaps we should not be entirely surprised at the deep discomfort displayed towards *Abahlali* by some people within in the NGO left, a discomfort that has extended to overt and covert campaigns of slander that mark a discursive complicity with the worst elements in the State.

34. Given that previous use of this quotation has induced a very odd and surprisingly sustained panic among a very small but vociferous group of middle class activists it is necessary to assume the burden of stating the obvious. Fanon is not saying that the poor necessarily speak the truth thus rendering the theoretical adventures of the middle class left automatically redundant. He is saying that the poor are, in the materiality of their existence, a hidden truth about the nature of society. His recommendation to the middle class left is to conduct their politics, dialogically, within the movement of the poor rather than in theoretical and practical abstraction from this political space. This is best theorized by Nigel Gibson (2003) in chapter 7 of *Fanon: The Postcolonial Imagination.*

35. If this sounds a little too dramatic see the *Memorandum Handed to Senior Superintendent Glen Nayager of the Sydenham Police Station (Abahlali baseMjondolo, 2007).*

36. See Nigel Gibson's (2007) *Zabalaza, Unfinished Struggles Against Apartheid – The Shack Dwellers' Movement in Durban* for the first academic attempt to think of S'bu Zikode as a philosopher.

37. That is, by the standards of post-apartheid movements of which it is clearly the largest. It is obviously tiny compared to, say, the United Democratic Front or the workers' movement of the 1980s.

38. The secret apartheid intelligence and security agencies that supported the armed Zulu nationalist war against the ANC in the late 1980s and early 1990s were termed the 'third force'. This is therefore a highly perjorative slur.

39. For example see 'White Man Stirs Up Protest' by Daily News Reporter (2005) and 'Shackdwellers "Under the Sway of an Agent Provocateur"' by Lennox Mabaso and Harry Mchunu (2006). Its interesting to note that while the party/state eventually got over its assumption that there must be a white man behind *Abahlali* and now, ominously, has very good intelligence on who the key people are in each settlement, the white and Indian dominated section of the NGO left that has been rendered so uncomfortable by *Abahlali*'s decision to think and speak for itself remain fanatically committed to the racist idea that there must be a white man behind the movement.

40. For more detailed relections on the meeting see Raj Patel's (2006) *A Short Course in Politics at the University of Abahlali baseMjondolo.*

41. For careful interview based work on this aspect of *Abahlali* see Jacob Byrant's (2006) *Towards Delivery and Dignity: Community Struggle in Kennedy Road.*

42. However it should be noted that over the last two years the Municipality has been picking off the small settlements, which are more vulnerable. It seems unlikely that they could evict the very large and well organized *Abahlali* affiliated settlements like Kennedy Road, Jadhu Place and Foreman Road where thousands can gather in minutes.

43. See Anna Weekes's (2005) *Starting from Scratch After Forced Removal.*

44. See M'du Hlongwa's (2007) *The No Land, No House, No Vote Campaign Still on for 2009* and Raj Patel's (2007) *Electing Land Questions: A Methodological Discussion with Reference to Abahlali baseMjondolo, the Durban Shackdwellers' Movement* for some reflections on the refusal of electoral politics.

45. Jacques Rancière (2006: 53) argues that the vote is not

> in itself a democratic form by which the people make its voice heard. It is originally the expression of a consent that a superior power requires ... The self-evidence which assimilates democracy to a representative form of government resulting from an election is quite recent in history. Originally representation was the exact contrary of democracy.

46. For an important analysis of the importance of language with regard to NGO practice see Harri Englund's (2006) *Prisoners of Freedom*.

47. Sutcliffe's ban resulted in a hard-hitting press statement by the Freedom of Expression Institute, an equally hard-hitting article in a local newspaper by myself and a strongly worded petition by more than 50 top constitutional rights academics from around the world. However, he remained unrepentant and justified, and continues to justify his illegal suppression of basic rights on the grounds that the Foreman march was 'political'. Clearly for Sutcliffe the exercise of basic political rights by the poor should only be allowed when this poses no threat to his authority.

48. See her account of the police attack in 'Police Brutality' in *Izwe Labampofu* (Cele, 2006).

49. If their intelligence had been more accurate and less given to paranoid conspiracy theory they would have known that '*Phansi breyani!*' had long been a slogan of the movement. The slogan arose in opposition to the tendency by Baig and others to assume that people would be won over with occasional free food at elections or when there was some dissatisfaction. It is now used more generally against any attempt to, in any form, buy the right to halt, fragment, co-opt or direct resistance.

50. The ANC reveals something about itself by choosing to refer to *Abahlali baseMjondolo* as 'the red shirts'. Even when one *Umhlali* wears the red shirt she suddenly becomes very visible – even hyper visible – as an autonomous political subject. When hundreds of *Abahlali* wear their red shirts together it feels and is treated like an insurgency even if they are just singing in the road. The red shirts produce tremendous anxieties among those who want to insist, overtly or covertly, that shack dwellers keep to their place. There have been all kinds of paranoid and often contradictory conspiracy theories about where the shirts come from and who pays for them. In fact, the t-shirts were initially bought from and printed by local businesses for the usual fee, which was paid with money raised within the movement. The t-shirts are now made in the shacks by the *Abahlali Women's Sewing Collective* with rented peddle power sewing machines.

51. Like Sutcliffe, Mabuyakulu has come a long way. It's not that long since he was organizing workers in Madadeni, a township with a large shack dwelling population.

52. For the text of the Bill and various responses to it see http://www.abahlali.org/node/1629

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Richard Pithouse is at the University of *Abahlali baseMjondolo*.
Address: Flat 2, 10 Hewitt Road, Glenwood Road, Durban 4001, South Africa. (indianocean77@gmail.com)