

Local Despotisms and the Limits of the Discourse of "Delivery" in South Africa

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Lokale Machtgeflechte und die Grenzen des Diskurses der 'Lieferung' von Häusern oder Infrastrukturleistungen durch den Staat in Südafrika

Unter Regierungsbeamten, Journalisten, Basisaktivisten und Akademikern in Südafrika besteht meist breite Übereinstimmung darüber, dass es im Land eine wachsende Wohnungsnot gibt, d. h. eine wachsende Zahl von in Hütten lebenden Menschen und vom Wohnungsmarkt Ausgeschlossenen, obwohl der Staat seit Ende der Apartheid beeindruckende zwei Millionen Einfachhäuser gebaut hat. Allerdings sind sie meist schlecht ausgeführt und in der Regel am Stadtrand. Die Hartnäckigkeit, mit welcher städtische Probleme trotzdem weiterhin auf eine – technisch zu lösende – Wohnungsfrage reduziert werden, ist symptomatisch für die vom herrschenden ANC betriebene Entpolitisierung der urbanen Konflikte und für die Reduktion der Frage nach sozialer Gerechtigkeit auf eine technokratisch optimierte Lieferung von Häusern oder Leitungsnetzen durch die Verwaltungen. Dies folgt wiederum dem – auch an anderen Stellen der Welt zur Norm erhobenen – Postulat einer urbanen Wettbewerbsfähigkeit, das die Schaffung eines sicheren Umfelds für Investitionen, Tourismus sowie Privatunternehmen zur kommunalen Kernaufgabe erklärt. Das System der staatlichen „Lieferung“ stößt jedoch an die Grenzen korrupter Lokalverwaltungen, in denen der regierende ANC oft zu einem lokalen Machtgeflecht im Dienste privater Bereicherung mit ausgeprägter Klientelwirtschaft verkommen ist. Von Seiten städtischer Basisbewegungen und einzelner NROs wird das Konzept der „Lieferung an die Armen“ je nach Ansatz mit teils konträren Argumenten kritisiert: als Entmutigung von Selbsthilfe einerseits – einem traditionellen, erzieherischen Menschenbild folgend, das eine „Gewöhnung an Hilfe“ vermeiden will – und andererseits als Kritik am Eingriff dieser „Lieferung“ in die Selbstbestimmung der informellen Siedler/innen, geleitet von der Idee einer Würde und Entscheidungskompetenz jedes Einzelnen sowie der radikalen Ablehnung technokratischer Planungen von oben: „nichts für uns ohne uns“. Das Problem der Blockade selbstbestimmter Entwicklungen durch despotische lokale Machthaber ist für beide Ansätze gleichermaßen ungelöst, weswegen der Autor in der Polemik zwischen den sie tragenden Akteuren zur Bescheidenheit mahnt.

The degree to which the urban question in South Africa has successfully been reduced to the housing question is both illustrative and symptomatic of the general success in depoliticising urban issues in particular and the requirements of social justice more broadly. The resolution of the urban question is now typically seen, often through an astonishingly hubristic use of the language of international competitiveness, as a matter of efficient, bold and creative management that can produce an enabling and secure environment for investment, tourism and entrepreneurship. Social justice is often seen as a question of steady progress by an efficient state, partnered, where necessary, by NGOs and overseen by human rights organisations that can, where necessary, appeal to the courts for oversight.

This is all nested in a consensus around a vision of democracy as rule by unelected but enlightened experts whose performance is managed by elected politicians and who can enable the flourishing of the energies that animate the market. This is hardly unique to South Africa. Its underside – the capture of attempts at managerial efficiency by clientelist party networks, the increasing illegality and violence of state-driven exclusion and repression and so on – are equally familiar internationally. And in South Africa there is, although not to the degree in, say, Haiti or Bolivia, also the production of real dissensus. This

emerges from both the constitutional aspirations to which the state is formally committed and the degree of popular mobilisation, a considerable proportion of which has been in support of the demand for housing. At times legal and popular activism have developed productive synergies.

The outlines of the housing crisis in South Africa

There is general agreement on the broad outlines of the housing crisis in South Africa. A government official, newspaper editor, grassroots militant or academic are all likely to agree that the post-apartheid state has built houses at an impressive rate but that these houses have been poorly designed and constructed and, most often, located on the urban periphery. There is a similar degree of agreement about the fact that, although the state has built more than two million houses, the number of people living in shacks, as well as the broader group of people who cannot afford commercial housing, is escalating rapidly. There is also no doubt about the facts that corruption has been endemic in the provision of housing or that concerns about housing have often been central to the extraordinary wave of popular local protest that has rocked South Africa since, at least, 2004 (Alexander 2010). It's equally clear that housing is central to the demands of the organised poor people's movements that, like Abahlali baseMjondolo, the Western Cape Anti-Eviction Campaign

and others, have engaged in sustained popular struggle in recent years.

The depoliticisation of the mass struggle and the discourse of "delivery"

But there are a number of increasingly clear fractures in how the housing crisis and prospects for its resolution are understood. The African National Congress began to see the resolution of the housing crisis in technocratic terms in the years immediately before its ascent to state power. This was part of a broader political shift in which a people, constituted in mass struggle, was turned into a politically passive population requiring management and service provision from above. The term that has taken centre stage in this transition is "delivery". It has, perhaps by sheer dint of relentless repetition, developed an extraordinary currency across society. A woman blockading a road with burning tyres is just as likely to frame her demand in terms of "speeding up delivery" as is a newspaper editor, NGO worker or campaigning politician. The currency of the term does not only stem from the frequency with which it is deployed. There is also a real sense in which, despite formal constitutional commitments to liberal democracy, many forms of entirely legal dissent are seen as politically illegitimate by the ruling party and, sometimes, the media and some currents in civil society. The degree to which legal forms of dissent are tolerated narrows dramatically from the top to the bottom of the class hierarchy. But while it is often extremely difficult for poor people to oppose the party or its policies they can, legitimately and safely, raise questions about the efficiency of their implementation – about, in the clichéd phrase of the day, the "pace of service delivery".

The ubiquity of the language of delivery is one symptom of the overwhelming ideological hegemony that the ANC was able to achieve for its deeply compromised social programmes solely on the basis that it, rather than the

apartheid state, was administering them. But it is also one consequence of the unstable pact forged between the ANC and older elites in which concessions were negotiated, formally and informally, in exchange for a cessation of hostilities. In other words what had been rendered political during the struggle against apartheid was rendered, by mutual agreement between elites, as technical at the dawn of parliamentary democracy. "Depoliticisation", Jacques Rancière tells us, "is the oldest task of politics, the one which achieves its fulfilment at the brink of its end, its perfection at the brink of the abyss" (2007:19).

But delivery also has tremendous currency amongst both that part of the authoritarian left that sees itself as a rival managerial class to the ANC as well as the broad constellation of elite forces to the right of the ANC and located in civil society, the academy, media and business that would like to see more of the state's social functions being managed by appropriate NGOs and consultants accountable to donors rather than by officials accountable to elected politicians.

Challenging the language of "delivery"

There are, broadly, two lines of critique that have emerged outside of the state and against the general consensus that the resolution of the housing crisis is a technical question of "speeding up delivery". The first is rooted in a set of discourses with Victorian roots that stress the alleged dangers of welfare dependency and argue that the poor need to take proactive action to pull themselves up by their bootstraps. In the contemporary postcolony these discourses use the language of empowerment but tend to stress the importance of interventions such as savings groups, microfinance and sweat equity and to actively discourage any form of popular political empowerment, any sort of direct confrontation with oppression or any sense of entitlement to state support. The second set of discourses that challenge the hegemony of the idea of



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Figure 1: Beneficiaries of top down housing "delivery" have no say in planning their homes and communities. Photo: Clint Mueller, 2010, provided by Aspire



Figure 2: Evicted shack dwellers from Arnett Drive, Durban, after their homes have been demolished by the eThekweni Municipality's Land Invasions Unit (January 2008). Photo: AbM

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"delivery" is largely rooted in ideas of dignity. They include a popular moral economy rooted in the imperative of personal and collective dignity which often extends to the view that people should be treated with respect which is sometimes taken to mean that they should be, at least, co-planners of their homes and communities. The experience of popular political empowerment in the 1980s, and the radically democratic ideas and practices that were sometimes a key part of this political sequence, are also central to this second set of discourses. They have also been influenced to some degree by the ideas around self-management, autogestion, the right to the city and so on that are attractive to the small anti-authoritarian left in South Africa. These discourses are all, in various ways, committed to both popular political empowerment and the defence and support of what the Brazilian urbanist Marcelo Lopes de Souza (2006) calls "grassroots urban planning".

Delivering to the "deserving" poor and criminalising the "undeserving poor"

But there is also a third challenge to the language of delivery that comes from within the state itself. The state continues to present plans for ever more efficient and less corrupt delivery as the solution not just to the housing crisis but to the urban crisis and, indeed, the whole social crisis in general. But, at the same time, it has, in recent years, also made serious attempts to separate the deserving poor, who will patiently wait for delivery, from the undeserving poor, whose aspirations for a safe and dignified urban life are increasingly presented and treated as criminal. Delivery, in other words, is being withdrawn as a universal right and the state is increasingly approaching factions of the poor as a security problem rather than as potential "beneficiaries" of development. This has been accompanied by a state discourse that poses the shack settlement not in terms of social justice or an imperfect but still valuable popular attempt at accessing the city, but as a problem to be eradicated by a twin strategy of building houses and the criminalisation of squatting. The recent return to the high apartheid strategy of building "transit camps", essentially government shacks often set in semi-carceral conditions, is one response to the

presentation of the shack settlement as a social pathology rather than as, what it is, the best available housing option for millions of people despite its obvious imperfections.

South Africa has, by international standards, a relatively progressive set of laws and policies relating to housing rights, but the state acts in blatant, systemically unlawful and often criminal violation of these laws and policies on a daily basis. It also continues to call for their reform in a direction that would dramatically reverse some of the policy and legal gains made after apartheid.

The state is enthusiastically supportive of the bootstrap versions of bottom-up empowerment and has, on occasion, used these sorts of projects to try and separate the deserving poor from the dangerous poor. But, to their credit, the organisations that support these projects, and which aim to do so, in part, via building high-level alliances with the state, do not generally endorse the project of criminalising that part of the poor cast as undeserving. However some left and human rights NGOs have followed the logic of the state and sought to actively demonise autonomous poor people's organisations as criminal, violent, manipulated by malevolent outsiders and so on when they have declined to accept NGO authority. In some cases there has been outright complicity between state and NGO attempts at unfairly demonising independent poor people's movements.

Different approaches to popular empowerment confront similar difficulties

The partisans of popular political empowerment, like, say Abahlali baseMjondolo (AbM), and the partisans of what I have here called bootstrap versions of popular empowerment, like, say, Shack Dwellers' International (SDI), tend to operate in very different ways. For instance AbM has very little access to money and no professional staff or technical support NGO. It is willing to engage in mass protest when there is no willingness on the part of the state to negotiate, openly engages in unlawful civil disobedience, such as the organised connection of electricity, and, although it does not support any political party, is the subject of deep suspicion by the ANC which sees it as a rival.

SDI is a global NGO with professional staff which works with grassroots federations, centred around savings groups, in a large number of countries. In South Africa, its grassroots structures are linked together as the Federation of the Urban Poor (FEDUP). SDI does not engage in direct confrontation with the state, does not openly support its affiliates in engaging in unlawful civil disobedience, has tremendous resources and considerable technical expertise and has enjoyed sustained high-level backing by leading figures in the ANC, including the current and previous housing ministers.

Yet there is a real sense in which these quite different sorts of organisations share much of the terrain on which they operate and confront some of the same difficulties. One of those difficulties is the enormous degree to which housing delivery, presented in technocratic terms by politicians and also often planned in a similar mode by officials, often in partnership with NGOs, is routinely subordinated to the patronage networks within the ANC.



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Figure 3: Abahlali baseMjondolo's march on Jacob Zuma on Human Rights Day, 22. March 2010 . Photo: Kalinca Copello / AbM

The degeneration of a national liberation movement into a "means of private advancement"

The pervasiveness of patronage and clientalism with the ANC should not be seen as a simple matter of corruption. Straight-forward corruption does occur but even then it is often embedded in clientalism in so far as the allocation of opportunities to practice corruption goes. Officials, perhaps working with NGOs, may develop a project along technocratic lines. But that project is highly likely to be captured and distorted by party networks at every level from the allocation of contracts to build houses through to the provision of materials, the allocation of labouring jobs and the allocation of houses. There is consider-

able media coverage of how the ANC, sometimes acting through its investment arm, Chancellor House, makes developmental and other decisions that are in its own pecuniary interest and how support in the factional battles between the party elites is often secured, at least in part, by access to patronage. What is less well covered is the degree to which support is secured by access to patronage at the party's base. In Durban I've not witnessed any development, or even disaster response, channelled through party structures in which these dynamics were not a decisive factor in how things actually played out.

The party has not degenerated to the point where it is nothing but "a means of private advancement" (Fanon,



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Figure 4: As much as South Africa's poor need free basic services, delivery is often tainted by corruption and clientalist politics. Photo: K. Teschner, Misereor 2010



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Figure 5: Police cordoned off roads in downtown Durban during AbM protest in March 2010. Photo: Kalinca Copello /AbM

1976:136) – the trade union federation COSATU continues to take ethical positions within party structures – but it certainly lacks any credible sense of a collective emancipatory vision and has largely become a means of private advancement. In Durban, the late John Mchunu, formerly chairperson of the ANC in the city, was awarded millions of rands in construction contracts by the state. Local ANC leaders in shack settlements are also given jobs, contracts, emergency aid of various sorts (food, building materialist etc) in exchange for loyalty.

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Figure 6: Abahlali baseMjondolo has shown that the urban poor can speak for themselves. Community meeting at Richview Transit Camp, Durban, March 2010. Photo: AbM

One consequence of this is that there can be no smooth movement between technocratic planning and implementation. This is not merely a question of friction "slowing

delivery down". On the contrary there is often, as when relief after a fire only goes to people who can show party cards or when houses in a development are allocated on the basis of political affiliation, a fundamental distortion of the initial aims of planners.

The dominance of the ANC and its internal networks of patronage

In most of South Africa there is no real threat to the ANC at the polls. The real threat to leaders of the organisation at all levels comes from the contestation within the movement. This contestation is often acute and sometimes violent and leaders of the party, at all levels, are generally far more concerned with shoring up support within the party rather than with managing dissent outside of it.

The party leadership is well aware of the popular hostility to increasingly blatant forms of patronage and so there is an increasingly strident anti-corruption discourse. But the same leadership that is speaking against corruption has come to power via networks constituted around networks of patronage – for instance John Mchunu was a key backer of Jacob Zuma – and it is difficult to see how they could act against these networks without putting their own positions at real risk. Certainly there are cases where senior party leaders take serious action against corruption. There is, for instance, no question that the new housing minister, Tokyo Sexwale, has taken some decisive steps against certain forms of corruption. However, party loyalty is built in the shape of a pyramid and people near the top of that pyramid are generally only aware of the precise nature of the deals that sustain their position with regard to people in the layers immediately beneath them. But each layer of people is dependent on clientelist relations with lower layers with the result that it is often impossible for senior people to drive a project of technocratic efficiency.



In Fanon's analysis there is, inevitably, an authoritarian underside that accompanies the degeneration of the party into a "means of private advancement". He writes that the party "helps the government to hold the people down. It becomes more and more clearly anti-democratic, an implement of coercion" (1976:136). A party that says and that must continue to say that is for the people when, in fact, it has become a means of private advancement via complicity with domination, will inevitably collapse into paranoia and authoritarianism as it tries to square the circle by pretending, to itself as much as anyone else, that private enrichment is somehow the real fruit of national liberation.

In contemporary South Africa, it is not at all unusual to find that people live in fear of local councillors and their ward committees and the Branch Executive Committees of the local party structures. In fact, it is no exaggeration to say that we have developed a two-tier political system with liberal political rights for the middle classes and increasingly severe curtailment of basic political rights for the poor.

Much of this is made possible by the simply hostility that middle-class society, including influential streams in the media and civil society, display towards poor people when they do not present themselves, or are not presented, as passive victims patiently waiting for help. There is a rather extraordinary silencing (Trouillot: 1995) of the present at work in the name not just of international competitiveness and efficiency but also in the name of human rights, social justice, civil society (and the various sects of the vanguardist left – all as stridently vociferous as they are alienated from any popular support). But the ongoing entrenchment of the two-tier political system also has a lot to do with the nature of informality as a subject position.

Informality and local despotism

As Partha Chatterjee (2004) has shown the urban poor, often living and working informally and therefore outside of the law, have a tenuous relationship to civil society. An existence in legal limbo can, as, for instance, Asef Bayat (1997) has shown with regard to Tehran, open up opportunities for the quiet encroachment of the poor. It can also enable more direct forms of confrontation with the power of state and capital. There are a number of studies illustrating this in the Latin American context (e.g. Fernandes: 2010, Zibechi: 2010). However informality can also, as Ananya Roy (2003) has shown in her study of Calcutta, produce systemic insecurity which can in turn result in profound dependence on clientelist relations with political parties as people are only protected from eviction, and are only able to access development, for as long as they continue to demonstrate loyalty to party structures.

Of course party political systems of clientalism and patronage are not the only forms of local and often micro-local despotism. It is not unusual for NGOs to secure their turf with very similar strategies to parties and with similar results including, on occasion, the violent horizontal defence of individualised relations of vertical patronage. There are also, in some cases, real authoritarianisms within community organisations that have been developed outside of party structures. I've never encountered a community in South Africa that is effectively run by criminal

networks as can happen in Brazil (Souza: 2009), but there certainly are alliances between criminal networks and various kinds of local organisations, be they constituted in alliance with parties or NGOs.

Much of the debate around the housing crisis in South Africa, and many of the attempts to make some inroads into resolving that crisis, does not take these local forms of despotism and their ability to capture and distort developmental projects seriously.

The experiences of shack dwellers' movements in Durban

In Durban, in the years in which I was doing full-time research on housing and spending much of my time each day in shack settlements (2005 to 2008), I was aware of two attempts to generate innovation from outside of the ANC and the model of development in which "beneficiaries" patiently wait for "delivery". The first was that of SDI and the second was that of AbM.

The SDI strategy included organising on the ground via FE-DUP as well as high-level deal making between its professional staff and the municipality that included deploying an SDI staff member to the housing department. But while there was high-level political and official support for SDI, this support did not translate into meaningful progress on the ground. There seemed, at the time, to be broad agreement between SDI and city officials in the city that the chief reason for this was political suspicion by local party elites (despite the fact that SDI membership often overlapped with ANC membership and structures) and attempts to capture housing projects for the purposes of patronage.

AbM did not start with a thought-out strategy to achieve what it wanted – participatory in-situ upgrades rather than forced removals to peripheral sites, termed "human dumping grounds" by the movement. In its first mobilisations in 2005, the movement was certainly acting independently of party control but it did not see itself as hostile to the party. Most activists were convinced that the real problem was the local party leaders and that if they could raise their voices enough senior party leaders would respond to them.

But the response of the state and the party to independent organisation was so hostile that, in the end, the movement had no real choice but to organise independently of the party. This entailed replacing party structures, which are accountable upwards, with movement structures that were accountable downwards.

This organisation was democratic, public and determined and therefore able to sustain itself in the face of fairly relentless attempts at delegitimation, co-option, personal intimidation and outright state repression including public displays of state violence. The result of this independent organisation with outside solidarity – from church leaders and, when there was blatant public state repression, also international human rights organisations – was that, after two years of sustained struggle, the movement was invited to enter into negotiations with the city. These negotiations were conducted between AbM and city officials and a planning NGO working with the city. They

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were, in the end, successful. Settlements that had entered the movement were able to negotiate participatory in-situ upgrades and to do so in a manner that committed the state to use the progressive provisions, hitherto left fallow, from amidst its policy options. This was a breakthrough of national significance (Pithouse: 2009). A key reason for the success of these negotiations was that local party structures had been expelled from the process and a democratic community organisation had been able to negotiate directly with city officials.

A democratic model of development brought under control of the local party

AbM had developed some innovative strategies to secure their commitment to a democratic model of development. For instance, in an earlier concession from the state, the repair of the toilets in the settlements, the movement did not, as the ANC does, allocate the jobs to its supporters. Instead, everyone in the community who aspired to those jobs was invited to put their name forward and a blind lottery was held. Of course, any movement or organisation, no matter how democratic, will, inevitably, find itself under increasing pressure to conform to patronage-based modes of operation as it comes closer to being able to exercise real power over real resources. New tendencies can emerge within a movement and new people can seek to enter it with new agendas.

But AbM didn't get the opportunity to test the tenacity of its democratic mettle through a full-scale upgrade. Before the fruits of the deal that had been negotiated could begin to be realised, the movement was attacked, removed from its original base in the Kennedy Road settlement, and replaced with an unelected Community Policing Forum under the control of the local ANC (Chance: 2010).

There were various factors that enabled this attack. One of these factors was that the movement, which was and remains multi-ethnic, lost considerable support in the Kennedy Road settlement as ethnic sentiment escalated in the wake of the Zulu nationalism that surrounded the ascent of Jacob Zuma to the presidency. This was accompanied by an extraordinary campaign of slander against the movement and its leading members by ANC structures and certain kinds of government officials including some police officers. Allegations were made of everything from witchcraft to corruption, but the most consistent theme, often backed by senior police officers and politicians, was that AbM was being paid by foreign NGOs that were, in turn, in the pay of foreign governments determined to "stop development" and "keep African people poor".

Local party leaders and the local business class were also promised access to the development that AbM had negotiated. That development is still scheduled to go ahead, but if the settlement is not returned to democratic government before it begins, it will certainly be captured and distorted by the local party structures. Already disaster relief after fires has been distorted in the usual ways.

Both the AbM and SDI strategies, whatever their other merits and limits, have failed to realise the material change that they had hoped to achieve in Durban. Lessons must be learnt from this experience.

Perspectives

While meshing state and NGO elites can, on occasion, result in shifts in policy, it does not appear to the current writer that any strategy of meshing state and NGO elites will be able to challenge the clearly worsening degree to which local party structures are operating in a despotic manner on the ground. The AbM experience has proven that sustained popular mobilisation can democratise settlements at the local level. But it has also shown that, certainly in Durban, the ANC is willing, when an appropriate constellation of circumstances creates the opportunity, to sanction the use of police-backed horizontal violence to return a dissident territory to their control.

It may be that there is no realistic possibility of resolving the housing crisis without some sort of fundamental political change in South Africa. But when millions of people are living in literally life-threatening conditions, attempts must be made to do what can be done. And when gradual change in the fissures of the present takes a democratising form it can, as well as winning material concessions, enlarge the possibilities for more fundamental progress. But in view of the fragility of the positive innovations that have been developed, and the fact that no one has decisively solved either the problem of local despotism or the general slide amongst elites into a security rather than rights-based response to the housing crisis, there is a pressing need for organisations committed to housing rights to avoid damaging turf wars.

If any realistic chance of progress does require a popular challenge to local party structures, and if there is a decreasing tolerance for such challenges, then what is required from all the organisations committed to housing rights is, at a minimum, something like the following:

1. A clear and public recognition by all actors that poor people have an unqualified right to organise outside of the control of the ruling party and its local representatives if they so choose.
2. A clear and public recognition by all actors that poor people have the right to assert themselves politically and in opposition to the programmes of the state if they so choose.
3. An agreement between all organisations that any repression of any organisation will be vigorously and publicly contested by all organisations.
4. An agreement between all organisations to work together on issues of common concern while accepting differences and the right for all organisations to, should they so wish, retain their autonomy.
5. A commitment by all organisations to organise in a genuinely democratic manner at the local level. This must include, at a minimum, all positions being subject to regular election.
6. A recognition that while different organisations are pursuing different strategies these are all experiments and that no one has any sort of final answer to the challenges that need to be confronted and so a degree of mutual humility is required.

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